

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

7 April 2022

Application No:	SMD/2021/0829	
Location	Land At Blythe Park, Sandon Road, Cresswell	
Proposal	Application for Variation of condition 5 in regards to outline application SMD/2018/0789	
Applicant	Elan Homes (Midlands) And Scintarea Ltd	
Agent	Miss Catherine O'Toole - Pegasus Group	
Parish/ward	Draycott/Checkley	Date registered 07/01/2022
If you have a question about this report please contact: Ben Haywood tel: 01538 395400 ex 4924 ben.haywood@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 with conditions and S106 Deed of Variation

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 outline consent is marked as a commitment on the proposals map in the 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 This is a s.73 planning application under the Town & Country Planning Act 1990 which as submitted seeks to vary condition 4 of the outline consent which relates to approved plans. For clarity, the original outline consent (reference: SMD/2014/0576) has been amended by a previous variation of condition application (reference: SMD/2018/0789) which was granted on the 27th July 2021. Therefore, the description of development has been amended and the application now seeks to vary Condition 5 of SMD/2018/0789 which lists out the approved plans. For the avoidance of doubt, the approved plans on SMD/2018/0789 remain as listed on the original outline consent. Therefore, this does not change the substance of the application.

3.2 The changes proposed involve two alternative schemes for the junctions located on Sandon Road and Cresswell Lane/Uttoxeter Road, namely that proposed for the new site access for the existing Business Park and the expansion land, plus the existing Cresswell Lane/ Uttoxeter Road junction approximately 1 kilometre to the north of the site.

3.3 The originally proposed junctions in both of these locations are roundabouts. However, under the Design Manual for Roads and Bridges (DMRB) design standards related to appropriate junction formats derived from major and minor road AADT flows, the site entrance need only be ghost right-turn priority junction. Also, using the same standards, the Cresswell Lane/Uttoxeter Road junction cannot be a priority format but needs an "other" format, which could be either signals or roundabout.

3.4 Therefore, this application proposes:

- The use of a signal-controlled junction at Cresswell Lane/Uttoxeter Road, as it has significant capacity, safety, scale, and cost benefits over the currently permitted scheme.
- The use of a ghost right-turn priority junction at the Sandon Road site access, as it has significantly less impact on local residents, plus scale and cost benefits over the currently permitted scheme.

3.5 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. However, the applicant is seeking to make some minor changes to the obligation as part of the Deed which are set out in detail in the relevant Section below.

3.6 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

3.7 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=156724>

3 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 11th 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 25th May 2016.
- SMD/2018/0789 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). – Approved 27/07/2021

4 PLANNING POLICIES RELEVANT TO THE DECISION

5.1 The Development Plan comprises of:

- Staffordshire Moorlands Local Plan (Adopted 2020)
- The Minerals Local Plan (Adopted December 1999) Saved Policies 2007
- Staffordshire & Stoke-in-Trent Joint Waste Core Strategy (Adopted March 2013)

Staffordshire Moorlands Local Plan (2020)

5.12 The following policies are considered to be relevant to this application:

- Policy SS1 Development Principles
- SS2 Settlement Hierarchy
- SS8 Larger Villages Strategy
- Policy H1 New Housing Development
- Policy DC1 Design
- Policies H2 and DSR1, 'Blythe Vale'.

Supplementary Planning Guidance (SPG)

- Developer/Landowner Contributions SPG (2004)

National Planning Policy NPPF 2021

National Planning Policy Guidance

5 CONSULTATIONS CARRIED OUT

Press Notice: Expired

Site Notice: Expired

Local residents have been notified by letter. Expired

Public Comments

Objections (42 letters received)

- The proposed alterations by the developer to the the Cresswell lane/ Uttoxeter Road junction from a roundabout will make it dangerous for existing residents entering or leaving their drives.
- The proposal will increase the likelihood of car accidents
- This variation is inferior and more dangerous than the previous applications.
- The previously approved site entrance was the safest option and had funding.
- The approved roundabout could have benefited residents.
- Currently there is no pavement in place and there are no longer plans to put one in place. This will increase the likelihood of a pedestrian getting hit by ongoing traffic.
- The proposal will cause light and noise pollution to the existing nearby residents.

- Residents and Parish Council haven't been given enough time to comment.
- The variation will not only be a great inconvenience to the residents but will also impede exit for Church goers and users of the Church hall, there will be no benefit to the local community that use these facilities.
- The lights will cause traffic to sit with their engines running which in turn cause more pollution.
- The infrastructure of the hamlet is not designed to handle increased traffic from 100+ extra houses and the extension to the industrial estate.
- The proposed variation would lead to vehicles including HGV and commercial having to turn across oncoming traffic in both directions to enter and exit the access road. This is potentially dangerous as the through traffic using Sandon Road is heavy at peak times plus the speed limit is 40 mph which a significant number of vehicles regularly exceed.
- Drivers might speed up to try and beat the lights making the road even more dangerous.
- Any HGV, large vehicle or more than a few cars would fill the ghost island access causing further vehicles to block Sandon Road resulting in a tailback of traffic in front of residential properties thus denying them access. This traffic is particularly heavy for it least two hours in the early mornings and late afternoons when access and exit from these properties is most likely to be required.
- In the original proposal (which was strongly objected to by an overwhelming majority of local residents), one of the supposed benefits of the original proposal outlined by the applicant was the great improvements in traffic management through Draycott and Cresswell and that Cresswell residents affected would be shielded from its affects by the service road in front of their properties. This application totally negates that argument, leaving residents having to suffer a development they do not want and a traffic system which would make the situation worse than ever.
- This road is classed as unsuitable for HGVs.
- There are no references to Church Lane in the report and no obvious reason for this omission.
- The proposed lights are a cost cutting exercise for the developer and has no benefits for residents.
- The current road struggles with the volume of traffic it currently takes, there are large pot holes around the railway line which will only worsen and cause further damage to vehicles.
- At the busiest times of the day, the traffic queues caused by the proposed variation would make it difficult for emergency vehicles to access the existing properties.
- The previously approved roundabout was a good idea as a way of deterring speeding traffic.
- What is going to stop a car from going down one of the slip roads to avoid the proposed traffic lights.
- If approved, there would be increased traffic but now poor infrastructure and a huge risk to residents and all road users.

- It is not clear whether the changes that are being proposed are based upon traffic modelling from the original submission, or whether they have been updated. However, the volume of traffic through the hamlet of Cresswell and surrounding villages has been observed to have grown considerably over the period between 2016 and present; with anecdotal evidence suggesting a significant disparity between local resident-led vehicle counting and the original report.
- The road is already known for being busy and has seen terrible traffic incidents, the proposal would only increase the number of incidents.
- The residents who live on top of the junction, were led to believe a service road would be put in place to buffer them from the traffic, developed their futures and their homes believing it would happen, only to now be told it will not.
- The roundabout is a much better option.
- A roundabout will also prevent the articulated lorries scrapping up the road surface with the tight right turns which in itself is an expense to the council that would be reduced.

Draycott in the Moors Parish Council

The Parish Council have examined the plans and have held an extra ordinary meeting of the Council on Monday 28th February to give members of the public who have written to the Parish chance to come to share their views on the application.

Draycott-in-the-Moors Parish Council RESOLVED to OBJECT to the proposed change of Conditions 4 from the original outline application which was a condition set out in the Document determined on 24th May 2016 by Staffordshire Moorlands Planning Committee and included in the 2015 Masterplan diagram.

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
- 20314-08 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

As the time has expired on the original agreement, it should by no means give the developer reason to start changing the determined agreement made which at the time went through the full consultation process with the Community to come to a solution to make the development in Cresswell as effective in solving some of the ongoing highway problems in the settlement of Cresswell. These include speeding throughout the residential zone, fatalities caused by dangerous driving and heavy use from HGVs accessing the Blythe Business Park adjacent to the main Network Rail line.

The protection of Cresswell's rural qualities as a small hamlet is very important to the residents. Pressure for development in the village is considerable with the proximity to the A50 corridor, and the location on a commuter route to Stafford makes it a prime area for development. The need to avoid city style traffic systems is paramount and the original decision to have a roundabout system which is much more in keeping with a village of this kind is desirable. As the village is on a prime route to Stafford and Stone towns and a route cross country from the Moorlands to the M6 the village is prone to heavy traffic at peak times.

The reasons for rejecting the proposed change in Conditions to a traffic light road scheme is because of issues which residents will face with constant queues of traffic and engines running. The noise pollution, air pollution and light pollution from the lights outside resident properties will not be acceptable. Although effectively the lights would slow down and stop traffic the area will then lose its rural feature. It will be constantly congested, and the stalled vehicles will not meet climate change goals for cleaner air.

The Parish Council are concerned about the back up of traffic at peak times especially over the Network Rail level crossing.

Traffic lights are out of keeping with the village's character, which will affect the desirability to live in a rural village for new potential residents.

As an alternative to this proposal, the Parish Council fully support the construction of the roundabouts as originally planned. The roundabouts will enforce speed reduction naturally without need for electronic systems, and although initially potentially higher in cost, they will not incur expensive maintenance costs and replacement costs.

Many local residents of Cresswell and Draycott have written to their local Parish Councillors and attended Parish Council meetings recently to share their concerns. Clarification is needed on many of the questions raised. Below is a list of concerns which the Parish Council have resolved to object on the Residents behalf:

a) *Road Widening at the Izaak Walton Pinch Point*

A resident spoke regarding the road widening at the Izaak Walton pinch point with foot paths

This item is not mentioned at all on the variation of plans so could lead you to believe that this specific feature would not change from the conditions specified. The widening cannot be achieved without a land compulsory purchase order which is lengthy and expensive, so this will be put on the back burner until it is forgotten. This section of road may be small, but it is extremely important for children and residents walking to school and to catch more frequent busses on Uttoxeter road,

The failure to make it clear and to not mention the road widening and its footpaths in the variation of plans is conspicuous by its absence.

b) *Roundabout will Slow Down Traffic without causing hold ups.*

A resident explained how the Roundabouts were a one-off opportunity to slow down traffic on Sandon Road which has been the cause of a fatality in the past. The speed of traffic towards Hilderstone after they cross the railway is often fast and speed limits are not adhered to. Drivers speed up the moment they cross the level crossing and residents living along the road are in danger. If roundabouts are put in traffic will have to slow down. The roundabouts are well designed and will not cause hold ups, resulting in air pollution and light pollution to local residents which the money saving traffic lights will cause.

c) *Service Road on Sandon Road.*

Residents immediately affected by the change in Road layout were promised a Service Road to screen them from the new roundabout junction which they were content with as this will also help with the manoeuvre for parking of large camper van vehicles.

d) *Church Lane Junction / Uttoxeter Road*

Residents of Church Lane are concerned about egress onto Uttoxeter Road. The junction is also collapsing in this area, and road collapse could cause severe issues with congestion also caused by traffic lights. A roundabout construction may repair the underlying road fault if done properly.

e) *Funding*

A resident complained that Staffordshire Highways had already received the funding for the roundabouts from a Grant. This LEP funding for the deluxe roundabout road layout should be earmarked at the County Council for the project.

f) *Definition of a Severe traffic safety issue*

On the Form X which is one of the Planning documents, it states that the traffic lights are not likely to cause a "severe issue." What is the developer's definition of a moderate issue in relation to highway safety and pedestrians?

g) *Toxic Land*

Issues were raised before the initial outline planning proposal was passed of the land having a high level of toxic waste. This was ignored and the residents are concerned that their views will be ignored again by the Planning Committee.

h) The Blythe Park Industrial Estate is not well kept.

Residents have concerns that the developer is taking short cuts to make the development cheaper for themselves and not for the good of the community of Cresswell. An example of this is the state of the entrance with the terrible potholes caused by HGV's accessing the Industrial estate.

i) Time Scale

The developer has not adhered to the time scale set out in the conditions of the original agreement. There is a risk that the original conditions will be relaxed due to a passing of time. The original conditions should be adhered to as agreed.

j) Traffic Survey

The original traffic survey is out of date and residents doing Community Speedwatch have evidence of this. The traffic volume has increased since the original survey and needs to be redone.

k) Uttoxeter Road Junction

Residents living on the junction of Cresswell Lane and Uttoxeter Road will have constant traffic queues outside their properties causing air pollution, noise pollution and light pollution.

l) Uttoxeter Road as a Diversion Route

When the A50 is closed, and the diversion comes through the village. Draycott Level will be gridlocked.

Highways

This proposal is to revise condition 4 from approved consent SMD/2014/0576, this condition was pertaining to off-site highway works required for the site to gain access to the surrounding highway network. In the main it related to two junctions: the site access and the junction of Cresswell Road with Uttoxeter Road.

Planning consent SMD/2014/0576 agreed the format of these two junctions which was analysed and proposed in the Transport Assessment, both of which are roundabouts and agreed as acceptable by the Highway Authority as highway amelioration measures for the development.

The applicant's highway consultants have been engaging with the County Councils highway engineers since the approval to agree finalised detailed drawings rather than the general arrangements covered at the planning stage. During this process

the cost of constructing these approved junctions raised became significantly higher than originally estimated by the developer, which has led to this proposal to vary the condition and amend the approved junctions to a more cost-effective replacement.

The applicant has submitted an addendum to the Transport Assessment which analyses the new proposed junction arrangements both in terms of capacity and compliance with highway design standards to ensure the proposed junction arrangements are an acceptable alternative to the local Highway Authority. The report on the proposed junctions is based on a comparison between the two approved under planning consent ref SMD/2014/0576.

I agree with the conclusions of the Transport Addendum that the proposed alternative junctions are unlikely to create a severe issue for highway safety or the operation of the highway. However, these comments are solely relating to the site access junction, the emergency junction and the junction of Cresswell Road with Uttoxeter Road. The other highway works identified by ref '120314-06 Rev A- Cresswell Road Footway and Localised Highway Widening' are still required and should not be removed as part of this proposal.

I have no objection to this proposal.

Network Rail

In relation to the above application Network Rail's main priority is that restrictions remain in place on the use of the Blythe Park entrance closest to the railway level crossing on Sandon Road as indicated by the inclusion of bollards on previously submitted documentation. In respect of proposed alterations to the main access for the residential development, it is our experience that a roundabout would help break up the speed profile of vehicles approaching the crossing, which in turn may help in the safer operation of the level crossing and it would have been our preference that the roundabout remain. However, we note the developer's reasons for varying the scheme and on balance, we do not consider that there are sufficient grounds to object to the variation of the condition.

Lead Local Flood Authority

We have reviewed the submitted information and understand that the application is for the variation of Condition 4 relating to site access. As there are no revised drainage or flood risk proposals submitted, we have no comment to make.

Open Spaces Officer

I am happy to agree to those changes in the s106 document.

7. OFFICER COMMENT AND PLANNING BALANCE

Policy Context

7.1 As with all applications, the LPA is required to determine this application in accordance with the Development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations. The Development Plan consists of the adopted Staffordshire Moorlands Local Plan. The National Planning Policy Framework (the Framework) is a material consideration of significant weight in the determination of this application.

Principle and Main issues

7.2 The outline consent has established the acceptability in principle of a mixed use development on this site. The main issues in the consideration of this application relate purely to the proposed changes to the access arrangements and their impact on the highway safety and congestion on the network.

Access & Highway Safety

7.3 Policy DC1 requires that “All development shall be well designed and reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council’s Design Guide SPD. In particular, new development should (inter alia) provide for “safe and satisfactory access”

7.4 Policy T1 states that “The Council will promote and support development which reduces reliance on the private car for travel journeys, reduces the need to travel generally and accommodates residual development traffic in line with the Integrated Transport Strategy. This will be achieved by (inter alia) “Ensuring that all new development is located where the highway network can satisfactorily accommodate traffic generated by the development or can be improved as part of the development. Development which generates significant demand for travel or is likely to have significant transport implications (as identified within a Transport Assessment) will, where appropriate (inter alia) Contribute to improved public transport provision and contribute to junction improvements, traffic management and highway infrastructure”

7.5 The NPPF states at paragraph 111: “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”

7.6 The Developer has provided an Addendum to the Transport Assessment submitted with the original application produced by consultants Infrastructure Planning and Design (IPaD) which concludes:

“These schemes have been informed by traffic data that was utilised previously to support the sites original planning application in 2014 and have been assessed used the worst-case design year assessment considered

under that application - that being aligned to a 2024-year horizon considering 'With Development' weekday AM & PM peak period flows.

Both schemes have been checked against existing design standards as per the DMRB, as set out in this note.

The alternative junctions proposed by IPaD have significantly less impact on the surroundings because of the much smaller physical footprint and consideration of the utilities as part of the preliminary design layouts.

The need for an additional service road has been removed by the change to a ghost right-turn priority junction layout for the site entrance and the need for so much utility network diversion potentially avoided.

In conclusion, both of the schemes at these junctions proposed by IPaD are offered as acceptable alternative design solutions to those currently conditioned on grounds that they offer the following:

- Are in full accordance with existing design standards as per the DMRB.*
- Deliver a minimum of nil-detriment benefit in capacity terms as required under current development control policies set out within the National Planning Policy Framework (NPPF), and in some cases offer better levels of operation than the schemes previously proposed and conditioned under planning consent ref: SMD/2014/0576.*
- Have less impact on the surroundings and local residents.*
- Has considerably less impact on existing utility services.*
- Provide cost deliverable alternatives to schemes that have since being consented in 2016 have evolved to become dramatically higher-cost schemes than originally envisaged, and that offer less value for money and shrinking benefit-cost ratios.”*

7.7 The proposals have been considered by the County Highway Engineer. His full comments have been reproduced in the relevant Section above. However, he concludes:

“I agree with the conclusions of the Transport Addendum that the proposed alternative junctions are unlikely to create a severe issue for highway safety or the operation of the highway. However, these comments are solely relating to the site access junction, the emergency junction and the junction of Cresswell Road with Uttoxeter Road. The other highway works identified by ref '120314-06 Rev A- Cresswell Road Footway and Localised Highway Widening' are still required and should not be removed as part of this proposal.”

7.8 The applicant has confirmed that it is their intention to still provide the footway and widening works. They have not applied to vary or remove this approved plan or condition.

7.9 Network Rail has considered the safety implications for the level crossing which is a short distance from both affected junctions. They have confirmed that they have no objections to the proposals.

7.10 Whilst the significant amount of objection on highway safety grounds submitted by the Parish Council and local residents is noted, in the absence of any objection from the County Highway Engineer or Network Rail, it is not considered that an unacceptable impact on highway safety, or severe residual impact on the road network could be demonstrated and as such a refusal on highways grounds could not be sustained.

7.11 In the light of the above it is considered that the proposal complies with policies T1 and DC1 of the Local Plan in respect of highway safety, traffic generation, parking and sustainable transport.

Design, Character and Appearance

7.12 It is considered that the change from a roundabout to a priority junction at the site access, will give the entrance to the new residential development a much less “engineered” and “road dominated” appearance which will improve the appearance of the frontage and which will appear more in keeping with the character of this rural area. As such the proposal complies with Policy DC1 and advice in the NPPF with regard to design.

Other Matters

7.13 A number of other issues and concerns have been raised by the Parish Council and residents, in addition to those relating to highway safety. These are addressed below:

- The developer is entitled under s.73 of the Act to submit an application to vary conditions on the approved scheme. No scheme be relied upon to make repairs to existing damaged road infrastructure. That is a maintenance issue which must be addressed by SCC. The proposal must be judged on its merits.
- Improvements associated with new development cannot be required to address pre-existing highway problems. The Local Authority can only require that the impacts of new development are mitigated.
- It is not considered that a traffic light junction would be overly urbanising in this location. There are many traffic light junctions in rural locations.
- The reference to a “severe” impact on the surrounding network relates to the test as set out in the National Planning Policy Framework as to when a development may be refused on highway grounds.
- Matters of land contamination were dealt with as part of the original outline approval which established the acceptability in principle of the proposal. This application does not represent an opportunity to revisit this.
- The condition and appearance of the existing industrial estate is not a material consideration in the determination of this application
- The developer has adhered to the time limit conditions in the original planning permission with regard to submission of reserved matters.
- The consultation period for the application has been considerably in excess of the statutory 21 days

- Concern about the ability of infrastructure to handle 100+ houses was considered at the outline stage. The principle of the development is established.
- Concerns have been raised regarding air, noise and light pollution generated by stationary / queuing vehicles at the traffic light and priority junctions. However, these issues would have applied equally to traffic waiting at the proposed roundabout junctions.
- Whilst it is acknowledged that residents immediately opposite the junction would no longer benefit from a Service Road to screen them from the new roundabout junction and help with the manoeuvring of large camper van vehicles, it is not considered that in amenity terms the situation would be materially worse than the current arrangement whereby these properties are served directly from the main road. In the absence of any objection from the Highway Engineer it is not considered that any difficulty in manoeuvring of large vehicles would provide a reason for refusal of the application.
- With regard to the comment that the roundabout was already funded by the LEP. A grant had initially been approved by the LEP for partial, not full, funding of the roundabout scheme. However, when the design was finalised and fully assessed it was found that the anticipated costs had spiralled and was no longer financially viable, which in turn meant it no longer provided value for money in relation to the use of public funds. Due to this, the initial funding offer for the roundabouts was withdrawn and a new business case had to be submitted for the revised junction designs, which has now subsequently been approved.

Section 106

7.14 The original permission was subject to a planning obligation. The varied scheme therefore would need to be the subject of a deed of variation to reference the new consent. 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 & SMD/2018/0789. However, the applicant also wishes to make some minor changes to the detail of the agreement as follows:

- **Retail Unit:** Amend paragraphs 2 and 3 under the heading Part IV – Community Facilities – Retail Unit. Trigger to be amended to refer to the completion of 28,000 sq. m of employment floor space.
- **Community Building:** Amend paragraphs 4 and 5 in Part V – Community Facilities – Community Centre. Trigger to be amended to refer to the occupation of 28,000 sq. m. of employment floor space.
- **Playing Field Contribution:** Amend ‘Playing Field Contribution’ as set out in the Definitions. Amend to allow for contribution to be spent on provision in the local area (rather than specifically Blythe Cricket Club).

- **NEAP/MUGA:** Amend Schedule 2 Part III Paragraph 4 – swap triggers related to NEAP and MUGA (straight swap).
- **Bus Service Provision:** Amend to allow contribution to be spent on local bus services (likely route between Fulford and Blythe Bridge).

7.15 With regard to the above changes, the revised agreement will still ensure the delivery of the retail unit and community building but moves the trigger from completion of a specific number of dwellings to completion of a specified amount of employment floorspace. This is because the site of retail unit and community building lie within the portion of the site to be retained by the original applicant and the developer of the commercial floorspace. This part of the site is not within the control of the housing developer.

7.16 The proposed change to the scope of the playing field contribution will allow the Council to exercise greater flexibility with regard to its use. Under the revised terms, the contribution could still be used for improvements at the Cricket Club but if more suitable projects in the locality were identified the revised agreement would ensure that the contribution could be appropriately directed. The developer also intends to swap the triggers relating to the provision of the NEAP and MUGA. This will be a straight swap so there will be no change to overall provision on completion of the development. The triggers for the NEAP and MUGA are proposed to swap to facilitate earlier delivery of the NEAP as this is located closer to the residential development area and the construction programme for the site means that this can sensibly be delivered at an earlier stage than the MUGA which is located beyond the community facility/shop. The Open Spaces Officer has confirmed that he has no objections to these changes.

7.17 Similarly the proposed changes to the bus contribution will allow greater flexibility in its use. The County Highway Officer has confirmed that he has spoken to their passenger transport team regarding the s106 money. They have a service in the area that currently runs between Fulford and Blythe Bridge that could be diverted through to Cresswell especially for school journeys. The agreement as amended would allow the contribution to be used for local bus services including the one identified by the Highway Officer.

8. PLANNING BALANCE & CONCLUSION

8.1 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 changes to the proposed highway / access improvements and in particular the substitution of priority junctions for the previously approved roundabout works are acceptable. The Highways Officer and Network Rail have confirmed that they have no objection and on this basis it is not considered that there would be any detriment to highway safety or significant effect on congestion on the wider network. Therefore whilst third party concerns are noted it is not considered that a refusal on highways grounds would be sustainable and the proposal complies with local plan policy and the NPPF in this regard.

8.2 The 2014 Environmental Statement remains valid and appropriate for the proposed amendments to the access arrangements. There are no objections from the LLFA (Lead Local Flood Authority). Whilst the comments of local residents and the Parish Council in respect of a range of other matters have been carefully considered, they do not provide any other grounds to refuse planning permission.

8.3 The original permission was subject to a planning obligation. The varied scheme therefore would need to be the subject of a deed of variation to reference the new consent. 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 & SMD/2018/0789. However, the applicant also wishes to make some minor changes to the detail of the agreement which are found to be acceptable as they do not undermine the overall aims and objectives of the S106 Agreement or the overall package of contributions which it secures.

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.

7. RECOMMENDATION:

(A) Subject to the prior completion of a S106 Planning Obligation Deed of Variation (including the amendments to the Heads of Terms set out at above) 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:-**

- **INSERT REVISED DRAWING NUMBERS**

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. IPD-21-555-151. (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. IPD-21-555-150 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 routeing 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 routeing 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 validatory 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 dB LAeq 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. IPD-21-555-114. 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

