

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**19 SEPTEMBER 2019**

<b>Application No:</b>	SMD/2018/0789	
<b>Location</b>	Land At Blythe Park, Sandon Road, Cresswell	
<b>Proposal</b>	Variation of conditions 10, 11, 12, 18 and 39 in relation to planning permission ref. SMD/2014/0576 (Outline Planning Application With All Matters Reserved (Save Access) for Creation of up to 168 Residential Dwellings (Use Class C3), Up To 33,480 Sqm of Use Class B1, B2 and B8 Floorspace, Ancillary Uses to include Community Centre and a Shop (Use Class A1), Together with Highway Works, Landscaping, Public Realm, Car Parking and other Associated Works).	
<b>Applicant</b>	Scentarea Ltd	
<b>Agent</b>	N/A	
<b>Parish/ward</b>	Draycott	<b>Date registered:</b> 04/01/2019
If you have a question about this report please contact: Rachael Simpkin tel: 01538 395400 ex 4122 rachael.simpkin@staffsmoorlands.gov.uk		

## **REFERRAL**

The application is brought before the Planning Applications Committee as it relates to a large scale major development.

### **1. SUMMARY OF RECOMMENDATION**

**APPROVE, subject to conditions and the completion of an s106 deed of variation by the 30<sup>th</sup> September 2019 (the determination date in the event of an otherwise suitable and agreed time extension with the Council).**

**The time extension agreement accounts for scheme negotiations primarily in relation to highway matters.**

### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The overall site area is c.15.58 hectares and relates to planning permission ref. SMD/2014/0576 and is located on land adjacent to the existing Blythe Business Park, Cresswell. The application site is mostly greenfield with the exception of the small area of land identified for the proposed new community centre, which is an existing hardstanding area associated with the industrial buildings. The application site is located on land within the open countryside as a saved allocation in the former Local Plan. The outline consent is marked as a proposed commitment on the proposals map in the Emerging Local Plan in relation to housing and employment provision. Parts of the site are affected by Flood Zones 2 and 3 in relation to the River Blithe. This relates to land

on the site of the proposed community centre and the northern part of the proposed industrial area.

2.2 The site is formed of two distinct areas, which is 'bisected' by part of the existing Blythe Business Park. The parcel of land proposed as the business park expansion is to the southeast of Blythe Business Park. This area would be bound by the existing employment park buildings to the northwest, the Crewe to Derby railway line to the northeast and agricultural fields to the southeast and southwest. Reserved matters consent ref. SMD/2017/0722 has now been granted at Plot 1b for a warehouse assembly unit within the employment aspect of the wider site. It would occupy 6.8 ha of greenfield land which is bound by the existing Blythe Park to the northwest. The parcel of land proposed for residential development is bound by the Sandon Road frontage to the northwest, Blythe Business Park to the northeast / southeast and the existing residential areas of Cresswell to the southwest and northwest.

2.3 The site is located approximately 2.5 km southeast of Blythe Bridge and is connected via Sandon Road to the A521 Uttoxeter Road. Blythe Bridge has a small local centre of shops and services and a number of schools. The closest schools to the site are: William Amory Primary School, Forsbrook CE (VC) Primary School and Blythe Bridge High School which is located some 3km from the site.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 A s.73 planning application under the Town & Country Planning Act 1990 is sought to vary conditions 10, 11, 12, 18 and 39 in relation to planning permission ref. SMD/2014/0576. Conditions 10, 11, 12 and 39 require the completion of the highway infrastructure (including roundabouts and access junction) prior to occupation of any part of the development.

3.2 A variation of these conditions is sought to allow the planning permission ref. SMD/2017/0722 Plot 1b warehouse assembly unit to be exempt from these conditions and therefore accessed from the existing business park estate access road off Sandon Road until such time that the highway infrastructure is completed. The approved warehouse unit would comprise of a 10,600sqm manufacturing facility (Use Class B2) with ancillary office space and is intended to be occupied by a greenhouse manufacturing company. Condition 18 currently requires the approval of site wide surface water drainage details prior to the commencement of development. A further variation is sought to allow this drainage condition to be phased as the various scheme elements progress to a detailed reserved matters stage.

3.3 A Government Local Growth Fund of £1,250,000 has been allocated for the Blythe Park Extension infrastructure project to deliver the necessary highway infrastructure works for the wider mixed use scheme.

3.4 The original outline planning permission was subject to a planning obligation, securing matters including onsite policy compliant affordable housing, public open space with play area, shop / community hall, education contributions and highway infrastructure works. The applicant has committed to a deed of variation to carry such commitments forward in relation to the wider scheme.

3.5 The scheme is also considered to be a new planning permission under the EIA (Environmental Impact Assessment) Regulations 2017 and constitutes Schedule 1 development requiring an EIA as confirmed by the applicant. Guidance states that where an EIA was carried out on the original application, the LPA (Local Planning Authority) will need to consider if further information needs to be added to the original Environmental Statement to satisfy the requirements of the Regulations. The regulations require an Environmental Statement to be submitted with a section 73 application for development which the LPA considers to be EIA development. In these respects, the applicant has submitted the original EIA document, together with a Statement of EIA Conformity (August 2019), which will be referenced within relevant sections of the officer report below.

3.6 The application, the details attached to it, including the plans, any comments made by residents and the responses of consultees can be found on the Council's website at:-

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=127659>

#### 4. RELEVANT PLANNING HISTORY

- SMD/2017/0722 Approval of reserved matters following outline permission SMD/2014/0576 at Plot 1 for a warehouse assembly unit. Approved with planning conditions 11<sup>th</sup> December 2018.
- SMD/2014/0576 Outline Planning Application With All Matters Reserved (Save Access) for Creation of up to 168 Residential Dwellings (Use Class C3), Up To 33,480 Sqm of Use Class B1, B2 And B8 Floorspace, Ancillary Uses to include Community Centre and a Shop (Use Class A1), Together With Highway Works, Landscaping, Public Realm, Car Parking and other Associated Works. Approved with planning conditions and s106 agreement 25<sup>th</sup> May 2016.

#### Section 106 Agreement

##### 1. Affordable Housing:

*33% of the total number of dwellings will be affordable and shall comprise 70% Affordable Rented Housing and 30% Shared Ownership Housing or as may be agreed in accordance with the Affordable Housing Scheme.*

##### 2. Bus Service Contribution:

*£270,000 payable in three equal instalments*

##### 3. Travel Plan Contribution:

*£11,000*

##### 4. Education Contribution:

*£11,031 per Primary School place*

£16,622 per High School place; and  
£18,027 per Sixth Form place

5. Provision of a Community Facility on Site

6. Provision of a Shop on Site (It has been requested that the S106 agreement to provide suitable flexibility to allow for the shop unit to be converted to a dwelling and / or other use subject to market conditions and demand).

7. Public Open Space:

Multi-Use Games Area (MUGA) – To be built to a specification agreed with the Council.  
Neighbourhood Equipped Play Area - To be built to a specification agreed with the Council

Open Space Contribution - £226,780 as a contribution towards the development and maintenance of playing fields in the Vicinity of the Site

## **5. PLANNING POLICIES RELEVANT TO THE DECISION**

5.1 The Development Plan comprises of:

- Saved Local Plan Proposals Map / Settlement Boundaries (Adopted 1998)
- Core Strategy Development Plan Document (Adopted March 2014)

Staffordshire Moorlands Local Plan (1998)

5.2 Development boundaries within the 1998 Adopted Local Plan are still in force until such time as they are reviewed and adopted through the site allocations process.

Adopted Staffordshire Moorlands Core Strategy DPD (26<sup>th</sup> March 2014)

5.3 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in favour of sustainable development
- SS2 Future Provision of Development
- SS3 Distribution of Development
- SS4 Managing the Release of Housing Land
- SS6 Rural Areas
- SS6c Other Rural Areas Area Strategy
- SD1 Sustainable Use of Resources
- SD2 Renewable and Low Carbon Energy
- SD4 Pollution and Flood Risk
- E1 New Employment Provision
- E2 Existing Employment Areas
- H1 New Housing Development
- H2 Affordable and Local Needs Housing
- DC1 Design Considerations

- DC3 Landscape and Settlements
- C1 Creating Sustainable Communities
- C2 Sport, Recreation and Open Space
- C3 Green Infrastructure
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

### Emerging Local Plan

5.4 The existing plan for the Staffordshire Moorlands does not include any allocations for housing and other types of land uses. The new plan will include sites for developments and boundaries. It will be a single document that will take a fresh look at the development needs of the district for the next 14 years to 2031. As well as early public engagement, the Council have undertaken public consultations on the draft plan site allocation options during 2015, preferred options and boundaries in 2016 and preferred options in 2017. The comments received in response have been used to prepare, publish and consult upon the final Local Plan draft 'submission' version, which was examined by the Inspector during sessions held in October 2018.

5.5 A full schedule of main modifications to the Local Plan is expected to be subject to consultation this autumn. The schedule will consist of modifications that the Inspector has so far deemed necessary to make the Local Plan sound. Following such consultation, the Inspector is expected to consider the responses and Council's comments before issuing his final report. Depending on the recommendations in the report, the Council should then be in a position to adopt the Local Plan later in the year.

5.6 In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as discussed above.
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question.
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

### Emerging Policies

5.7 The following policies (including their weighting) are considered to be relevant to this application:

- SS 1 Development Principles (Moderate)
- SS 1a Presumption in favour of sustainable development (Significant)
- SS 2 Settlement Hierarchy (Limited)
- SS 3 Future Provision and Distribution of Development (Limited)
- SS 4 Strategic Housing and Employment Land Supply (Limited)
- SS 10 Other Rural Areas Area Strategy (Limited)

SS 12	Planning Obligations and Community Infrastructure Levy (Limited)
SD 1	Sustainable Use of Resources (Limited)
SD 2	Renewable and Low Carbon Energy (Significant)
SD 3	Sustainability Measures in Development (Moderate)
SD 4	Pollution and Water Quality (Significant)
SD 5	Flood Risk (Significant)
E 1	New Employment Development (Moderate)
E 2	Employment Allocations (Limited)
E 3	Existing Employment Areas, Premises and Allocations (Moderate)
H 1	New Housing Development (Limited)
H 2	Housing Allocations (Limited)
H 3	Affordable and Local Needs Housing (Limited)
DC 1	Design Considerations (Moderate)
DC 3	Landscape and Settlement Settings (Significant)
C 1	Creating Sustainable Communities (Moderate)
C 2	Sport, Recreation and Open Space (Moderate)
C 3	Green Infrastructure (Significant)
NE1	Biodiversity and Geological Resources (Moderate)
NE2	Trees, Woodlands and Hedgerows (Significant)
T 1	Development and Sustainable Transport (Moderate)
T 2	Other Sustainable Transport Measures (Moderate)

National Planning Policy Framework (NPPF) revised.

National Planning Policy Guidance

## **6. CONSULTATIONS CARRIED OUT**

6.1 Expiry date:

Site Notice: Expired

Press Notice: Expired

Neighbours (revised): 22/08/19

A total of seven representations have been received as are summarised below:

### Highway / Railway Safety

- Despite objections to the original planning applications permission was granted with the safeguards which the developer now wants to remove;
- Infrastructure must be given priority with a large scale development in a rural area / small villages;
- Network rail only removed their objections to the original application if the entrance was moved away from the railway line and this will not happen if this planning variation is passed;
- It would removes two large roundabouts and the much needed widening of the road to construct a footpath;
- It also removes the cost to the developer;

- I do not agree to the existing entrance being used to start the new build on the industrial estate;
- It is too close to the railway tracks and is potentially very dangerous;
- The planned access road needs to be done first for the safety of Cresswell residents who use this road on a daily basis and any other traffic through Cresswell;
- The residents of Cresswell who use this road should be put before the people who want to build the new industrial unit:
- The pinch point further up by the Isaac Walton should be implemented before any building work takes place at all;
- SCC Highways has recommended the refusal of this application as do the Parish Council;
- I trust that Network Rail will be fully informed of this attempt to undermine their position on this development;
- If this goes through it will set a precedent for all applications and confirm that the planning system is still under an influence from a unhealthy source;
- My fear, should this application be passed is that the Developer seeks to create a precedence with the Greenhouse building which may subsequently lead to further unrestricted industrial development;
- We the residents look to the planning committee to safe guard our use of this road and insist on the original conditions taking place before any work on the industrial or housing estate is started;

#### Loss of Community Facility

- The Blythe Park community has been supported by the Quick Quick Slow community facility for the last nine years and continues to do so;
- Clients attend for dance lessons and attend events such as weekly tea dances, social dances, classes for local schools and events for local agency's who work with people with learning disabilities;
- Its removal and replacement with a modern facility would leave many people at a great loss and is short sighted in these respects;

#### Nature Conservation

- I would like to draw attention to the sensitivity of the countryside that will be adversely affected by the building of houses and industrial units in Cresswell;
- I walk this area regularly and these fields are a haven for wildlife in particular skylarks which are in severe decline and red listed by the RSPB;
- Other species of birds that I have seen there are lapwings and yellow hammers both of which are threatened nationally;
- In addition there is a good variety of habitat and other species of wildlife that thrive on this land both on the river and the adjoining fields, and,
- Has any provision been made in the planning application to preserve the habitats of these creatures, I wonder, so they will be there for future generations to enjoy?

A single representation supports the proposal to maintain the existing access to the industrial estate as the new roundabout would make it more difficult to access their driveway.

Draycott in the Moors Parish Council

*Date received 28.08.19*

Draycott Parish Council strongly objects to the changes proposed by the lifting of the conditions stated above. The people of Draycott Parish and in particular the Hamlet of Cresswell were promised that the infrastructure of this development would all be in place before the commencement of building begins on the Employment Phase of this development. There has been no explanation as to why these conditions are proposed to be lifted. Why is the agreed original plan not being followed?

To quote: SMD/2014/0576 Outline Planning Application with all matters reserved (save access).

10: The relevant phase shall thereafter be implemented in accordance with the approved details and be completed in respect of each phase prior to its first occupation.

11: These access arrangements shall be constructed in accordance with the approved plans prior to first occupation of any part of the development.

12: S.278 Highways Works off site highway works 120314-08, footway works and highway widening 120314-06. These off-site highway works shall be constructed in accordance with approved plans prior to first occupation of any part of the development.

The lifting of these conditions goes against Government policy and if passed will set a precedent where developers will be able to circumvent the planning process, ignoring government policy which has been put into place to protect residents and road infrastructure on large and small developments. What would happen if the developer goes bankrupt during the construction of the Employment Phase. Is there insurance in place to continue the infrastructure development should this happen or would this leave Cresswell with increased industrial traffic and no infrastructure in place and at risk of flooding?

18: Water drainage Prior to the commencement of any development on the site, including works of demolition.

Network Rail originally objected to the entrance being adjacent to the Stoke to Derby line - Cresswell Level Crossing and the original planned infrastructure phases of development were put in place so that this would not put local residents, employees of the Business Park and regular road commuters along Cresswell Lane at risk. Draycott Parish Council previously expressed grave concern for the potential blockage of the Level crossing which could cause a catastrophic rail and road accident.

To quote regarding the Network Rail emergency access:

39: The emergency access shall be constructed prior to the first occupation of any part of the development in accordance with the approved plan.

This development does not fit in with the current emerging Local Plan. The development also does not fit in with the hierarchy of the Shlaar strategy or the Core Strategy. Draycott Parish Council feel that Staffordshire Moorlands District Council are not



listening to the Parish Council on Planning matters and the voice of the local people is being ignored.

*Date received 27.01.19*

The removal of these conditions will pose a dangerous scenario to large vehicles turning right from the commercial area and passing directly over the busy railway lines. There could be insufficient time to clear the lines in the event of oncoming trains. There will also be a potentially dangerous scenario where large and small vehicles coming south down Cresswell Lane have to cross the railway crossing and could find their entrance to the site blocked unexpectedly and not evident until partially over the railway therefore also posing a potential hazard to the train line. With the removal of the conditions the traffic to and from the Business Park will be increased and the problems exacerbated.

SCC Highways

**NO OBJECTION**

*Date received 12.07.19*

Following on from my previous comments on SMD/2018/0789 relating to the wording of the conditions on the outline application SMD/2014/0576 applying to the reserved matters and the lack of any information to support that proposal, the applicant has since provided historic data for the use of the site from 2013 and compared it to April 2019. The figures show a reduction of around 28 vehicles for both the AM and PM peak. Taking the information from the original agreed Transport Assessment the greenhouse unit circa 10,600sqm (plot 1) of employment space could generate 45 and 38 two-way trips in the AM and PM respectively. So, this would leave an increase of 17 vehicles in the AM and 10 in the PM. This increase is marginal and less than the usual daily traffic variation figure of 10% so there is a plausible case for the conditions to be varied to allow the occupation of unit 1 prior to the agreed highway mitigation scheme being completed.

I do have concerns that the site could come forward incrementally so would look that the variation for conditions 10,11,12 and 39 is limited to plot 1; 10,600sqm of commercial floorspace only as shown on drawing number A-082-P-01 Rev A submitted for SMD/2017/0722. Subject to the highway's conditions being varied are limited to plot 1 only as suggested above there would be no severe impact from the development and so I have no objection to the pre-occupation conditions being varied in relation to this site only.

For information the highway mitigation schemes are still being assessed by Staffordshire County Council engineers and are at an advanced stage, with highway drainage still being the main area being discussed, so the works are still advancing towards being constructed on site and could be in place before the plot 1 is fully occupied.

SCC LLFA (Lead Local Flood Risk Authority)

**NO OBJECTION**

*Date received 10.09.19*

No objections to the condition as drafted.

*Date received 02.09.19*

It is our understanding that this variation of condition application seeks approval for the surface water elements of the development to be considered and approved relative to the individual phase of the development, as such, requires the re-wording of condition 18 to be changed from 'prior to commencement of any development' to 'prior to commencement of any phase of the development'.

We have no objection to this proposal in principle however, we would recommend the re-worded condition to read as follows:

1. Prior to the commencement of any phase of the development on the site, including works of demolition and the construction phase, a scheme for detailed surface water drainage works and flood risk mitigation measures for that phase, including the timescales for the implementation of such works (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) shall be submitted to and approved in writing by the Local Planning Authority.

The scheme to be submitted shall include:-

- Details for the adequate management of surface water during the construction phase.
- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 (or any subsequent amendment) and with non-statutory technical standards for sustainable drainage systems when the detailed design of the surface water drainage system is undertaken
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'
- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods, and, confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

The scheme shall also include:-

- Final drainage calculations for the site taking into account the drainage catchment areas as they contribute to the site network;

- Infiltration tests for use of soakaways;
- Final drainage layouts including SuDS;
- Details of how the scheme shall be maintained and managed in perpetuity after completion, and, details of the landscaping and safety features of any balancing ponds.

The scheme shall be fully implemented and subsequently maintained in accordance with the timing arrangements embodied within the scheme.

#### Network Rail

#### **NO OJECTION**

*Date received 10.09.19*

We are reluctantly prepared to accept continued use of the existing access for the one plot only but we only agree this on the basis that no further development is allowed and that a robust mechanism is put in place to ensure the approved road improvements and closure of the existing access to an agreed timetable are implemented.

*Date received 18.07.19*

In relation to the revised information, there is nothing to suggest it has taken into account the proximity of the level crossing but merely relies on the fact that historically more activity used the junction in the past than is now the case. That may well be but it does not take into account the deterioration in driver behaviour particularly at half barrier crossings. It was generally agreed that the removal of the existing access would be beneficial to the operation of the crossing and reduce the risk of blocking back. We are concerned (as SCC also suggest) that reliance on historic data would suggest that the existing access could function up to the previous historic levels on a cumulative basis and a reversal of the previously agreed position to close the original access. Although SCC have indicated that the proposed commercial unit would be unlikely to generate significant vehicular activity I would support their stance that it is limited to plot 1 only and will not be extended to other plots.

#### Highway Agency

#### **NO COMMENT**

*Date received 20.08.19*

#### Staffordshire Wildlife Trust

#### **NO OJECTION**

*Date received 28.08.19*

Staffordshire Wildlife Trust currently has no comment to make on the proposed variation of conditions 10, 11, 12, 18 & 39, as ecology impacts and conditions would remain unchanged.

SMDC Aboricultural Officer

**NO COMMENT**

*Date received 10.09.19*

I have no comments in respect of this variation of condition application, which proposes to separate pre-occupation conditions for commercial units from completion of S278 highway works, to allow implementation and occupation/use of commercial units in advance of associated residential development and highway works.

SMDC Environmental Health

**NO OBJECTION**

*Date received 10.09.19*

The ground conditions (8) dust and air quality (9) and 10 (noise and vibration) can be accepted.

Severn Trent Water

Awaited.

Environment Agency

**NO OBJECTION**

*Date received 09.08.19*

We have reviewed the information submitted and have no objections to the proposed variation of conditions 10, 11, 12, 18 and 39. We strongly advise consulting the Lead Local Flood Authority (LLFA) at Staffordshire County Council in relation to the proposed changes to Condition 18 (surface water drainage).

Highways England

**NO COMMENT**

*Date received 21.08.19*

Natural England

**NO COMMENT**

*Date received 15.08.19*

Secretary of State (National Planning Casework Unit)

## NO COMMENT

### 7. OFFICER COMMENT AND PLANNING BALANCE

#### Policy

7.1 The determination of a planning application should be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990. Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Local Planning Authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the Adopted Staffordshire Moorlands Core Strategy 2014.

7.2 The NPPF (National Planning Policy Framework) as revised was issued in February 2019. The NPPF is a mandatory material consideration in decision making. The applicable contents of the NPPF will be referenced within the relevant sections of the officer report as detailed below.

7.3 As before achieving sustainable development sits at the heart of the NPPF as referred to within paragraphs 10 and 11. This requires the consideration of three overarching and mutually dependant objectives being: economic, social and environmental matters where they are to be applied to local circumstances of character, need and opportunity as follows:

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of the present and future generations; and by fostering a well designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well being; and,*
- c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making the effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

7.4 CS (Core Strategy) Policy S1a establishes a presumption in favour of sustainable development as contained within NPPF paragraph 11. It requires decision makers to apply a presumption in favour of sustainable development. This means that when

considering development proposals which accord with the development plan they should be approved without delay or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:-

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

7.5 It is acknowledged that the Council cannot demonstrate a five year supply of deliverable housing land and as at 31<sup>st</sup> March 2018 the figure was 1.8 years. Case law has established that the application of the test in NPPF paragraph 11 is a 'tilted balance' which is predisposed in favour of granting planning permission unless NPPF policies protecting areas or assets of particular importance provide a clear reason for refusal (11di) or adverse scheme impacts are outweighed by scheme benefits (11ii).

7.6 The policies contained in the NPPF are supplemented by the National Planning Practice Guidance (NPPG), which is also a material consideration in the determination of applications.

7.7 A list of key policies, guidance and other material considerations is provided in Section 5 below.

### **Principle of Development**

7.8 The town and village development boundaries on the 1998 Staffordshire Moorlands Local Plan Proposals Map currently remain in force until they are superseded when the new development plan for the district is adopted. Until this time, the scheme is located in designated open countryside within the hamlet of Cresswell and would be contrary to CS Policies SS6c 'Other Rural Areas Area Strategy' and E2 'Existing Employment Areas' in particular owing to the scale and location of development proposed. Notwithstanding this, the extant outline planning permission has established the principle of development and access matters for this large scale mixed use scheme. As such it has been counted as a housing / employment commitment under the emerging Local Plan. Despite the fact that the emerging Local Plan has reached an advanced stage, only limited weight can be attached to such housing and employment commitments given outstanding objections. Nevertheless the existing permission represents a legitimate fall-back position.

### **Highway Implications**

7.9 In terms of highway considerations, the outline consent secured the proposed main site access arrangements from the Sandon Road and emergency access point as per Condition 04 of the outline consent. The scheme's impact on the wider local highway network was found to be acceptable and was subject to achieving identified offsite junction improvements. Other strategic matters were assessed in relation to impacts of: drainage / local flood risk; water quality in relation to the River Blithe; ecology; trees; pollution / contamination and community infrastructure provision. These matters were found to be acceptable for the quantum of mixed use development proposed, subject to the planning conditions / obligations as secured by the outline planning consent. This permission represents the applicant's fall back position with the Council recently

confirming that the condition discharge submission was acceptable, which would allow work to commence onsite. Clearly, this is a material consideration of considerable weight in respect of the established principle of development.

7.10 Reserved matters planning consent has been recently granted for a warehouse assembly unit pursuant to the approval of outline planning permission ref. SMD/2014/0576 granted planning permission on the 24<sup>th</sup> May 2016. The applicant's request to vary the above conditions would be to allow the aforementioned reserved matters scheme to be brought forward ahead of the residential and other commercial development aspects of the scheme outside of the time constrained restrictions of the associated s.278 highway works. An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

7.11 In accordance with the regulations, the applicant has submitted the original EIA document, together with a Statement of EIA Conformity (August 2019). The 2014 ES (Environmental Statement) covered the following topics: landscape and visual impact; socio-economic; traffic and transport; flood risk and drainage; ground conditions; dust and air quality; noise and vibration and ecology. The Statement of EIA Conformity has concluded for each topic that the assessment and conclusions as contained within the 2014 ES in remain unchanged. Of relevance, for Traffic and Transport it states:

*"6.1 The 2014 ES assessed the following effects of the proposed development in traffic and transport terms:*

- (a) Driver delay;*
- (b) Severance;*
- (c) Pedestrian delay and amenity;*
- (d) Accidents and safety; and*
- (e) Dust and dirt.*

*6.2 The 2014 ES identified that whilst the proposed development would result in relatively large increases in person trips on the local transport network, the effects arising would be negligible. At that time, the assessment of highway link capacity around the site shows that these links will continue to operate within capacity during the construction phase and following the completion of the proposed development.*

*6.3 Notwithstanding this, measures to improve the operation of the Uttoxeter Road/Cresswell Road junction were identified to overcome existing capacity concerns at this location. Moreover, the 2014 ES stated that it is expected that a Construction Environmental Management Plan will be developed in conjunction with the local planning and highway authorities to minimise the potential adverse effects associated with the construction phase. The requirement for both a Construction Traffic Management Plan and Construction and Environmental Method Statement was secured by way of planning conditions imposed upon planning permission reference SMD/2014/0576 (conditions 14 and 25) and it is expected that such conditions would be imposed on the new decision notice in the event that the current application is granted.*

*6.4 It is not considered that the conclusions contained within the 2014 ES in relation to traffic and transport have changed, other than the changes to the operation of the existing junction in the meantime.*

*6.5 The Highway Authority's consultation response to the current application states that the proposal would result in an increase of 17 vehicles in the AM peak and 10 in the PM peak, and that this increase would be marginal, and less than the usual daily traffic variation figure of 10%.*

*6.6 The Highway Authority has suggested a condition to limit the permitted variation to the access arrangements to 'Plot 1', however this should be worded as limited to 'Phase 1B'.*

*6.7 It is also noted that Network Rail has been consulted on the current application and has confirmed that it has no objection subject to the variation to the access arrangements being limited to "Unit 1B" only (again this should be worded as limited to 'Phase 1B' only).*

*6.8 In light of the above, and the consultation response provided by the Highway Authority, the assessment and conclusions contained within the 2014 ES in relation to traffic and transport remain unchanged".*

7.12 It is further reported that in terms of cumulative effects, the 2014 ES established that in combination with other committed development in the area, there would be no significant cumulative effects. Furthermore, such effects would not be compounded by further committed developments in the surrounding area over and above that already anticipated at the time of the 2014 ES to necessitate the submission of a further EIA to assess cumulative impact.

7.13 Accordingly, the statement concludes that the assessment and conclusions as reached in the 2014 ES in relation to residual and cumulative impacts remains unchanged, as are the proposed mitigation measures which have been secured by way of conditions and would be subject to further detailed assessment at the reserved matters stage for each element of the approved development. Officers have no reason to doubt these conclusions as informed by the consultation responses as set out above. Accordingly, the 2014 Environment Statement therefore remains valid and appropriate for the proposed amendments to the access arrangements for Phase 1b of the wider scheme ref. SMD/2018/0789 as well as allowing matters of surface water drainage to be dealt with on a phase by phase basis.

7.14 Notwithstanding this, the extant outline permission represents the applicant's fall back position with the Council recently confirming that the condition discharge submission was acceptable for the outline and detailed Phase 1b consents. The proposed amendments to the highway conditions would allow 'The Greenhouse People' to occupy their building prior to the completion of highway infrastructure provision, which is unlikely to be completed prior to the build out of Phase 1b. As well, it would allow the surface water drainage condition to be satisfied on a phased basis for the applicant to fully comply with this condition. The relevant conditions have been amended to allow a phased approach to occur as is detailed in the relevant section below.



7.15 As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. As well, the original permission was subject to a planning obligation. The varied scheme therefore would need to be the subject of a deed of variation. The applicant has already committed to Heads of Terms, which propose to carry over those planning obligations secured as part of scheme ref. SMD/2014/0576.

7.16 Neighbour concerns have principally raised the issue of previously secured highway infrastructure not being delivered for the mixed use scheme. The proposed scheme variation, however, is specific to Phase 1b only and follows the careful assessment of traffic data in consultation with both Network Rail and SCC Highways as set out in the relevant section above. The applicant would still be obliged to deliver the necessary highways infrastructure for the remaining phases as per the planning conditions and obligations to be secured should Members be minded to grant consent for this variation.

### **Economic Benefits**

7.17 The site has approved outline planning permission for a significant extension to an existing popular industrial estate close to the A50 road network. The build out of the first unit (10,750sqm) is for an expanding manufacturing SME 'The Greenhouse People' which requires early occupation to meet growth and which without suitable accommodation is likely to leave the district and county. The infrastructure will also act as an enabling phase to facilitate the second phase development.

7.18 A Government Local Growth Fund of £1,250,000 has been allocated for the Blythe Park Extension infrastructure project to help deliver the necessary highway infrastructure works to unlock the development of the wider scheme to include 22,730sqm of new commercial accommodation as well as releasing 8,361sqm of existing commercial space for other SMEs from the adjacent relocation.

7.19 The direct benefits of the initial Phase 1b to be delivered through the reserved matters consent include:

- 10,750sqm new business accommodation
- Additional Business rates income of additional £128,180 per annum (based on rateable value of £260,000)
- 12 SME supported (Greenhouse People + 11 x new SME occupiers)
- 190 jobs created (Greenhouse People 10 additional jobs (safeguarding 60) + 180 in 11 SME occupiers)
- Productivity improvements for The Greenhouse People

7.20 The direct benefits of the second phase enabled by this initial approval include:

- 22,730 sqm new business accommodation
- Additional Business rates incomes of c£275,000 per annum
- 10-20 SMEs supported
- 225-685 new jobs (based on HCA Employment density guide for B1c-B8 use third edition)

7.21 As scheme total:

- 33,480 sqm new commercial accommodation (accommodating estimated 32-42 expanding businesses)
- Additional business rates income of c £400,000 per annum
- 415-875 new jobs

7.22 In addition to the benefits above, the Council have an adopted methodology for quantifying the economic impact of growth. This recognises the impact on the economy of re-spend of employees in our towns and communities and the jobs that this in turn supports. The creation of between 415 new positions is likely to have a minimum economic boost of £800,000 to the locality.

## **8. Conclusion and Balance Section**

8.1 CS (Core Strategy) Policy S1a establishes a presumption in favour of sustainable development as contained within NPPF paragraph 11. It requires decision makers to apply a presumption in favour of sustainable development. This means that when considering development proposals which accord with the development plan they should be approved without delay or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless:-

- i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

8.2 The extant outline consent has established the acceptability in principle of the proposed development on this site, and this application does not represent an opportunity to revisit that principle. The main issue in the determination of this application is whether the development of the industrial unit prior to the implementation of the proposed highway / access improvements and phasing of drainage works are acceptable.

8.3 The 2014 Environmental Statement remains valid and appropriate for the proposed amendments to the access arrangements for Phase 1b of the wider scheme ref. SMD/2018/0789 as well as allowing matters of surface water drainage to be dealt with on a phase by phase basis. There are no County Highway or Network Rail objections to allowing Phase 1b to proceed to occupation without compliance with relevant highway access and offsite junction infrastructure conditions. Nor are there any objections from the LLFA (Lead Local Flood Authority) to allow a phasing of the surface water drainage condition. The variation of this aspect of the scheme in relation to Phase 1b would allow the delivery of substantial economic benefits as is demonstrated above to attract significant material weight in the planning balance.

8.4 The proposal is considered to comply with the relevant local plan policies as listed above in all other respects and on that basis is recommended for approval.

## **9. RECOMMENDATION:**

**(A) Subject to the prior completion of a S106 Planning Obligation Deed of Variation planning permission is granted and subject to the conditions below:-**

- 1. No phase of the development (as approved under Condition 07) except for works of site clearance and demolition hereby permitted shall be commenced until full details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.**

**Reason:- The application is an outline application under the provisions of the Town and Country Planning (General Development Procedure) Order 2015 and no particulars have been submitted with respect to the matters reserved in this permission (excepting access).**

- 2. Application for approval of the first reserved matters (as identified in condition 01) shall be made to the Local Planning Authority no later than the expiration of 4 years from the date of permission ref. SMD/2014/0576 and all remaining applications for reserved matters approval shall be made within the period of 6 years beginning on the date of permission ref. SMD/2014/0576.**

**Reason:- To comply with the provisions of Section 91 of the Town and Country Planning Act 1990.**

- 3. Each phase of the development hereby permitted shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved for that phase.**

**Reason:- To comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (As Amended).**

- 4. The development hereby permitted shall not be carried out except in accordance with the principle details shown on the following submitted plans:-**

- 120314-04 Rev C – Suggested Roundabout Arrangement**
- 120314-06 Rev A– Cresswell Road Footway and Localised Highway Widening**
- 120314-08 Rev B – Suggested Roundabout Arrangement**
- 120314-09 - Swept Path Analysis Fire Tender - Emergency Access**
- A-L-0001 Rev A – Land Use Parameter Drawing**
- A-L-0003 Rev A – Access and Movement Parameter Drawing**

**No more than 168 dwellings shall be developed on the site.**

**Reason:- To ensure that the proposal is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.**

- 5. The total gross floorspace of the non-residential elements of the development as defined by the Town and Country Planning (Use Classes) Order 2015 (as amended) hereby permitted shall be limited as follows:-**
- Employment Units (B1b,c / B2/ B8): up to 33,480 sq m**
  - Shop (A1) up to 250 sq m**
  - Community Facility (D1) up to 300 sq m**

**The development shall be carried out in accordance with the approved details.**

**Reason:- To ensure that the proposal is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.**

- 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the use of any part of the site for offices falling within Class B1(a) of the Town and Country Planning Use Classes Order 2015 (or any subsequent amendment) shall be limited to that which is ancillary to (and comprised within the specified floorspace for) any other uses fallings within Classes B1(b,c), B2 or B8 of the Town and Country Planning (Use Classes) Order 2015 hereby permitted.**

**Reason:- To ensure that the proposal is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.**

- 7. No development, with the exception of site clearance and demolition shall commence until there has been submitted to and approved in writing by the Local Planning Authority a Phasing Programme. The Programme shall provide details of the phasing of the development including the extent and composition of the phases and the overall likely programme for the development including how the residential development will be delivered in conjunction with the commercial development. The development shall only be carried out in accordance with the approved Programme and any reference made to a phase shall be to a phase approved pursuant to the Phasing Programme unless explicitly stated to the contrary.**

**Reason:- To ensure that the proposal is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.**

- 8. The Phasing Programme approved pursuant to Condition 07 may be amended from time to time with the written approval of the Local Planning Authority. If the Local Planning Authority considers that such an amended Programme will result in a change to the development such that it may have significant adverse effects on the environment for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the Regulations), then**

the amended Programme shall be accompanied by an appropriate Environmental Statement and the application for the amended Programme shall be determined in accordance with the requirements of the Regulations.

Reason:- To ensure that the proposal is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

9. There shall be maintained at all times a Masterplan for the whole of the development site which shall be submitted to and approved in writing by the Local Planning Authority at the time of submission of the first application for approval of reserved matters. Such Masterplan shall:
- (i) show connections through the site and onto the public highway for pedestrians and cyclists,
  - (ii) show residential street layout and character, and,
  - (iii) be in general accordance with the Design and Access Statement submitted with this application.

The Masterplan may be updated from time to time with the written agreement of the Local Planning Authority. Each application for approval of reserved matters shall be in accordance with the Masterplan (as approved at the time).

Reason:- To ensure that the proposal is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.

### Highways

10. No phase of development hereby permitted shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority for that phase:
- layout of site including disposition of buildings and provision of parking, turning and servicing within the site curtilage;
  - means of surface water drainage from all areas intended to remain in private ownership, and,
  - full road construction including longitudinal sections and a satisfactory means of draining roads to an acceptable drainage outfall.

The relevant phase shall thereafter be implemented in accordance with the approved details and be completed in respect of each phase prior to its first occupation.

Reason:- In the interests of highway safety.

11. The development hereby permitted shall not be commenced until details of the access arrangements indicated on drawing no. 120314-04 rev C (including alterations to the existing access and provision of bus stops) have been submitted to and approved in writing by the Local Planning Authority. These shall incorporate further two-dimensional and three dimensional revisions as recommended by subsequent Safety Audits. These access arrangements shall be constructed in accordance with the approved plans prior to first occupation of any part of the development with the exception of Phase 1b as identified on

drawing plan reference A-082-P-01 Rev D 'The Greenhouse People Unit Site Plan'.

Reason:- In the interests of highway safety.

12. The development hereby permitted shall not be commenced until details of the off site highway works at the junction of Cresswell Lane and Uttoxeter Road indicated on drawing no. 120314-08 rev B and footway works indicated on drawing no. 120314-06 rev A have been submitted to and approved in writing by the Local Planning Authority which shall incorporate further two-dimensional and three dimensional revisions as recommended by subsequent Safety Audits. These off site highway works shall be constructed in accordance with the approved plans prior to first occupation of any part of development, with the exception of Phase 1b as identified on drawing plan reference A-082-P-01 Rev D 'The Greenhouse People Unit Site Plan'.

Reason:- In the interests of highway safety.

13. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising a signage scheme detailing the permitted routing for HGV traffic accessing and leaving Blythe Business Park shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to first use of the commercial development in accordance with the approved plans and maintained throughout the life of the development.

Reason:- In the interests of highway safety.

14. The development hereby permitted shall not be commenced until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority detailing the management and routing of demolition / construction traffic (ensuring such traffic travels in a northerly direction to and from the site), traffic management measures, delivery and construction traffic (including workers) arrival times, internal compound arrangements and wheel washing facilities. The approved Construction Traffic Management plan shall be implemented on the commencement of construction and thereafter shall be adhered to for the full period of construction unless otherwise agreed in writing by the Local Planning Authority.

Reason:- In the interests of highway safety.

### Flood Risk

15. Prior to the commencement of any development on the site, a detailed hydraulic model of the River Blithe and the ordinary watercourse crossing the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall be implemented in accordance with the approved details.

**Reason:- To reduce the risk of flooding to neighbouring / proposed development and future occupants.**

- 16. No phase of the development hereby permitted shall be commenced until comprehensive details of permanent foul drainage proposals for that phase of the site have been submitted to and approved in writing by the Local Planning Authority. No dwelling or building comprising the development hereby permitted shall be occupied in any phase until the foul drainage scheme for that phase has been implemented in accordance with the approved details.**

**Reason:- To reduce the risk of flooding to neighbouring / proposed development and future occupants.**

- 17. The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) reference JL30799\_NHY-RP-001 Rev B produced by Jacobs dated August 2014 and the following mitigation measures detailed within the FRA:**

- Limiting surface water run-off generated by all storm events up to and including the 1 in 100 year plus climate change critical storm so that it will not exceed run-off from the undeveloped site and not increase the risk of flooding off-site,**
- Finished floor levels of the proposed residential units shall be set no lower than 650mm above the 1 in 100 year plus climate change flood level, and,**
- Provision of compensatory flood storage if required.**

**Reason:- To reduce the risk of flooding to neighbouring / proposed development and future occupants.**

- 18. No phase of the development hereby permitted, including works of demolition, until a scheme for detailed surface water drainage works on the site, including the timescales for the implementation of such works (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) for that phase has been submitted to and approved in writing by the Local Planning Authority.**

**The scheme to be submitted shall include:-**

- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 (or any subsequent amendment) and with non-statutory technical standards for sustainable drainage systems when the detailed design of the surface water drainage system is undertaken;**
- Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site;**
- Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in '*Science Report SC030219 Rainfall Management for Developments*';**

- Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods, and,
- Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

The scheme shall also include:-

- Final drainage calculations for the site taking into account the drainage catchment areas as they contribute to the site network;
- Infiltration tests for use of soakaways;
- Final drainage layouts including SuDS;
- Details of how the scheme shall be maintained and managed in perpetuity after completion, and,
- Details of the landscaping and safety features of any balancing ponds.

The scheme shall be fully implemented and subsequently maintained in any phase in accordance with the timing arrangements embodied within the scheme.

Reason:- To reduce the risk of flooding to neighbouring / proposed development and future occupants.

## Groundwater and Contamination

### *Investigation*

19.No phase of the development hereby permitted, except for works of site clearance and demolition (not to include break up or removal of hardstanding or other excavation) shall commence until a further site investigation and risk assessment has been completed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority to assess the nature and extent of any contamination in respect of that phase. The investigation and risk assessment shall be undertaken by competent persons and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The assessment shall include:

- (i) A survey of the extent, scale and nature of any contamination;
- (ii) An assessment of the potential risks to:
  - Human health;
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
  - Adjoining land;



- Ground and surface waters;
- Ecological systems; and,
- Archaeological sites and ancient monuments.

(iii) An appraisal of remedial options, and proposal of the preferred option(s).

### ***Remediation Statement***

**20. No phase of the development hereby permitted, except for works of site clearance and demolition (not to include break up or removal of hardstanding or other excavation) shall commence until a detailed remediation strategy (giving full details of the remediation measures required in relation to that phase and how they are to be undertaken) has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be produced by competent persons and shall include:-**

- (i) A summary of the results of the site investigation and the detailed risk assessment and options appraisal referred to in Condition 19,**
- (ii) A remediation strategy giving full details of all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures, and,**
- (iii) A verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.**

**The strategy must ensure that the application site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation strategy shall be fully implemented as approved and subsequently maintained in accordance with the timing arrangements embodied within the approved strategy.**

### ***Verification Report***

**21. No occupation of any phase of the development hereby permitted shall take place until a verification report demonstrating completion of works as set out in the approved remediation strategy and the effectiveness of the remediation for that phase has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan comprising the approved Remediation Strategy. The long-term monitoring and maintenance plan shall be implemented as approved for each phase of development.**

### ***Unexpected Contamination***

**22.**In the event that contamination is found at any time when carrying out the approved development which was not previously identified, the location and extent of the contamination shall immediately be reported to the Local Planning Authority. No further development of the area of the site in which the contamination is found shall be carried out, unless otherwise agreed in writing by the Local Planning Authority, until an investigation and risk assessment has been undertaken in accordance with the requirements of Condition 19 and where remediation is necessary, a remediation scheme has been prepared in accordance with the requirements of Condition 20 above. These shall be submitted to and approved in writing by the Local Planning Authority prior to development recommencing, unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme shall be implemented as approved and following the completion of measures as identified in the approved remediation scheme and prior to bringing the remainder of the development into first use, a verification report demonstrating the effectiveness of the remediation shall be prepared in accordance with the requirements of Condition 21 above.

### ***Soil Importation***

**23.**No soil shall be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material shall be submitted to and agreed in writing by the Local Planning Authority prior to any soils being imported onto the application site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall thereafter be carried out and validity evidence submitted to and approved in writing by the Local Planning Authority prior to its importation.

**Reason:-** (common to 19 to 23) In the interests of ensuring that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### **Design**

**24.**No phase of the development hereby permitted shall be commenced until detailed plans and sections showing existing and proposed site levels for that phase and showing the proposed relationship with adjacent phase(s) have been submitted to and approved in writing by the Local Planning Authority. The relevant phase shall thereafter only be carried out in accordance with the approved plans and sections / details.

**Reason:-** In the interests of the visual amenities of the area.

## Amenity

25. Prior to the commencement of any development on site hereby permitted, a Construction and Environmental Method Statement for the site shall be submitted to and approved in writing by the Local Planning Authority. It shall include the following details:-

- I. The phasing of the construction of the site;
- II. The method and duration of any pile driving operations (expected starting date and completion date);
- III. The hours of work, which shall not exceed the following: Construction and associated deliveries to the site shall not take place outside 08:00 to 18:00 hours Mondays to Fridays, and 08:00 to 13:00 hours on Saturdays, nor at any time on Sundays or Bank Holiday;
- IV. Pile driving shall not take place outside 09:00 to 16:00 hours Mondays to Fridays, nor at any time on Saturdays, Sundays or Bank Holidays;
- V. The arrangements for prior notification to the occupiers of potentially affected properties;
- VI. The responsible person (e.g. site manager / office) who could be contacted in the event of complaint;
- VII. A scheme to minimise dust emissions arising from construction activities on the site. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The approved dust suppression measures shall be maintained in a fully functional condition for the duration of the construction phase;
- VIII. Details of wheel washing facilities. All construction vehicles shall have their wheels cleaned before leaving the site;
- IX. A scheme for recycling / disposal of waste resulting from the construction works;
- X. The parking of vehicles of site operatives and visitors;
- XI. The loading and unloading of plant and materials;
- XII. The storage of plant and materials used in constructing the development;
- XIII. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- XIV. Installation and maintenance of wheel washing facilities, and,
- XV. Details of measures to protect the public footpaths and amenity of users of the public footpaths crossing the site during the construction works.

All works within the relevant phase of development shall be carried out in accordance with the approved details.

Reason:- In the interests of the general amenities of the area.

26. No phase of the residential development hereby permitted (except for works of site clearance and demolition) shall commence until a site specific noise assessment and scheme for protecting the proposed residential units for that phase of the site from external noise has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have due regard for the British Standard 8233:2014 (Sound insulation and noise reduction for buildings) and be designed to achieve noise levels of less than

**35 dB LAeq in bedrooms, less than 40 dBLAeq in living areas and less than 55 dB LAeq in outdoor living areas. Pre-completion tests shall be carried out to verify compliance with the requirement of this condition and evidence of compliance shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling. A report shall be produced containing all raw data showing how calculations have been made. No dwelling within that phase hereby permitted shall be first occupied until the noise mitigation works have been completed in accordance with the approved details.**

**Reason:- In the interests of the general amenities of the area.**

- 27. Noise associated with plant or equipment ("machinery") installed or operated at the non-residential floorspace hereby approved shall not increase the background noise levels expressed as  $L_{A90}$  [1hour] (day time 07:00-23:00 hours) and/or (b)  $L_{A90}$  [15 mins] (night time 23:00-07:00 hours) at any residential dwelling above that prevailing when the machinery is not operating. Noise measurements undertaken to demonstrate compliance with this condition shall be pursuant to BS 4142:2014. If any machinery requires mitigation in order to comply with this condition, the measures shall first be submitted to and approved in writing by the Local Planning Authority and the relevant machinery shall not be used unless and until the mitigation measures have been implemented in accordance with the approved details.**

**Reason:- In the interests of the general amenities of the area.**

- 28. The design and construction criteria for development of the buildings / premises falling within use class B1, B2 and B8 shall have regard to British Standard BS8233: 2014 Sound insulation and noise reduction for buildings (Guidance Document). The design criteria shall achieve sufficient noise reduction to ensure that the noise from the activities generated inside the fabric of the buildings / premises falling within use class B1, B2, or B8 shall not increase the background noise levels during day time expressed as  $LA90$  [1hour] (day time 07:00-23:00 hours) and/or (b)  $LA90$  [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:1997.**

**Reason:- In the interests of the general amenities of the area.**

- 29. The number of HGV vehicle movements into and from the Industrial Area (as identified as 'Employment Use' on parameter plan reference A-L-0001 Rev A) shall be limited to 16 movements between the hours of 22:00 and 06:00. Records to prove compliance shall be maintained and submitted to in writing to the Local Planning Authority upon request. All records should be retained for at least 12 months.**

**Reason:- In the interests of the general amenities of the area.**

**30. No overnight parking shall be allowed on the access road between the hours of 18:00 and 06:00. Unless and until the access road is dedicated to the public as a right of way.**

**Reason:- In the interests of the general amenities of the area.**

### **Archaeology**

**31. No phase of the development hereby permitted shall commence until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority and until any pre-start element has been completed in accordance with the approved scheme. The scheme shall include an assessment of significance and address relevant research questions as considered in the West Midlands Regional Research Framework and raised in the submitted 'Historic Environment Desk-Based Assessment' (HEDBA) (2012) for the proposal. In particular, the scheme shall include:-**

- a) The programme and methodology of site investigation and recording;**
- b) The programme for post-investigation assessment;**
- c) Provision to be made for analysis of the site investigation and recording;**
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation and any requirement for appropriate interpretation to be developed as a result of the investigation;**
- e) Provision to be made for archive deposition of the analysis and records of the site investigation, and,**
- f) Nomination of a competent person or persons/organisation to undertake the works.**

**No part of the development hereby approved shall be occupied in any phase until the site investigation for that phase has been implemented in accordance with the approved written scheme of investigation.**

**Reason:- In the interest of appropriately preserving the historic environment.**

### **Ecology**

**32. The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators on areas of car parking associated with the commercial uses has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the occupation of any phase of the development to be used pursuant to such commercial uses.**

**Reason:- In the interests of nature conservation.**

**33. Prior to commencement of any development on site hereby permitted, a detailed landscape plan and a Landscape and Ecological Management Plan (LEMP), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) within the site shall be submitted to and approved in writing by the Local Planning Authority.**

**The scheme shall include the following details:-**

- Overall strategy and phasing of implementation
- Extent and type of new planting (planting to be of native species wherever appropriate);
- Maintenance regimes;
- Any new habitat created on site, and,
- Treatment of site boundaries and / or buffers around water bodies.

**In detail, the plan shall include as a minimum:-**

- Details of the favourable conservation objectives;
- Detailed prescriptions to meet objectives for creating and managing retained and created habitats;
- Design and location of bird boxes, planting and landscaping scheme (including hedge planting species composition) to benefit biodiversity;
- Provision of green roof for a proportion of the industrial units;
- Provision of bat roosting, swift nesting and house sparrow nesting opportunities in the industrial units;
- Provision of swift nesting and house sparrow nest boxes in residential units;
- Details of baseline and periodic monitoring to ensure habitats are managed to achieve favourable conservation status as defined by the management plan objectives;
- Inclusion of a riparian buffer strip along the stream;
- In channel stream management as appropriate, and,
- Is fully referenced to justify management advocated.

**The approved management plan (including details of phasing) shall be implemented prior to the occupation of any dwelling or building of the first phase and land to which the plan relates and shall subsequently be maintained in accordance with the approved details.**

**Reason:- In the interests of nature conservation.**

- 34. No tree / shrub clearance work shall be carried out between 1st March and 31st August inclusive in any year, unless the relevant area has been surveyed in advance for breeding birds and confirmation of this has been provided in writing to the Local Planning Authority. Where breeding birds are identified in the relevant area, a scheme to protect them, shall be submitted to and approved in writing by the Local Planning Authority prior to the carrying out of the relevant tree / shrub clearance work and the scheme shall be implemented in accordance with the approved details.**

**Reason:- In the interests of nature conservation.**

- 35. No phase of development hereby approved shall be commenced until details of a Construction Ecology Management Plan (CEMP) setting out the measures to protect retained features through appropriate fencing and site best practice**

to avoid pollution from run-off in or adjacent to that phase(s) has been submitted to and approved in writing by the Local Planning Authority.

As a minimum the CEMP shall include the following elements:-

- Machinery operation and fuel storage details;
- Fencing to protect retained habitats and trees (where appropriate in line with British Standards;
- providing briefing and instruction to contractors regarding the biodiversity issues present on site;
- Strict adherence to pollution prevention guidelines provided by the Environment Agency (PPG01, PPG02, PPG03, PPGOE and PPG06) to prevent pollution to the watercourse from chemicals or silt;
- A detailed method statement and plan to protect the adjacent medium sized breeding population of great crested newts (where relevant to that phase of the development);
- Measures to eradicate Monbretia and Japanese knotweed;
- Habitat management plan for retained and enhanced habitats to include details of a control programme for Himalayan Balsam.

The CEMP shall follow best practice methods throughout and establish protocols and contingency plans to deal with incidents should they arise. The approved CEMP shall be implemented in respect of the relevant phase in accordance with the approved details.

Reason:- In the interests of nature conservation.

36. No phase of development hereby approved shall be commenced until details of a lighting scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The design and location of lighting shall not impact on foraging or commuting bats and shall minimise disturbance to other wildlife avoiding retained and enhanced habitat areas. The scheme shall be implemented for the relevant phase in accordance with the approved details.

Reason:- In the interests of nature conservation.

37. Prior to any commencement of development on site, an updated badger survey shall be carried out to check for the presence of any newly dug setts, which shall be submitted to and approved in writing by the Local Planning Authority. If a new sett is discovered during this updated survey or if construction activities extend within 30.0m of a known sett, a mitigation strategy shall be required. The mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority before any commencement of development. Any such mitigation strategy shall be implemented in accordance with the approved details and timescales.

Reason:- In the interests of nature conservation.

## Trees

38. No phase of the development hereby permitted shall commence (except for works of site clearance and demolition) until a detailed Arboricultural Method Statement to include a scheme for the retention and protection of trees and hedges on or adjacent to that phase of the site has been submitted to and approved in writing by the Local Planning Authority. Development of that phase shall be carried out in accordance with the approved Statement and protection scheme, and in particular:-

- a) No trees or hedgerows shall be cut down, uprooted or destroyed, cut back in any way or removed without the written approval of the Local Planning Authority;
- b) If any tree, shrub or hedge plant is removed without such approval, or dies or becomes severely damaged or diseased within 5 years from completion of the development hereby permitted, it shall be replaced by another tree, shrub or hedge plant of similar size and species, planted at such time as may be specified in writing by the Local Planning Authority;
- c) No operations shall commence on the relevant phase (including soil moving, temporary access construction and / or widening or any operation involving the use of motorised vehicles or construction machinery) unless the protection works required by the submitted/approved protection scheme are in place;
- d) No excavation for services, no storage of materials or machinery, no parking of vehicles, no deposit or excavation of soil or rubble, no lighting of fires and no disposal of liquids shall take place on the phase within any area designated as being fenced off or otherwise protected in the approved protection scheme, and,
- e) All protective fencing erected in accordance with the approved scheme shall be retained intact for the full duration of the construction of the development hereby permitted and shall not be moved or repositioned, without the prior written approval of the Local Planning Authority.

Reason:- In the interests of the visual amenities of the area / tree protection.

## Network Rail Emergency Access

39. The development hereby permitted shall not be commenced until details of the emergency access indicated on drawing no. 120314-09 have been submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, which shall incorporate further two-dimensional and three dimensional revisions as recommended by subsequent Safety Audits. The emergency access shall be constructed prior to first occupation of any part of the development in accordance with the approved plans with the exception of Phase 1b as identified on drawing plan reference A-082-P-01 Rev D 'The Greenhouse People Unit Site Plan'.

Reason:- In the interests of highway / railway safety.



**B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

**Informative(s)**

- 1. This is considered to be a sustainable form of development and so complies with the provisions of the NPPF.**

**Location Plan**

