

SITE DESCRIPTION AND PLANNING HISTORY

Site description

The application site comprises 25.7 hectares and is located to the south-east of Gravelly Way, south of Calf Heath Wood and 350m north-west of Vicarage Road. South West of the site situates Four Ashes Industrial Estate and Enterprise Centre.

The M6 motorway is located 1.1km east of the site running in a north to south direction. Access to the site will be via Gravelly Way, with direct site access from a newly constructed road off Gravelly Way, into the north eastern corner of the site.

The application site was historically occupied by part of the wider chemical works operation; it contained a number of warehouse buildings which have since been demolished. The site therefore comprises previously developed land.

Areas of land outlined immediately to the south-east and east of the site fall within the Green Belt however no part of the planning application red line site falls within the Green Belt. The Staffordshire and Worcestershire Canal borders the western boundary of the site.

Relevant Planning History

2007, Development of warehouse units (B8) with access and associated works, Withdrawn - 07/00834/OUT

2008, Development of warehouse units (B8) with access and associated works, Approved Subject to S106 agreement, 07/01363/OUT [the permission which this application seeks to renew]

2011, Development of warehouse units (B8) with access and associated works (renewal of 07/01363/OUT) (major development), Approved Subject S106 agreement, 11/00133/REN.

2014, Permission is sought to vary the wording of conditions 3 and 15 from 'Prior to the submission of any reserved matters....' to 'As part of any reserved matters submission...'.approved subject to S106 agreement, 14/00766/VAR.

History summary

Outline planning permission was granted on this site in 2007 (07/01363/OUT) and was renewed in November 2011 (11/00133/REN) for class B1/B8 development. The application was considered an EIA development and incorporated an ES. In 2014 consent was granted to amend two conditions (14/0766/VAR). In 2015 a reserved matters application for the first 20,000 square metres of floor space was approved and was subject to 6no. conditions (14/00961/REM).

In March 2016 two applications for non-material amendments to 14/00961/REM were granted which sought to realign the access road and reword conditions to allow for a phased implementation of the 2011 outline permission.

Scoping Opinion

An Environmental Statement Scoping Opinion request was submitted to the Council in March 2016 which provided details of the proposals and the scope of the Environmental Statement. A formal response confirming the required content of the ES was sent from the SSDC on 11 May 2016 and is included within the application.

2. APPLICATION DETAILS

This application is a revision of a scheme that received outline planning permission in 2007 for 3 units. The proposal seeks permission for 4 industrial/distribution buildings falling under B1(c), B2 and B8 use classes. The proposal is being marketed as 'Bericote Four Ashes' and is located on Previously Developed Land within the Four Ashes development boundary. The site has extant outline consent for B1 B2 and B8 development. The proposal is for a 24 hour operation that is unrestricted in terms of its operation. The proposal would include access off the A449 and an area of landscaping south east of the site.

The 4 units vary in height ranging from 10m to 15m, in order to accommodate various storage and manufacturing requirements.

Unit 1:

- To be located to the south western corner of the site.
- Two-storey offices to be provided at the eastern elevation.
- 350no. car parking spaces.
- Loading bays provided along the northern elevation and service yards north and south of the unit.
- Between 15.3m and 18.2m high

Unit 2:

- To be located to the east of the site, close to the boundary with Calf Heath Wood.
- Contains 16no. dock loading doors and 2no. level access doors on the western elevation
- 45no. HGV parking spaces provided and 168no. car parking spaces
- 15.2m high

Unit 3:

- To be located south east of unit 2
- 50no. HGV parking spaces provided

- 24no. dock loading doors are provided on the northern elevation
- 562no. car parking spaces to the west and south of the unit.
- Ranging between 18.2m high

Unit 4

- To be located north west of the site
- 45no.car parking spaces provided to the north of the unit
- 13.8m high

Access to the site will be via Gravelly Way. The entrance into each unit will be designed to accommodate vehicle queuing, particularly gatehouse/barrier control points which would help to manage and contain the flow of traffic both into the site and back out onto the roads. Separated car park entrances is planned to eliminate a conflict between goods and car traffic.

Proposed 2m welded mesh fencing will be provided in and around the site for security purposes and four cycle shelters adjacent each unit – each with the potential to accommodate 10 bikes.

2.2 Agent Submission

A number of supporting documents have been submitted as part of this application being:

Air Quality Scoping
 Archaeological Evaluation Report
 Design and Access Statement
 Ecological Assessment
 Environmental Statement and appendices
 External Lighting
 Flood Risk Assessment
 Ground Investigation
 Ground Water and Contamination Risk Assessment
 Planning Statement
 Remediation Strategy
 Superseded
 Sustainability Statement
 Technical Report – Noise and Vibration Assessment
 Transport Assessment
 Travel Plan
 Tree Removal retention and protection plan

3. POLICY CONTEXT

Located within the Four Ashes Development Boundary and a Landscape Improvement Area.

National Planning Policy Framework (NPPF), March 2012:

This sets out the national overarching aims for planning with a presumption in favour of sustainable development. Development that is sustainable should be favoured, without delay, and should be seen as a golden thread running through both plan-making and decision-taking. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Para 1-5: Introduction

Para 11-16: The Presumption in Favour of Sustainable Development

Para 18-22: Building a Strong, Competitive Economy

Para 28: Supporting a Prosperous Rural Economy

Para 79-92: Protecting Green Belt Land

Para 109-125: Conserving and Enhancing the Natural Environment

South Staffordshire Core Strategy 2012

Core Policy 7: Employment and Economic Development

Policies EV1: Retention of Existing Employment Sites

EV3: Canals and Canalside Development

EV5: Rural Employment

EV11: Sustainable Travel

EV12: Parking Provision

Core Policy 13: Community Safety

Policy CS1: Designing Out Crime

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

Policy EQ1: Protecting, Enhancing and Expanding Natural Assets

Policy EQ3: Conservation, Preservation and Protection of Heritage Assets

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

Policy EQ11: Wider Design Considerations

Policy EQ12: Landscaping

Core Policy 5: Infrastructure Delivery

Policy EQ13: Development Contributions

Site Allocations Document (SAD) 'Preferred Options' Consultation (December 2015)

District Plan Number One

Written Statement and Proposals Map, South Staffordshire Council (1980).

4. CONSULTATION RESPONSES

Consultation period expired 28.06.16

Councillor J Raven made no comments

Councillor C Raven made no comments

Penkrige Parish Council (comments submitted 19.07.2016)

Councillors had concerns that there would be an increase of vehicles and the additional wear and tear this would cause to the already poor road surfaces together with pollution to the environment. Councillors asked what SSC Planners and the Applicant proposed to put in place which would mitigate the above concerns. Councillors asked that a copy of their concerns be forwarded to SSC Councillors for comments

Highways England (original comments submitted 21.06.2016)

Recommend that planning permission not be granted for a specified period for the following reasons:

- The need to present proposed development traffic turning movements at M6 Junction 12 and M54 Junction 2*
- Clarification regarding committed development*
- Clarification regarding modelled time periods for A5 / A449 Gailey and A449 Gravelly Way junctions*
- Further information regarding base model validation of A5 / A449 Gailey junction*
- The need to discuss the proposed A449 / Gravelly Way signalised junction, including issues relating to right-turn flare lengths and pedestrian crossing layouts*
- The need to discuss the proposed mitigation scheme at the A5 / A449 Gailey Roundabout in light of previous conditions and mitigation proposals together with current operating conditions*

Conservation Officer (comments received 28.07.16)

Summary: The site is bounded in part by the Staffordshire and Worcestershire Canal Conservation Area and the access to the site runs through part of this conservation area. An outline application has already been approved for the use of this site and remains extant. The proposed industrial units will affect the setting of the conservation area but this can

be minimised by careful consideration of the elevation treatments of the units and by strengthening and enhancing the landscaping buffer between the development and the canal.

Comments: The proposals include 4 large industrial units and associated works. The site is well screened from the canal by existing trees and vegetation. This landscaping should be strengthened and increased to provide a buffer along the edge of the canal which would help to protect it from the proposed development. The access route and units 1 and 3 will directly impact on the Conservation Area. The elevational treatment and roof treatment should seek to minimise the visual impact of the development from both close range views and longer range views. Dark and matt colours are preferable. The design of the elevations should be broken up so that they relate to a human scale. I am concerned about the use of white at high levels as this is the part that is most likely to be visible from behind the landscaping buffer. A more muted colour would help to minimise the visual impact of the height of the units.

The outline application approved a height of 20m and these specific proposals are lower than this. I am not able to compare this to the height of the existing trees but the planting eventually should be as high as the buildings, if not slightly higher in order to minimise the impact of the development on the canal.

In terms of improvements to the access to the site the facing materials should be chosen to be sympathetic to the canal and should echo its character preferably by using matching bricks.

The paladin fencing should be a dark colour and have a matt finish so its visual impact is minimised.

Staffordshire Badger Conservation Group (comments received 12.06.16)

Thank you for sending us the ecological survey for this application we are happy with the findings and recommendations and have no further comments to make.

Historic Environment (comments received 21.06.16):

The application is supported by an archaeological evaluation (Oxford Archaeology 2016) which was undertaken following the completion of a desk-based assessment and geophysical survey. This approach is supported by National Planning Policy Framework (NPPF) paragraph 141.

The results of the archaeological mitigation undertaken in advance of the submission of the planning application have shown that there are no significant archaeological deposits surviving across the development site.

Consequently, I can confirm that no further archaeological mitigation will be required in this instance.

Ecology (comments received 27.06.16):

I reviewed the Environmental Impact Assessment Scoping Report in April 2016.

Documents and plans reviewed:

- *Masterplan Drawing 13029 P002 Rev P16*
- *Unit I Phase 1 Proposed Site Layout Drawing 13029 P100 Rev P8*
- *Unit 1 Proposed Elevations Drawing 13029 P103 Rev P7*
- *Unit I Phase 2 Proposed Site Layout Drawing 13029 P110 P5*
- *Unit 2 Proposed Site Layout Drawing 13029 P200 P3*
- *Unit 3 Proposed Site Layout Drawing 13029 P300 P3*
- *Unit 3 Proposed Elevations Drawing 13029 P303 P2*
- *Unit 4 Proposed Site Layout Drawing 13029 P400 P3*
- *Unit 4 Proposed Elevations Drawing 13029 P403 P2*
- *Ecological Assessment*
- *Environmental Statement Volume 1 Chapter 10*
- *Tree Protection, Removal and Retention Plan*
- *External Lighting Plan*
- *Soft Landscape Masterplan (ES Appendix A Drawing 1 Rev D)*
- *Design and Access Statement*

I have not visited the site but am familiar with this area and have viewed aerial and application photographs.

Policy and Legislative context

The National Planning Policy Framework s.109 states: "The planning system should contribute to and enhance the natural and local environmentby minimising impacts on biodiversity and providing net gains in biodiversity where possible. s.118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principle: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

In accordance with this, the South Staffordshire adopted Local Plan Core Strategy policy EQ1: Protecting, Enhancing and Expanding Natural Assets states that permission will be granted for development that would not cause significant harm to species that are protected or under threat and that wherever possible, development proposals should build in biodiversity by incorporating ecologically sensitive design and features for biodiversity within the development scheme.

The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended); along with the Protection of Badgers Act 1992, provide the main legislative framework for protection of species. In addition to planning policy requirements, the LPA needs to be assured that this legislation will not be contravened due to planning consent. In addition to these provisions, section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. Section 41 refers to a list of habitats and species of principal importance to which this duty applies. The site supports protected and priority species and habitats of principal importance that require protection and mitigation of harm. Appropriate measures are recommended.

Natural England Standing Advice which has the same status as a statutory planning response states that survey reports and mitigation plans are required for development projects that could affect protected species, as part of obtaining planning permission. Appropriate surveys have been carried out and mitigation proposed that can be secured by condition.

Assessment of Submitted Documents and Plans

Habitats

The Ecological Assessment s.1.2.3 notes that 13 hectares of woodland was recently removed from the site. This is a considerable loss of habitat and quoted previous ecological survey (by Arbor Vitae Environmental Limited and not included in application documents) indicates that this was secondary woodland but is likely to have qualified as habitat of principal importance. It would be useful to see this survey report to determine the habitat compensation that would be desirable for policy compliance. I noted in my Scoping Report comments that this could be partly compensated for by enhancement and management of the retained woodland outside the red line area. No such measure is proposed. Therefore there is unmitigated loss of 13 ha of potential habitat of probable principal importance.

s.10.9.81 of the ES proposes management of Calf Heath Wood off site to enhance biodiversity. This proposal is welcomed but should be considered in regard of the proposed Rail Freight Interchange and be carried out in the section of the woodland proposed for retention by this scheme. Details can be secured by condition or legal obligation. The area proposed for management in Figure 10.5 appears to coincide with that proposed for retention by both rail-freight interchange options.

The habitat survey records areas of acid grassland, a habitat of principal importance. In addition features and species characteristic of a species-rich open mosaic habitat of principal importance are also recorded, though photographs indicate that the open habitats present are recent and poorly structured and area unlikely to be of importance to invertebrates or rare flora. I therefore agree with s.5.2.13 of the Ecological Assessment which concludes that the open areas outside of acid grassland are not important habitat. s.4.8.1 of the Ecological Assessment states that Colin Plant Associates (UK) have completed an initial appraisal of the site's likely entomological value and that this is not significant. This is not included in application documents.

ES s.10.9.32 non-intervention proposals for hedgerows are not appropriate. It would provide compensation for habitat loss if planting was to be proposed to enhance the gappy hedgerow that the Ecological Assessment identifies and if a management programme was included in landscape management to improve hedgerow quality.

The canal and fringing woodland will not be affected by the proposal except by proposed drainage works to the canal margin to allow for an outlet (Ecological Assessment s.5.2.11. A method statement is required for these works, to include measures for vegetation and species protection and reinstatement of affected areas.

Breeding Birds

The breeding bird survey recorded several bird species breeding or potentially breeding on site these included ground nesting snipe and lapwing which are species of principal importance (and Staffordshire BAP priority species) and little ringed plover which is protected from disturbance while breeding by Schedule 1 of the Wildlife and Countryside Act 1981 (as amended). s.5.3.31 of the Ecological Assessment cites measures for protection of breeding birds which should be secured by condition.

In addition to the proposed control of vegetation removal, any works to open habitats between March and August should be preceded by a check for ground-nesting birds by a suitably experienced ornithologist/ecologist. Mitigation of loss of open ground nesting habitat is proposed in regard of the grassland in the south-east. For this to provide suitable habitat for the target species cited in ES. 10.9.103 appropriate grassland management will need to be secured. Compensation can be provided in terms of provision of nesting opportunities for other priority species.

s.5.3.33 of the Ecological Assessment recommends installation of bird boxes. Proposed locations are shown on Figure 10.5. A condition is recommended for installation of a range of bird boxes under ecological

supervision - to include, in addition to those proposed, swift boxes and house martin cups on suitable aspects of buildings. Use of woodcrete boxes is recommended for longevity and low maintenance reasons.

Reptiles

Common lizard was recorded by the reptile survey - mitigation will be required in regard of translocation and protection of animals during development and provision of suitable habitat. A pre-commencement condition s recommended for a mitigation strategy including measures for creation/enhancement of receptor habitat and translocation measures that are in accordance with s.5.3.38-5.3.46. Creation of reptile hibernacula within the landscaped area should be included. S.10.9.58 indicates that the receptor site is proposed to be ready prior to completion of development. This is not appropriate, it must be ready before translocation and therefore prior to commencement of development (apart from attenuation basin formation).

In order to prepare suitable habitat for translocated reptiles, landscaping and habitat enhancement measures for the south-eastern area will need to be carried out prior to commencement on the main site. Detail of phasing of mitigation and construction should be submitted as a Phasing Plan.

Great crested newts

3.4.1 Assessment regarding great crested newts appears robust. There is unlikely to be any impact on this species.

Bats

3.5.1 Unless mature trees adjacent to the canal are to be lost or lopped no mitigation is required for these species during construction. In accordance with the Ecological Assessment s.5.2.28 and the Tree Retention Protection and Removal Plan retained trees should be subject to protective measures in accordance with BS 5837 2012. A suitable condition is recommended. Should any mature trees need to be removed this should be done in accordance with s.5.2.23 of the Ecological Assessment.

ES s.5.3.25 suggests erection of 20 Schwegler 1FF and 2FN bat boxes. Proposed locations are shown on Figure 10.5. This could be secured by condition requiring installation to be overseen by a licensed bat ecologist to ensure appropriate locations on trees.

Measures for prevention of adverse impacts on bats due to both construction and operational lighting will be required. s.10.9.98 sets out

measures for lighting design to avoid impacts on bats. A condition is recommended requiring submission of an external lighting plan in accordance with this.

Badgers

3.6.1 No badgers were recorded on site but, owing to evidence of local activity protective measures outlined in s.5.3.13-5.3.18 should be secured by condition.

Proposed layout and landscaping

The development is very intensive with almost no landscape areas apart from a narrow fringe of existing woodland adjacent to the canal and the grassland mitigation area that includes the drainage provision for the site. S.10.8.36 states that "extensive areas of new tree planting" will be included. Viewing the proposed layout and landscape plans I see no provision for this extensive woodland planting as very small woodland planting areas are proposed. Proposals to strengthen the canal-side woodland corridor are welcomed.

The ES s.10.9.10 indicates that species-rich grassland will be created across the site. Again the Proposed layout Plans indicate very little scope for this apart from within the existing grassland area.

The grassland to the south-east of the site that is proposed for enhancement shows some limited acidic influence but is currently relatively species-poor and would benefit from enhancement. s.5.2.16-of the Ecological Assessment include mitigation proposals for loss of acid grassland habitat while s.5.2.18-.5.2.22 provide proposals for enhancement of the species-poor grassland. Should these be secured this would compensate for some of the past habitat loss due to woodland removal.

Proposals for grassland enhancement need to be informed by soil fertility tests or implemented by topsoil removal. Should the soils be of high fertility the proposed measures will not be effective. Indeed they are not in accordance with the Soft Landscape Masterplan which specifies subsoil for these grassland areas, meaning removal of the existing sward and topsoil removal or inversion. These inconsistencies need to be resolved and a definite plan proposed.

More scrub removal than is proposed is recommended to provide more effective mitigation and enhancement by allowing for a greater area of species-rich grassland.

The SuDS feature appears small in relation to the hard development footprint. Indeed s.10.8.31 of the ES Volume 1 indicates that a larger attenuation basin is required than originally thought. Confirmation is required that mitigation habitats will not be sacrificed to a larger feature and that the SuDS design will ensure that pollutants and sediments are captured and do not adversely affect the mitigation habitats or the canal.

Not all of the ecological enhancements shown on Figure 10.5 Biodiversity Enhancements Plan are reflected on the Soft Landscape Masterplan. Figure 10.5 shows enhancement of the Calf Wood woodland edge on the east side of the development by planting of native species. This is not shown on the Soft Landscape Masterplan. Figure 10.5 shows planting of native black poplar (albeit in inappropriate locations). No native black poplar is specified on the Soft Landscape Masterplan. The short and fragmented tree and hedgerow lines proposed within the site will not provide the benefit for bats proposed by Figure 10.5.

The Soft Landscape Masterplan (ES Appendix A Drawing 1 Rev D) details proposed planting. It is a bit difficult to make out as the online format makes text not very legible and I cannot read it all. Not all the native species proposed are suitable for this location and local ecology. Amendments are recommended as follows:

- Removal of planned tree planting within the species rich grassland proposed in the south-eastern area. Trees will shade out the grassland, reducing diversity. If more trees are wished for in this area I recommend planting of hedgerow trees and strengthening tree planting in corner copses.*
- Relocation of the native black poplar proposed by Figure 10.5 within the grassland area to canal side planting.*
- Inclusion of canopy trees such as English oak in proposed woodland planting.*
- Omission of species from woodland, scrub and hedgerow planting that are not locally appropriate such as hornbeam (suitable for formal hedges only), and spindle which is a species of limestone soils, and replacement by appropriate species.*
- Increased scrub removal from the south-east grassland.*
- Gapping up of hedgerows with naïve shrub and tree planting.*
- Inclusion of the location for the proposed features for species such as reptile hibernacula, bat and bird boxes as shown on Figure 10.5.*

It is recommended that a Landscape and Ecology Management Plan (LEMP) be required by pre-commencement condition (should be pre-commencement as translocation of existing habitat from Phase 1 is included in proposals).

Conclusions and Recommendations

A pre-commencement condition is recommended requiring submission of a mitigation and development phasing plan that demonstrates that compensatory habitats are created in accordance with protected species mitigation requirements and that enhancement of the south-east grassland is carried out in conjunction with attenuation basin construction.

s.10.9.2 of the ES Volume 1 proposes a Construction Environmental Management Plan (CEMP) for control of pollution. The following measures should be included in a pre-commencement condition requiring submission of a CEMP or secured through conditions requiring separate method statements:

- Pre-commencement reptile mitigation strategy including receptor site preparation and translocation integrated with grassland translocation and enhancement measures, SuDS attenuation basin construction and other landscape planting and management in the south-east area.*
- Pre-commencement translocation of acidic grassland, including identification, soil testing and preparation of the receptor site and establishment management and monitoring.*
- Protection of trees, hedgerows and retained habitats during site preparation and construction.*
- A method statement for works affecting the canal.*
- Protection of badgers.*
- Protection of breeding birds including ground nesting and Wildlife and Countryside Schedule 1 species.*
- Protection of bats in relation to tree removal.*
- Lighting measures during construction to avoid impact on bats.*
- Detail of design and erection of bat and bird boxes.*

A condition is recommended requiring submission of a detailed Landscape and Ecology Management Plan (LEMP), as proposed in s.10.9.77 of the ES, which includes:

- the habitat and species mitigation measures discussed in s. 3.0 above that relate to landscape design and installation of features for species;*
- SuDS design and management for wildlife benefit as specified by the Ecological Assessment;*
- details of proposed landscape planting;*
- management of the woodland strip along the canal;*
- proposed management of existing and created habitats and new planting including woodland, scrub, hedgerows and grasslands;*
- Grassland management for floral diversity and ground nesting birds;*
- Monitoring of bat and bird boxes.*

A condition is recommended for submission of an external lighting scheme (operational phase) that takes account of bats and other wildlife.

A condition or legal obligation is recommended for submission of an enhancement and management plan for off-site Calf Heath Wood that includes the measures shown on Figure 10.5 Biodiversity Enhancements Plan.

Health and Safety Executive: no comments

National Planning Casework Unit: no comments

Canal and River Trust (comments submitted 15.07.16)

The site is adjacent to the Staffordshire & Worcestershire Canal Conservation Area and whilst there are commercial units in the vicinity these are partially screened by existing landscaping. The proposed units appear to be substantially larger than those adjacent and will therefore have some increased visual impact when viewed from the conservation area.

On the original proposals for redevelopment of the site the Trust (then British Waterways) raised no objection subject to the car parking being screened from the waterway and measures such as a 10m minimum wide strip of vegetation and bund being provided. In addition the Trust sought to limit the height of buildings to 15m as well as being set 20m from the canal boundary to minimise the visual impact of the development from the canal. These recommendations would act to shield negative acoustical and visual impacts of the development, protecting the character, amenity and setting of the Staffordshire & Worcestershire Canal and adjoining conservation area.

The current proposals introduce car parking to the canal boundary and increase the heights of the proposed buildings. The Masterplan shows a green strip aside of the canal labelled as existing vegetation, and landscaping plans have been included within the Environmental Statement. These show very limited new planting to the canal boundary and the proposals are not considered to be sufficient to provide an adequate visual buffer, particularly in relation to the proposed parking to unit 3.

Existing vegetation would need to be strengthened to effectively buffer the proposed development visually and acoustically. This should be set out in a landscape plan that confirms the use of native woodland planting. There is no indication of a bund which would be beneficial to mitigate the acoustical and visual impact of activities within the site upon the canal. This could be positioned as a ribbon within the internal landscape of the

site beyond the vegetation strip forming the green corridor characteristics of the canal.

Building heights exceed the previously recommended 15 metres and without a sufficient landscaped buffer would become visually intrusive from the canals outward perspectives, disturbing the character, setting and amenity of the corridor.

The existing landscaping plans are not considered to provide adequate screening to the canal boundary and on the basis of these submitted landscaping plans the Trust would object to the application and require the building heights to be reduced to previously recommended levels or stepped down adjacent the canal corridor.

Alternatively prior to determination the applicant could clarify through submission of further information such as cross-sections etc. that the landscaping strip as shown can be extended / strengthened to provide a sufficient buffer / screen. Subject to this being demonstrated and notwithstanding the submitted landscaping plans, the detailed landscaping proposals could then be required by condition.

There are currently 3no. bridges to the west of the site which formerly linked the two sides of the chemical plant. These are not owned by the Trust but appear to be redundant. The removal of these would enhance the character of the conservation area and offset any additional harm posed by the proposed buildings. Therefore any opportunities for their removal should be explored as part of this current submission.

*Impact on Natural Environment and Landscape of the Waterway
The waterways have a rich biodiversity, and the Staffordshire and Worcestershire Canal benefits from non-statutory designation, and it is therefore important that this is considered and any impacts suitably mitigated.*

As discussed above the soft landscaping aspects of development proposals, particularly at the site boundaries adjacent waterways play an important role in improving the appearance of the site when viewed from the waterway, and also the appearance of the waterway corridor itself. Native species are preferred in order to maintain the appearance and biodiversity of the waterway. Landscaping also has the potential to impact on the integrity of the waterway and it is necessary to consider this with any new landscaping proposed.

There is concern that the current proposals show high levels of lighting adjacent to the canal and the 24hour operation of the site has the potential to adversely impact on the canal corridor biodiversity including any protected species that use this corridor. The lighting proposals should not provide flood lighting to the canal corridor and should be designed to

minimise the problems of glare. Unnecessary light pollution should be avoided by ensuring that the level of luminance is appropriate for the location and it is timed to provide reduce lighting in the evening periods and provide a dark corridor for wildlife.

The proposed activity poses a nuisance risk that could cause noise, dust and the degradation of air quality and water quality at this location and suitable mitigation should be required by condition.

The landscaping requires further enhancement to ensure that proposed operations and lighting are adequately screened. In addition, notwithstanding the information already submitted, full detailed lighting plans including proposed mitigation measures to limit and reduce lighting along the canal corridor should be required by condition.

*Impact on Structural Integrity of the Staffordshire & Worcestershire Canal
With any development close to the waterway there is the potential for adverse impacts on the infrastructure of the canal in terms of stability, drainage, pollution, erosion, increase in water levels etc.*

The method of construction, including details on access over land owned by the Trust, should be sought and assessed prior to the commencement of any work on site in order to ensure that there would be no potential threat to users of the waterway, the structural integrity or water environment of the adjoining canal and the wider network. Air borne pollution or water seepage/spillage/run-off should all be avoided in order to protect the water environment.

Impact on the Staffordshire & Worcestershire Canal from Land Drainage

The Application Form states surface water is to be discharged to a 'SuDS' and 'existing 'watercourse'. This watercourse is confirmed within the submission as being the canal.

The applicant is advised that any surface water discharge to the waterway will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right- where they are granted they will usually be subject to completion of a commercial agreement.

The drainage methods of new developments can have significant impacts on the structural integrity, water quality and the biodiversity of waterways. It is important to ensure that no contaminants enter the canal from surface water drainage and it is understood that agreement to surface water drainage from the site are being undertaken with the Trust (as landowner) Therefore full details of the final drainage designs should be submitted for approval. This could be required by condition.

After due consideration of the application details, the Canal & River Trust as statutory consultee would object to the application on the basis of the insufficient current landscaping proposals.

However, if it is clarified through submission of further information that the applicant/ developer can adequately extend or strengthen the landscaping strip to provide a sufficient buffer / screen, then the Trust would have no objection to the proposed development, subject to the imposition of suitably worded conditions as follows and the provisions of the S106, in respect of landscape management and ecological mitigation, as required under permission reference 11/00133/REN.

- 1) Landscaping details*
- 2) Landscaping Management and Maintenance*
- 3) Construction and Environmental Management Plan*
- 4) Lighting Proposals.*
- 5) Drainage Proposals*

If the Council is minded to grant planning permission, it is requested that the following informatives are attached to the decision notice:

- 1) The applicant/developer is advised to contact Works Engineering Team (Des Harris -01827 252038) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust Code of Practice for Works affecting the Canal & River Trust.*
- 2) The applicant / developer is advised to contact the Estates Team (Keith Johnston - 01827 252014) in order to ensure that any necessary licences / consents are obtained in relation to the access at Gravelly Way Bridge and that the works and access arrangements comply with current agreements.*

In addition, in order for the Canal & River Trust to effectively monitor our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

If the Council is minded to grant planning permission, it is requested that the following informatives are attached to the decision notice:

- 1) The applicant/developer is advised to contact Works Engineering Team (Des Harris -01827 252038) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".*
- 2) The applicant / developer is advised to contact the Estates Team (Keith Johnston - 01827 252014) in order to ensure that any necessary licences / consents are obtained in relation to the access at Gravelly Way Bridge and that the works and access arrangements comply with current agreements.*

Inland Waterways (comments received 10.06.16):

Thank you for consulting us on the above planning application adjacent to the Staffordshire & Worcestershire Canal. The canal is a historic waterway and a valuable amenity and recreational corridor, providing leisure boating, walking, angling, cycling and nature conservation benefits to the area. It is designated a Conservation Area for its special architectural and historic interest.

The Inland Waterways Association (IWA) is a national charity which campaigns for the conservation, use, maintenance, restoration and development of the inland waterways for public benefit. The Lichfield Branch of IWA has considered this application in relation to the environment of the canal and the interests of its users.

IWA has previously commented on this proposed development in 2007, 2008, 2011 and 2014.

Adequate screening of this site from the canal is important as the proposed buildings are very large industrial units of no architectural merit, located close to the canal, and therefore potentially visually intrusive and damaging to the setting of the Staffordshire & Worcestershire Canal Conservation Area.

The existing mature tall trees, bushes and shrubs along the offside corridor of the canal, both outside and inside the boundary fence, together provide a significant screen. But in several areas this lacks depth or density and reinforcement of these gaps is desirable to minimise the visual impact of the development on the canal. This will also contribute to reducing some of the noise from vehicle movements, including HGV manoeuvring, that will otherwise disturb the generally tranquillity of the canal environment.

The approved Reserved Matters plans (14/00961/REM) for details of scale, layout, appearance and landscaping for Plot 1 (Condition 2(i) of 11/01333/REN of 07/01363/OUT) included a detailed landscaping scheme for retention and management of the canalside woodland, to be backed by additional native woodland planting to improve the lower level visual screening. IWA commented at the time (7/12/2014) that the Soft Landscape Masterplan and Sections, the Biodiversity Enhancements Plan and the Maintenance & Management proposals together illustrate a well thought-out scheme that will provide visual screening and environmental protection for the Staffordshire & Worcestershire Canal Conservation Area.

This new application changes the design and layout of the buildings and includes an updated Soft Landscape Master Plan, but comparison with the previous approved version shows that the width of the additional native

woodland planting on the development side of the landscaping buffer zone has been reduced. This appears to be not because the buildings are closer to the canal but for a wider access roadway at the rear of Unit 1 and additional car parking adjacent to Unit 3. Furthermore, there does not appear to be in the plans, Environmental Statement or Appendices deposited an update of the Soft Landscape Masterplan Sections which in the previous application clearly showed the detail of this additional planting in relation to the existing vegetation and the canal. Neither could we find, in the voluminous documentation with this application, any re-deposition or update of the Maintenance & Management proposals for the landscaping.

It is simply not acceptable for this essential landscaping to be diminished in this way and for the change to be neither illustrated nor justified. IWA considers that the previously approved landscape plans should be reinstated and any necessary changes made to the roadways and parking to accommodate this.

Any consent should also address the issue of the redundant bridges across the canal. These are a metal girder pipe bridge, a combined pipe and foot bridge, and a concrete road bridge (Schenectady Road Bridge) which formerly linked the two sides of the chemical plant. The chemical pipe bridges are clearly redundant and the road bridge is blocked off at both ends and will not connect with the new development. The pipe bridges in particular are unsightly structures which blight the Conservation Area and should not just be left to become rusty and derelict. Their full removal should be either a condition of consent or secured through a planning obligation. The Canal & River Trust can no doubt advise on their ownership status. We would appreciate being informed in due course of the decision on this application.

Severn Trent (comments received 14.06.16)

I can confirm we have no objections to the proposals subject to the inclusion of the following conditions:

- 1. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.*
- 2. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.*
- 3. We do advise that there may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers*

which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with obtaining a solution which protects both the public sewer and the building.

4. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Environment Agency: (comments submitted 29.06.16)

The Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted the following 4 planning conditions are imposed:

Contamination:

Based on the available desk based information systems, the site is located on solid rock strata that is designated as a Principal Aquifer, on top of these rocks Drift sediments are expected to be present that are designated Secondary A and Secondary Undifferentiated Aquifers by the Environment Agency. Principal Aquifers are rocks or drift deposits that have high intergranular and/or fracture permeability - so that they usually have the ability to provide a high level of water storage. Therefore, they are usually an important source of water supply and support river base flow on a strategic scale. Secondary aquifers consist of permeable rocks or drift that are capable of supporting water supply at a local rather than strategic scale, and in some cases can form an important source of base flow to rivers and wetlands.

The site is located within a Source Protection Zone (SPZ) III and there is a licensed groundwater abstraction on the adjacent site to the West.

The Staffordshire & Worcestershire Canal adjacent to the West and the Saredon Brook is approximately 450 metres to the south.

There is a historic landfill site in the southern portion of the development site which is reported to have been filled with builders waste, builders rubble and excavated material.

In Summary and Conclusion; groundwater in the Secondary and Principal aquifers underlying the site will be vulnerable to pollution by contaminants present on site.

Site History

The site was formerly a part of Four Ashes Chemical works, regulated under IPC and PPC so there is, therefore, the potential for contamination to be present on site.

Ground Investigation

There have been several phases of ground investigation undertaken at the site stretching back over nearly 30 years. The latest undertaken by Hydrock "Land off Gravelly Way, Four Ashes, Wolverhampton. Ground Investigation", dated May 2016.

Ground investigations have identified the presence of both organic contaminants including solvents and petroleum hydrocarbons and inorganic contaminants including toxic metals, impacting both soils and groundwater at the site.

We would expect appropriate assessment and remedial intervention to ensure that the risk to Controlled Water receptors post development is mitigated.

Risk Assessment

Soil contaminants have been screened against generic assessment criteria (GAC) for commercial end use. This approach is protective of human health following redevelopment but not Controlled Water receptors. These GAC values are presented as soil remedial criteria within the Hydrock Report "Land off Gravelly Way, Four Ashes, Wolverhampton. Remediation Method Statement", dated May 2016.

This remediation criteria is unlikely to protect Controlled Water receptors. Therefore, a detailed quantitative risk assessment is required to determine soil and groundwater remedial criteria. As a result of this work it is likely that the Remediation Method Statement report will need to be updated.

Way Forward

We have spoken to the consultants Hydrock and they confirm that they are working on a Controlled Waters Detailed Quantitative Risk Assessment and acknowledge that this will result in changes to the remedial criteria proposed in the current Remediation Method Statement Report.

We, therefore, believe that Planning Permission can be granted provided that the following conditions are added to any consent. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application. This will ensure that an appropriate risk assessment and remediation strategy details are updated and submitted prior to any development commencing.

Condition

No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.*
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

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

Reason

To protect Controlled Water receptors and ensure that the minimum requirements of the governments Planning Policy Framework are met.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

Condition

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to

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

Reason

To protect Controlled Water receptors and ensure that the minimum requirements of the governments Planning Policy Framework are met.

We consider that planning permission could be granted to the proposed development as submitted if the following planning condition is included as set out below. Without this condition, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Condition

No drainage system for the infiltration of surface water drainage into the ground surface is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason

To protect Controlled Water receptors and ensure that the minimum requirements of the governments Planning Policy Framework are met.

National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Under the Code of Practice:

Excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the

Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to: the Definition of Waste: Development Industry Code of Practice on the CL:AIRE website and; The Environmental regulations page on GOV.UK.

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

Duty of Care Regulations 1991

Hazardous Waste (England and Wales) Regulations 2005

Environmental Permitting (England and Wales) Regulations 2010

The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information.

Pumping of groundwater for remediation at rates greater than 20 cubic metres per day will require either a temporary abstraction licence, where the duration of work is 28 days or less or a full abstraction licence where the works have a duration of greater than 28 days. A mobile plant deployment licence is required for groundwater treatment.

Pollution Prevention:

Construction phase - Developer must ensure that care is taken to prevent the run-off or spillage of soil and construction materials at all times.

Surface water run-off - the scheme will greatly increase volumes compared to largely green field existing site. Appropriate planting and landscaping could be employed to reduce the volume sent to the attenuation pond and retaining more capacity for heavy rainfall events. We understand that the Canal and River Trust have already been approached and have given volume limits for discharge to the Staffordshire & Worcestershire Canal. Monitoring will be required to ensure volume and quality of the discharge with the inclusion of a shut off valve to prevent pollution.

Fire Water - the plans include sprinkler systems with external storage. The stores and units need equivalent containment for fire water to prevent the escape of contaminated water in the event of a fire or rupture of storage.

Sewage - The plans indicate an intended link to mains foul sewers at Station Road and are in discussions with Severn Trent Water.

Car parking - The car parks are large and require appropriate interceptors and drainage.

Service yards/lorry parking - Ideally these should have sealed drainage to prevent accidental spillages polluting the watercourse.

Fuel/effluent storage - these need to be bunded and have an appropriate sealed drainage system in the surrounding area for fuelling/pumping activities.

Biodiversity:

There doesn't appear to be any water quality monitoring regime for the surface water discharge to the canal. It would be prudent to have some form of periodic check on discharge and a process for remedial action if discharge falls below a pre-determined parameter. This may have been discussed separately with CRT but there's no reference in the Flood Risk and Water Quality chapter.

A Landscape and Ecological Management Plan (LEMP) should be written to BS2020:2013 to implement the proposed mitigation measures and reduce residual effects. It is not entirely clear how the grassland mitigation, i.e. acid grassland translocation and semi-improved grassland will be accommodated within the Biodiversity Enhancement Area and across the site. (This may be clearer in Appendix A - not able to view). The LEMP and the CEMP should be made available for consultation before adoption.

Finally, in order for the Agency to monitor its effectiveness in influencing the determination of planning applications, a copy of the decision notice (including conditions) for this application would be appreciated.

Police (comments received 30.06.16):

I ask that South Staffs District Council consider my comments, which are site specific, and made in accordance with;

Section 17 of the 'Crime and Disorder Act 1998':

- *places a duty on each local authority: 'to exercise its various functions with due regard to the likely effect of the exercise of those*

functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

National Planning Policy Framework:

- *Paragraph 58*

'Planning policies and decisions should aim to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.'

- *Paragraph 69.*

This paragraph looks towards healthy and inclusive communities. The paragraph includes:-

"Planning policies and decisions, in turn, should aim to achieve places which promote:

Safe and accessible developments where crime and disorder, and the fear of crime, do not undermine quality of life and community cohesion"

The Human Rights Act Article & Protocol 1, Safer Places: The Planning System and Crime Prevention and PINS 953.

In order to prevent crime and reduce the fear of crime I recommend that this development attains Police Secured by Design (SBD) accreditation. There is no charge for my advice or for the Secured by Design award, and once awarded the Police SBD logo can be used on advertising material.

Research shows that adopting SBD can reduce burglary by 50%, car crime and criminal damage by 25%, therefore the carbon costs of replacing door-sets and windows on SBD developments as a result of criminal activity is more than 50% less than on non SBD developments, installing SBD approved products cost 0.2% of the total build cost.

All security equipment installed should be to the relevant British Standard and/or Loss Prevention Certification Board Standard. Installers should be certified to install such equipment.

Alarm System

An intruder alarm system should be installed compliant with BS EN 50131-1:1997 Grade 3, and BS 8418 within each building. The management of the system should be to ISO 9001:2000. A unique reference number for the installation will be required for a Police response.

CCTV Systems

Reference should be made to Graded Requirements under BS EN 62676 Standards for CCTV: Technical Guide for Installers and Specifiers (BSIA

Form 218) and BS EN 62676 Series: Guidance for customers about grading and other important matters (BSIA Form 217).

Both guides relate to the BS EN 62676 standards; themselves developed using Best Practice guidelines from a number of organisations including the BSIA, as well as the Government's Centre for Applied Science and Technology (CAST), while also incorporating ideas from British Standards. A full operational requirement should be written prior to installing a detector activated, monitored, recording CCTV system to monitor the site.

The following criteria must be met to ensure best use of it is made:

- The system must be registered with the Information Commissioner's Office.*
- The time and date displayed must be correct.*
- Check the cameras are covering vulnerable areas.*
- Ensure that the lighting supplies a constant level of light to enable the camera to "see".*
- A bench mark recording without recording people must be made to check subsequent images in the future.*
- Ensure the picture is clear enough to identify people.*
- Ensure that printed images are the same quality as those shown on the screen*

Further information on Secured by Design and accredited products can be found at www.securedbydesign.com

I trust the constructive observations I have made will be useful to the Planning Committee in considering the application. I would appreciate being informed as to the outcome of this application.

Should you wish to discuss any of the comments made please do not hesitate to contact me.

Staffordshire Fire and Rescue Service (comments received 09.06.16):

Proposed: Erection of 4no. industrial/distribution buildings (B1(c)/B2/B8) along with access and servicing arrangements, car parking, landscaping and associated works including attenuation ponds and biodiversity enhancement area. I refer to the planning application dated 9th June 2016 and the enclosed drawings numbered depicting the proposed development at the above address.

FIRE MAINS, HYDRANTS AND VEHICLE ACCESS

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16.

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).

AUTOMATIC WATER SUPPRESSION SYSTEMS (SPRINKLERS)

I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers.

Staffordshire Fire & Rescue Service (SFRS) would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems (AWSS) as part of a total fire protection package to:

- Protect life, in the home, in business or in your care.*
- Protect property, heritage, environment and our climate;*
- Help promote and sustain business continuity; and*
- Permit design freedoms and encourage innovative, inclusive and sustainable architecture.*
- Increase fire fighter safety*
- The use of AWSS can add significant protection to the structural protection of buildings from damage by fire.*

Without this provision, the Fire and Rescue Service may have some difficulty in preventing a complete loss of the building and its contents, should a fire develop beyond the stage where it cannot be dealt with by employees using first aid fire fighting equipment such as a portable fire extinguisher.

SFRS are fully committed to promoting Fire Protection Systems for both business and domestic premises. Support is offered to assist all in achieving a reduction of loss of life and the impact of fire on the wider community.

Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing financial implications for all stakeholders.

Further information can be found at www.bafsa.org.uk/ - the website of the British Automatic Fire Sprinklers Association Ltd.

If you require any further advice or assistance regarding the above please do not hesitate to contact me.

Environmental Protection Team (comments submitted 26.07.16)

I know I am very late with this application it taken me a long time to read through all the documents, if it's not too late I would appreciate it if you put the following conditions on:-

Contaminated Land:-

1. Implementation of Remediation Scheme

The remediation scheme as detailed in the report submitted with this application, must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

2. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 1.

These conditions are recommended in order to safeguard nearby residential occupiers from undue disturbance during development:

1. All works, including demolition, site works and construction shall only take place between the hours of 8.00 am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays.

2. Deliveries to the site shall only take place between the hours of 8.00am and 6.00pm Monday to Friday; 8.00am to 2.00pm Saturdays and not at all on Sundays or bank holidays. Delivery vehicles shall not park on the access highways to the site.

3. There should be no burning on site during development

4. All demolition materials shall be removed from site and properly disposed of.

5. Facilities shall be provided at the site and used when necessary for damping down to prevent excessive dust.

6. Road sweeping shall be carried out at regular intervals, both on the site and on the access highway to prevent excessive dust.

7. Any equipment which must be left running outside the allowed working hours shall be inaudible at the boundary of occupied residential dwellings.

Development and Waste Management Unit (comments submitted 26.06.16)

I refer to your consultation of 19 July 2016 and write to confirm the observations of the County Council, as Minerals and Waste Planning Authority

Background

The proposal would involve the construction of four new industrial or distribution buildings on an area of land, much of which has been previously developed, and adjoining Four Ashes industrial park. The development would also include a car parking, landscaping, an attenuation pond, and biodiversity enhancement.

Observations

The application site falls within a Mineral Consultation Area and a proposed Mineral Safeguarding Area for sand and gravel. The site is 125 metres from the boundary of a proposed allocated extension to Calf Heath Quarry (refer to policy 1.1 (g) of the emerging new Minerals Local Plan for Staffordshire (2015 - 2030)).

Paragraph 144 of the National Planning Policy Framework (NPPF), Policy 3 of the emerging new Minerals Local Plan for Staffordshire (2015 - 2030) Final Draft (currently subject to examination), and Policy 5, saved from the Staffordshire and Stoke-on-Trent Minerals Local Plan 1994 - 2006, all aim to protect mineral resources from sterilisation by other forms of development.

The principle of development of the application site is already established as the majority of the site is allocated for employment use (refer to the Inset Plan 15 to the Policies Map for the South Staffordshire Core Strategy). Therefore, the development would be exempt from the requirements of Policy 3 of the new Minerals Local Plan.

Conclusions

Having regard to the policies referred to above, it is reasonable to conclude that there is no grounds for further consideration of the effect of proposed development on underlying and adjacent mineral resources. Therefore, in accordance with the powers contained in the 'Scheme of Delegation to Officers', this letter confirms that Staffordshire County Council, acting as the Minerals and Waste Planning Authority, has NO

OBJECTION to the planning application for the erection of 4 No. Industrial/distribution buildings (b1(c)/b2/b8) along with access and servicing arrangements, car parking, landscaping and associated works including attenuation ponds and biodiversity enhancement area on land off Gravelly Way, Four Ashes, Staffordshire.

Finally, I wish to take this opportunity to remind you of the policy requirement (as detailed in Policy 1.2 of the Staffordshire and Stoke-on-Trent Joint Waste Local Plan, and as supported by paragraph 8 of the National Planning Policy for Waste) to make better use of waste associated with non-waste related development. In accordance with Policy 1.2, all 'major development' proposals (as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015, or any subsequent changes/revisions) should:

- i. Use / Address waste as a resource;*
- ii. Minimise waste as far as possible;*
- iii. Demonstrate the use of sustainable design and construction techniques, i.e.: resource-efficiency in terms of sourcing of materials, construction methods, and demolition;*
- iv. Enable the building to be easily decommissioned or reused for a new purpose; and enable the future recycling of the building fabric to be used for its constituent material;*
- v. Maximise on-site management of construction, demolition and excavation waste arising during construction;*
- vi. Make provision for waste collection to facilitate, where practicable, separated waste collection systems; and,*
- vii. Be supported by a site waste management plan.*

I trust that Staffordshire County Council's observations will be taken into account in reaching a decision on the application.

Network Rail (comments submitted 22.06.16)

Asset Protection and Staffs CC have already been in communication concerning this bridge. Bridge works has involved;

- Raise parapet height 1.8m and inclusion of steeple copings.*
- Reduce road width to single lane with traffic light control,*
- Installation of Vehicle Incursion barriers/fencing on approaches,*
- Retention of NR pedestrian access to railway located at bridge.*
- Carrying capacity – copy of NR Assessment report passed to Staffs CC (David Wymer).*
- transferred of bridge from NR ownership to Staffs CC ownership, Mike Whitby dealing with transfer.*

Natural England (comments received 01.07.16)

Summary

Natural England advises the Council to secure further information in order to safeguard a protected landscape and two designated sites. We offer

advice in relation to protected species and securing biodiversity enhancements as part of the development. Protected Areas - Cannock Chase Area of Outstanding Natural Beauty (AONB) – further information needed. The application site lies 4 Km from the nearest part of the Cannock Chase AONB.

We note that significant environmental effects in terms of impacts on landscape and visual amenity were screened out of the Environmental Impact Assessment (EIA) for this scheme. Natural England agrees that the effects of the development are unlikely to have a significant impact upon the purposes of the AONB but we would still expect careful consideration to be given to the mitigation of the scheme's effect on views out of the southern section of the AONB (Hatherton Hall Park and the Shoal Hill area). We therefore welcome the Design and Access Statement's commitment to the use of appropriate materials and sensitive landscape treatment¹. We acknowledge the application documents' reference to the role of Calf Heath Wood in helping to screen the proposed development from the AONB. However it is not clear from the submitted documents whether the existing woodland can satisfactorily offset impacts on visual amenity from the elevated ground of the AONB. In particular we would highlight the tendency for large, continuous spans of roofing to draw the eye owing to the reflection of light. Taking account of the scale of the development and the height of the proposed buildings we would advise that the Council either seeks further information or includes a suitable planning condition in order to ensure that the proposed scheme's roofing materials minimise impacts on visual amenity with particular regard to those views from the AONB. Lighting - Given the proposal's intended 24 hour operation similar considerations should apply to the final approved design and operation of lighting on the site.

Local plan policy EQ4, 'Protecting and enhancing the character and appearance of the landscape', CP4 'Promoting high quality design', EQ11 'Wider design considerations' Section 'c' (Form), EQ12 'Landscaping' all refer, while the Cannock Chase AONB management plan's Key Indicator I21 'Maintaining views from and into the AONB' provides further context.

Designated Sites - No objection – with conditions

This application site is in close proximity to the following Sites of Special Scientific Interest (SSSI):

- Four Ashes Pit SSSI - <1Km*
- Belvide Reservoir SSSI – 3.8Km*

The following information needs to be considered in relation to the proposed development:

Four Ashes Pit - This SSSI is notified for its geological interest and has most recently been assessed as being in favourable condition. However it is currently subject to a 'threat risk' rating of 'high' in respect of drainage (i.e. due to water levels on site). As a result, due to the proposal site's proximity to the SSSI it is crucial that the agreed surface water drainage strategy avoids contributing to any rise in water levels at the SSSI. The Council should therefore ensure that the proposed surface water management measures² are secured as part of any planning permission.

Belvide Reservoir - This SSSI is notified for Shoveler and breeding and wintering birds. The latest condition assessment was 'unfavourable-declining' due to reduced numbers of Shoveler over a 5 year monitoring period. As the SSSI lies directly adjacent to the A5 (3.8 KM west of the application site) we have considered the impact of the proposed scheme in terms of increased HGV traffic and adverse effects on air quality. Traffic emissions close to (within 200m³) of major roads can lead to increased nitrogen deposition and acidity with adverse effects on wildlife habitats e.g. dominance of vegetation communities by certain species leading to reduced species diversity.

In this case APIS⁴ indicates that there is 'No expected negative impact on species (i.e. Shoveler) due to impacts on the species' broad habitat'. We note that the proposed scheme would rely on HGV traffic using the most direct routes from the site to the M6 (Junction 12) and M54 (Junction 2), neither of which would involve journeys on the stretch of the A5 alongside this SSSI. We would welcome clarification on how use of these routes is proposed to be managed.

Taking account of the above information Natural England is satisfied that there is not likely to be an adverse effect on these sites as a result of the proposal being carried out in strict accordance with the details of the application as submitted and subject to our advice regarding condition material below. We therefore advise your authority that these SSSI do not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and Countryside Act 1981 (as amended), requiring your authority to re-consult Natural England.

Condition themes/issues

The Council should ensure that the agreed surface water drainage strategy achieves the stated objective regarding containment of the application site's surface water run-off within the site prior to discharge via an agreed location and to agreed relevant standards.

A condition addressing the above issue is required to ensure that the development, as submitted, will not impact upon the features of special interest for which Four Ashes Pit SSSI is notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and*
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.*

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity);*
- local landscape character; and*
- local or national biodiversity priority habitats and species.*

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (e.g. Staffordshire Eco Record local biological records centre, Staffordshire Wildlife Trust, and the relevant Staffordshire landscape characterisation reference documents) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published Standing Advice on protected species. The Standing Advice includes a decision checklist which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation. The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS)

that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at consultations@naturalengland.org.uk.

Biodiversity enhancements – Planning condition(s) needed

We welcome the retention of that section of Calf Heath Wood forming part of the applicant's land together with retention and enhancement of the biodiversity area identified in the south of the application site.

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats and the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF.

In order to achieve the enhancements suggested in the submitted documents we advise that the following issues and themes should be addressed by means of suitable planning condition/s:

1. The submission of design details for both the biodiversity enhancement area together with the development site's relationship with Calf Heath Wood.

2. Measures to ensure these areas are suitably managed (including long term funding and monitoring) should be secured.

Lighting – In order to retain the value of the existing Calf Heath Wood for dependent fauna it will be essential that that the approved lighting design and operation keep light pollution to a minimum. Similar comments apply in terms of the proposed biodiversity enhancement area including attenuation pond. The submitted 'External lighting statement' omits specific reference to ecological considerations.

3. A suitable planning condition is therefore needed to ensure the Council is satisfied that detailed lighting design and operation measures are submitted and are appropriate.

Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

Local Plans (comments submitted 25.06.16)

The proposal seeks permission for 4 industrial/distribution buildings falling under B1(c), B2 and B8 use classes. The proposal is being marketed as 'Bericote Four Ashes' and is on Previously Developed Land within the Four Ashes development boundary. The site has extant outline consent for B1/B8 development.

It is proposed that the site is accessed via Gravelly Way which links onto the A449.

Principles of Development

The proposed development is within the development boundary of the Four Ashes employment site, which is identified within the adopted Core Strategy as one of the districts four strategic employment sites. Core Policy 1 of the Core Strategy confirms that support will be given to the four strategic employment sites, and Policy EV1 stresses that existing employment sites falling under use classes B1/B2/B8 should be safeguarded for that use. It is also acknowledged that the land at Bericote Four Ashes was relied upon in the Council's supply of employment land set out in the 2013 Employment Land Study

Whilst the existing outline permission for the site is for B1/B8 development only, the addition of B2 is considered acceptable in principle as it is in-keeping with the rest of the Four Ashes employment area.

The site includes an attenuation pond and biodiversity enhancement area located outside the Four Ashes development boundary. However, an attenuation pond in the Green Belt is categorised as engineering and therefore is not inappropriate development in the Green Belt, as confirmed by paragraph 90 of the NPPF.

NPPF

The proposed development is clearly in a sustainable location for employment use, within the Four Ashes development boundary. It is therefore considered that the proposal conforms to the NPPF presumption in favour of sustainable development.

Economic Benefits

The applicants planning statement confirms that the site would see 105,419 sqm of floorspace creating 1,525 new jobs. The statement claims that the proposal represents an investment in excess of £120 million in the local economy. This proposal is therefore in accordance with Core Policy 7 which seeks to encourage opportunities for inward investment and further economic development of the district and a number of the

Economic Vibrancy Strategic Objectives contained within the Core Strategy.

Conclusion

The proposal is for 4 industrial/distribution buildings on an area of brownfield land within the Four Ashes development boundary. The proposal is in accordance with the spatial strategy for the district whereby Core Policy 1 gives support to the districts four strategic employment sites which includes Four Ashes, and as such, conforms to the NPPF presumption in favour of sustainable development. The proposal will bring significant economic benefits to the district and therefore, subject to appropriate design and access, it is Local Plans view that the proposal should be approved.

Regeneration Housing and Strategy (comments submitted 06.07.16)

The proposed application seeks to redevelop a brownfield site to provide a new employment development, comprising new industrial/distribution units (Class B1c/B2/B8) on an established employment site. There is strong tenant interest for the units and the application proposals are being advanced on this basis. The planning statement indicates that the following benefits:

- *The development will result in a significant investment within the Four Ashes area with an investment in excess of £120 million in the local economy*
- *Give rise to up to 1,525 direct new jobs*
- *GVA from new employment, assuming average GVA per head in manufacturing in the West Midlands - £77.1 million*
- *Wages of £38.4 million will be generated per annum, assuming the average annual earnings in manufacturing in the West Midlands*
- *1,240 of person years of construction employment will be created*
- *£48.6 million GVA associated with the additional construction employment*
- *Potential business rate uplift of £2.4 million (assuming the average rateable value of similar use nearby)*
- *In addition to the above, this development will also help raise awareness of South Staffordshire as a place to relocate and do business, which in turn will be an attraction for future Inward Investors.*

On this basis, the Regeneration Team support this application.

Arboriculture officer: no comments

Staffordshire Wildlife Trust: no comments received

National Grid: no comments received

CPRE: no comments received

Ramblers Association: no comments received

Engineering Services: no comments received

AMENDED INFORMATION SUBMITTED – FURTHER CONSULTATION COMMENTS

In light of original comments received additional highways and landscaping details along with a new hydrogeological model report have been submitted and relevant consultees consulted.

Highways England (comments submitted 14.07.16)

Additional information has addressed some of the previous Highways England comments. However, there are still some outstanding issues:

A449 Gravelly Way / Crateford Lane 'Without additional development' scenarios

A5 Gailey Roundabout 2015 base ARCADY assessments

Requirement for the assessment of M6 Junction 12

Committed development clarification regarding i54 development

For the reasons outlined above, it is recommended that the existing holding recommendation remain in place until the required information is provided and there is agreement with the applicant on improvements necessary to mitigate the traffic impact of the development on the SRN, in line with DfT Circular 02/2013. At the point agreement is reached Highways England shall write to the Local Planning Authority to confirm acceptance, together with details of any planning conditions required.

Highways England (further comments received 02/08/16)

Further to recent correspondence regarding the above planning consultation, I am pleased to say that outstanding matters have now been resolved. Accordingly, our previous Holding recommendation can now be lifted.

This response represents our formal recommendations with regard to the above referenced planning application and has been prepared by Letty Askew, on behalf of Highways England.

The application was received on 7 June 2016 and is for an employment site at Gravelly Way, Four Ashes.

Highways England's previous response to the application, dated 21 June 2016, recommended non-determination for 3 months; in order for various matters to be resolved. An extract from the previous response is reproduced below which sets out the previously identified issues:

`There are concerns in relation to the submitted TA which need to be addressed by the applicant

Proposed Development Traffic Turning Count data needs to be presented for M6 Junction 12 and M54 Junction 2. This is in order to provide a clear indication of development impact at these locations in order to determine whether further assessment is required at one or both of these locations. The TA states that 'following pre-application discussions with Staffordshire CC it was confirmed that there are no committed developments within the close vicinity that needed to be assessed with the exception of the extant permission. It is requested that written confirmation of this position be provided from Staffordshire County Council. The i54 development was previously requested to be included as a committed development and whilst it is accepted that some of this site has now been fully built out and occupied, clarification of the position should be provided within the TA. This is an important issue as iu54 generates significant traffic flows in the locality.

The traffic scenarios presented do not fully comply with DfT Circular 02/2013 as no development opening year scenarios have been provided. The development opening year scenarios form the basis for determining the need for and form of any mitigation works required on the Highways England Network. However, if the applicant does not wish to carry out an opening year assessment, then the basis for determining the

Highways England Planning Response (HEPR 16-01) January 2016

Need for and form of any mitigation works required on the SRN would be the future year assessment, as in addition to committed developments, this will also take into account local plan developments.

Clarification is required in relation to the modelled time periods for A5 Galley and A449 Gravelly Way junctions. This is because the trip generation forecast for the proposed development has been based on the time periods 0800-0900 and 1700-1800 respectively, whereas the junction capacity assessments have been undertaken using base traffic flows from 0745-0845 and 1630-1730 respectively. This issue requires

clarification as it is likely to have a bearing on the results of the analysis undertaken.

The TA does not refer to any validation of the year 2015 models for A5 Gailey roundabout. It is considered that the morning and evening peak hour base models do not fully represent the current operating conditions at this junction. Adjustments may need to be made to the base models to reflect the current conditions or further evidence provided to support the current models.

Further consideration is required regarding the mitigation scheme for the A5 Gailey roundabout as there appears to be some discrepancy between the scheme agreed as part of the consented 2007 application and what is now proposed. We note that previous planning conditions, directed by the former Highways Agency, allowed the progression of alternative mitigation, should this be equally or more effective. When the traffic analysis is agreed, it is recommended that a meeting is held between the applicant, Highways England and its representatives in order to resolve this issue.

At the A449/Gravelly Way junction, it is understood that the existing crossroads will be converted into a signalised junction with controlled pedestrian crossing facilities as per Hydrock Drawing number 255 revision P3. The drawing shows that there will be controlled pedestrian crossings on Crateford Lane, A449 North and Gravelly Way. The LINSIG model has not been configured to provide a staggered crossing on the Gravelly Way arm. This arrangement is not supported by the Hydrock drawing referenced above, which indicated the junction would operate as a single phase. The drawing should therefore be updated with a staggered crossing on the Gravelly Way arm to reflect the layout required to operate the LINSIG. In addition, the length of the flare on the A449 approach has been overestimated. The flare length has been specified at 9.2 PCU whereas on the plan it only appears to be approximately 7 PCU. It should also be noted that Highways England has an existing VISSIM microsimulation traffic model of this area which includes both the A5 Galley and the A449 Gravelly Way junctions, in addition to M54 Junction 2 and M6 Junction 12. Further details of this model can be provided on request, and the model can also be made available without charge for the purpose of development impact testing. It should however be noted that the model may require some degree of updating in order to represent the required traffic scenarios for this development proposal.'

The applicant has subsequently been in direct contact with Highways England in order to seek to resolve the outstanding matters.

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Traffic Turning Count data has been supplied to Highways England for M6 Junction 12 and M54 Junction 2 for consideration and therefore this matter is resolved.

The matter of the need to take into account the traffic flows associated with the unbuilt elements of the committed i54 development in appropriate scenarios has been resolved to Highways England's satisfaction.

Highways England previously noted that no development opening year assessments have been carried out, and this is the basis for determining the need for and form of any mitigation works required on the Highways England Network (in accordance with DfT Circular 02/2013). However, the applicant did not wish to carry out opening year assessments. At the applicant's request, the basis for determining the need for and form of any mitigation works on the SRN was based on the year 2026. This took into account committed and local plan developments. As this is a more onerous assessment than is required by DfT Circular 02/2013, it was accepted by Highways England as a suitable basis for assessment in this case given the stance of the applicant.

The matter of the identified discrepancies in the time periods modelled has been resolved. The applicant has demonstrated that the peak development traffic has been overlaid on the peak background traffic period in each case. This provides a robust assessment.

The applicant has satisfactorily validated the base year model for the A5 Gailey roundabout; and Highways England is content that the base year model is representative.

The traffic modelling carried out has been satisfactorily amended by the applicant to accurately reflect the scheme at A5 Gailey roundabout referred to in the extant consent.

The LINSIG model for the A449/Gravelly Way junction has been adjusted so that it corresponds with Hydrock drawing ref: 'Preliminary C14877 255 revision P3'. Highways England is content that the model now forms an accurate basis for assessment.

Accordingly, Highways England is satisfied that the traffic modelling undertaken forms a suitable basis to determine the need for and form of any mitigation works required on the Highways England network.

In order to protect the safety and free flow of traffic on the Strategic Road Network and to ensure that there are no severe impacts, based on the traffic modelling analysis carried out, it has been identified that the following works are required to be implemented prior to the first occupation of the development:

- Lane widening scheme to the A449/A5 Galley Roundabout as indicatively shown on drawing reference no 17735/100/05. This relates to the A449 northbound approach to the junction;
- The provision of a traffic signal control and pedestrian crossing facility for the junction of GravellyWay/Crateford Lane with the A449, as shown on the drawing ref: 'Preliminary C14877 255 revision P3'
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The applicant has accepted the need for the works identified above in order to mitigate the traffic impact of the development on the Strategic Road Network.

It was concluded that no significant traffic impacts occur at M6 Junction 12 and M54 Junction 2 as a result of the proposed development and accordingly no mitigation works are required at these locations. In view of the above, Highways England recommends the following conditions should the application be granted:

Condition

Prior to the commencement of development, a detailed scheme for the provision of a traffic signal control and pedestrian crossing facility for the junction of GravellyWay/Crateford Lane with the A449, as shown on the drawing ref: ` Preliminary C14877 255 revision P3', shall be submitted to and approved in writing by the Local Planning Authority (following consultation with Highways England). The approved detailed scheme for this junction shall thereafter be implemented prior to the first occupation of the proposed development and in accordance with phasing issues to be agreed by the Local Planning Authority (in consultation with Highways England) by means of entering into an Agreement under Section 278 of the Highways Act.

Reason

To ensure that the safety and free flow of traffic on the Strategic Road Network is not compromised.

Condition

Prior to commencement of the development, a Construction Management Plan is to be submitted and approved by the Local Planning Authority in consultation with Highways England, following which it is to be implemented as agreed throughout each construction phase period.

Reason

To ensure that the safety and free flow of traffic on the Strategic Road Network is not compromised during the construction phase of the development.

Environment Agency (updated comments submitted 27.07.16)

We have reviewed the revised Hydrock Report; "Bericote Properties Ltd. Conceptual Hydrogeological Model for site at Land off Gravelly Way, Four Ashes, Wolverhampton", Ref: R/14877/G007, dated July 2016 (Issue 2). This was revised following consultation with the Environment Agency.

We confirm that the revised screening criteria applied in this report conforms to recommended best practice and that the resulting list of contaminants of concern is acceptable. It is our understanding that the applicant's technical consultants will now consider these contaminants in more detail. This work will result in the production of revised detailed quantitative risk assessment (DQRA) and remediation strategy reports.

We have also reviewed the Hydrock Report; "Land off Gravelly Way, Four Ashes, Wolverhampton. Controlled Waters DQRA.", Ref: Hydrock Ref: R/14877/G008, dated June 2016 (Issue 1).

Whilst this report will change as a result of the comments above, it also contains findings of a further targeted phase of site investigation which is intended to further delineate areas of soil and groundwater contamination; this information remains valid. We confirm that in our opinion this additional site investigation information, along with previous phases of investigation is adequate to characterise site conditions at the site.

So, we are satisfied that conditions 1 and 2 and can confirm that the following conditions are no longer required.

1) A preliminary risk assessment which has identified: all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

These comments relate to the protection of Controlled Waters only. The comments are provided in good faith based on the information contained within the information reviewed.

Please refer to our previous correspondence dated 29 June 2016 our ref: UT/2016/115494/01-L01 regarding our remaining conditions and comments.

Canal and River Trust (updated comments submitted 18.07.16)

Further to my response on Friday 15th July I have received the attached amended landscaping plans from the applicants. These include cross sections of the landscaping and a commitment to provide a hedge screen and reinforce existing landscaping. The proposed hedge should be maintained at 2m high, as proposed, as this will provide screening to the proposed parking areas.

This additional/amended information clarifies that the applicant/ developer can adequately extend or strengthen the landscaping strip to provide a sufficient buffer / screen. Therefore, based on the attached plans and as per my original response the Trust have no objection to the proposed development, subject to the imposition of suitably worded conditions as follows and the provisions of the S106, in respect of landscape management and ecological mitigation, as required under permission reference 11/00133/REN.

- 1) Landscaping details*
- 2) Landscaping Management and Maintenance*
- 3) Construction and Environmental Management Plan*
- 4) Lighting Proposals.*
- 5) Drainage Proposals*

If the Council is minded to grant planning permission, it is requested that the following informatives are attached to the decision notice:

- 1) The applicant/developer is advised to contact Works Engineering Team (Des Harris -01827 252038) in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".*
- 2) The applicant / developer is advised to contact the Estates Team (Keith Johnston - 01827 252014) in order to ensure that any necessary licences / consents are obtained in relation to the access at Gravelly Way Bridge and that the works and access arrangements comply with current agreements.*

Other Representations

Over the course of the application approximately 68 objections have been received raising the following issues:

- Increased traffic on surrounding roads
- Road infrastructure cannot cope with 1500 HGVs
- No study has been prepared for traffic impact
- Noise
- Impact on Green Belt
- Will destroy Calf Heath Wood
- Impact on Wildlife

- Traffic Movements?
- There are better sites available
- No need for more warehouses
- Environmental Pollution
- No justification for a rail freight in this location
- Scale – buildings are too high
- Little consultation
- Materials have been delivered to the site, felting is being laid down to grass, when enquiring what this was for, the answer was, the creatures will go under there and we can remove them from sight.
- Bericote have expanded into Calf Heath Wood and Green Belt land
- South Staffordshire Council has agreed there is no further need for warehousing
- Only 13% of England is currently green belt
- Plenty of other brownfield sites
- West Midlands Interchange will impact further if this is approved
- How is this site shown permitted on WMI plans
- There is a link between the Bericote application and WMI
- Plenty of brownfield sites available
- Impact on landscape
- Market Town of Penkridge will be destroyed

Two site notices were displayed in total 27.06.16, these expired 18.07.16. A site notice was posted outside of the site entrance and adjacent an access off Gravelly Way.

An advertisement was published in Express and Star (expired 12.07.16).

APPRAISAL

Key Issues

- Principle of development
- Four Ashes Strategic Site
- Impact on Green Belt
- Highways
- Surface Water Drainage
- Biodiversity, Landscaping and Existing Tree Retention
- Impact on Canal Conservation Area.
- Design and Layout
- Phasing of the development
- Impact on residential amenity the surrounding area
- Potential economic benefits of the proposed development
- Sustainable Development
- Representations

- Section 106 Agreement

Principle of development

The proposed development is located within the development boundary of the Four Ashes employment site, which is identified within the adopted Core Strategy as one of the districts four strategic employment sites. Core Policy 1 of the Core Strategy confirms that support will be given to the four strategic employment sites, and Policy EV1 states that existing employment sites falling under use classes B1/B2/B8 should be safeguarded for that use. As a result of its allocation within the adopted Local Plan, the sites previous industrial use and planning history, the principle of a warehousing development on this site, is considered acceptable.

Four Ashes Strategic Site

The site boundary of Four Ashes was designated in the District Plan Number One as an employment site, which was adopted in September 1980. The area of this current application is within this 1980 Local Plan boundary. The site was reaffirmed as an employment site in the 1996 Local Plan, which refers to Four Ashes as a 'strategically important industrial location' in the District (para 4.45 /4.46). The Core Strategy was adopted in 2012, which too uses the term 'Strategic Employment Sites' when referring to 4 sites in South Staffordshire, which includes Four Ashes. Employment designations were discussed and subsequently agreed as part of the most recent Core Strategy Examination process, and is reflected again in the Core Strategy Policies Maps.

Policy EV1 sets out that sites which are used and/or allocated for industrial or commercial purposes (B1-B8) will be safeguarded for that use. The policy specifically provides protection for the employment use of the Site, stating:

"The strategic employment sites at i54, Hilton Cross, ROF Featherstone/Brinsford and Four Ashes shall be used for employment purposes that accord with their substantive planning permissions and their strategic planning and economic justifications".

Impact on Green Belt

The site falls within the Four Ashes Development Boundary. However the attenuation pond and biodiversity enhancement area situated eastwards are located outside the Four Ashes development boundary, within the Green Belt. An attenuation pond in the Green Belt is categorised as an engineering operation and therefore is not inappropriate development in the Green Belt, as confirmed by paragraph 90 of the NPPF.

Many neighbouring objections raise concerns regarding the principle of developing the site. However, this site was taken out of the Green Belt in 1980 (as mentioned above) and designated as an employment site. Also, in light of the sites planning history the principle of a warehousing development on this site has already been accepted. Comments from neighbours are further addressed in the representations section.

Highways

Policy EV12 seeks appropriate parking provision that is informed by the maximum parking standards in Appendix 5 of the Core Strategy. The proposed amount of employee parking is considered acceptable. Appendix 5 is for maximum standards only.

Access to the site will be directly from the existing service road on Gravelly Way from the (A449) Stafford Road.

The Transport Assessment submitted and has been assessed and despite original Highway England concerns it was concluded that no significant traffic impacts will occur at M6 Junction 12 and M54 Junction 2 as a result of the proposed development and accordingly no mitigation works are required at these location and recommends 2 conditions.

Alike the previous applications the site requires a financial contribution of £225k to address the potential impact on the highway which will go towards widening the north bound approach to Gailey Island. These commitments have been secured through a new S106 Agreement relate to the current application.

Drainage

A Flood Risk Assessment was submitted as part of the application. The report has determined that the site is generally at low risk of flooding from tidal, fluvial, groundwater, sewers and artificial sources. However there are small areas of the site, at low topography points, which are at a medium to high risk of surface water flooding. Severn Trent have reviewed the application and confirmed no objections to the proposals subject to the inclusion of a number of conditions that will require for drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

An attenuation pond will be constructed in the field to the south east of the site which will retain excess rainwater due to the outflow restriction set by the Canal and River Trust.

Policy EQ7 permits development that would not have a negative impact on water quality. No objections were raised by the County Flood Risk Team, Environment Agency or Severn Trent Water subject to conditions. Originally the Environment Agency stated no objections subject to 4

conditions however in light of additional information that was recently submitted comments have been updated and 2 conditions have been omitted.

Biodiversity, Landscaping and Existing Tree Retention.

Policy EQ1 states that permission will be granted for development that would not cause significant harm to the ecological value of sites, together with species that are protected or under threat. The NPPF seeks to minimise the impacts on biodiversity and provide net gains in biodiversity where possible.

Ecological surveys have been submitted as part of the application which has been assessed by the County Principal Ecologist. It was concluded that the proposal is unlikely to result in any significant adverse ecological impact and supports the proposed enhancement to the local landscape and wildlife however did state that non-intervention proposals for hedgerow are not appropriate. In light of these comments improvements to the landscape proposals have been made and new plans submitted. Conditions have been recommended by the Ecologist, therefore a Landscape & Environmental Mitigation and Management Plan condition will be imposed to address such matters prior to occupation.

Policy EQ4 and EQ12 states that the local distinctiveness of the landscape should be maintained and where possible enhanced; and that the landscaping of new development must be an integral part of the overall design. This viewpoint is echoed within the NPPF, which states that the planning system should contribute to and enhance the natural and local environment.

The site, and subsequent development, would be visible from the A449 and Vicarage Road, viewed across areas of the Green Belt. Given the level of existing development in the immediate vicinity of the site, and in particular the Four Ashes Industrial Estates, it would be unreasonable to suggest that the proposed development would have a greater adverse visual impact on the surrounding Green Belt than existing development. Additionally the proximity of Calf Heath Wood to the north-east, along with the retention and enhancement of trees within and adjacent to the site will form an effective screen.

Comments from representations have mentioned that trees in and around the site have been removed. With regards to their removal this was in accordance with existing planning permissions for site, none of which were protected by a tree preservation order. The trees were felled in 2012 under a felling license from the Forestry Commission. I am not sure that they were felled as part of any previous planning permissions but under a 2012 license from the forestry commission.

Impact on the Canal Conservation Area.

The Canal is allocated within the adopted Local Plan as a conservation area, however the development site is not itself located within the conservation area.

The Staffordshire and Worcestershire Canal Conservation Area runs adjacent to the south-western boundary of the development site. It is therefore important that the proposed development gives consideration to, and does not harm the character and appearance of, this Conservation Area.

It has been mentioned the existing depth and density of screening along the corridor could be improved. Subsequent to these comments additional landscape screening is proposed to reduce and improve the existing gaps. Bearing these improvements in mind it is considered there will be little detrimental visual impact upon the character and appearance of the Conservation Area.

Design and layout

Policy EQ11 seeks to ensure that all new developments are of the highest quality and they should take into account of local character and distinctiveness, and make a positive contribution to the streetscene. The design of the buildings are of modern appearance and has a large scale because of the functional nature of the business it is to serve. Different shades of cladding are to be used to visually 'break up' the large units and make them more palatable to the eye when looking along the elevations.

Policy EQ5 states that non-residential development over 1000sqm should be built to BREEAM 'Excellent' standards and incorporate low carbon energy generation systems. The proposed development incorporates a number of measures to reduce CO2 emissions by reducing energy demand and increasing energy efficiency; including enhanced thermal insulation and air tightness levels, high efficacy lighting throughout and high efficiency heating and cooling systems in each unit.

Policy EQ8 requires developments to make provision for recycling facilities and the storage and collection of waste. There is sufficient space around the site to accommodate recycling and refuse storage.

Economic Benefits

The application proposals will utilise a previously developed site that will represent an investment of in excess of £120 million in the local economy. In addition, up to 1,525 new jobs will be created. Furthermore an 'Employment & Training Statement' will be prepared with input from the

end occupiers before the units are brought into use. This statement will demonstrate how occupiers will undertake all reasonable endeavours to recruit and train residents of South Staffordshire and Wolverhampton for the first three years of occupation. This statement will ensure that local job opportunities are created by the proposed development. These are all tangible benefits which should be awarded significant weight in the determination of this application.

This proposal is in accordance with Core Policy 7 which seeks to encourage opportunities for inward investment and further economic development of the district and a number of the Economic Vibrancy Strategic Objectives contained within the Core Strategy.

Impact on neighbouring dwellings and the surrounding area
Policy EQ9 seeks to protect the amenity of nearby residents and Policy EQ10 states that the public will be protected from activities likely to be detrimental to public health.

When considering the distances of the neighbouring dwellings to the nearest warehouse buildings, there would be no material impact upon the amenity of these neighbours by way of loss of light, overbearing impact or privacy.

An Environmental Impact Assessment (EIA) was submitted as part of the application that explored many matters and included a noise and air quality assessment. The Council's Environmental Protection Team, the Environment Agency and the Secretary of State via the National Planning Unit have been consulted.

A Noise and Vibration Assessment was submitted with the application that concluded that no permanent significant impacts would occur as a result of the proposed construction and operation. In considering the NPPF test in section 123, points A & B, the proposed development is not expected to have an 'adverse impact' on health or quality of life. Similarly, with regard to NPPF (123) point B, it is considered that all 'adverse impacts on health and quality of life' (relating to noise) are mitigated by the use of the mitigation detailed in the report.

The development is situated in a CPRE Zone 5 area of tranquillity (Zone 1 being the least tranquil and Zone 10 being the most tranquil). The proposed development is considered to have a negligible effect on local access to areas of tranquillity.

Given the nature of construction work there is a likelihood that during certain periods of the day noise would be audible at residential receptors, in particular when highway works are being undertaken. However it

should be recognised that this would only be for a temporary nature that would come to an end once works are complete.

Traffic noise would be similar to existing background noise levels that regularly exceed 50dB during both the daytime and night time hours. Therefore it is considered that the overall effect will not be significant in EIA terms and the highest stated change in noise level will be of minor significance

Due to the distance between the site boundary and the closest residential receptors, no significant environmental effects in relation to vibration are anticipated.

In terms of impact upon air quality, the air quality assessment concluded that the development will have a negligible impact upon the air quality in the area and mitigation measures are proposed to deal with the potential impact of dust emissions during the construction phase.

In light of the above the Environmental Protection Team has raised no objections subject to a number of conditions. Having reviewed these recommended conditions I consider that some of these can be amalgamated into one condition 'construction management plan' condition i.e. remediation scheme. Remediation scheme is not covered by the CMP.

The Environmental Protection Team have recommended a limited hours of operation and delivery condition, however whilst I can see the reason for this I consider such restricted hours unreasonable. The limited hours proposed could negatively impact on the logistics for the potential end user and viability of the business proposed. It is important to emphasise that the site is not within a residential area; it lies adjacent the A449 and Four Ashes enterprise therefore it would be unreasonable to impose such.

Sustainable development

The proposed development is clearly in a sustainable location for employment use, within the Four Ashes development boundary. This is an established industrial site with excellent links to the strategic road network. It is therefore considered that the proposal conforms to the NPPF presumption in favour of sustainable development.

The proposal would contribute to the wellbeing of the District by creating job opportunities for residents. The applicant has willingly committed to a local employment condition as stated in the submitted planning statement.

Section 106 Agreement

Policy EQ13 sets out that contributions can be sought from developers where necessary to ensure the achievement of sustainable development. This includes matters for highway and infrastructure improvements, and the monitoring of Travel Plans.

Previous planning consents secured a contribution of £225k for highway works and the monitoring of a submitted travel plan. The contributions sought for this proposal would have primarily related to impact upon the highway network and whether any additional highway infrastructure would be required. The travel plan will be conditioned.

A Unilateral Undertaking (under Section 106 of the Town and Country Planning Act) has been submitted and signed to reflect the above.

In England, a planning obligation can only constitute a reason for granting planning permission, if the obligation is:

- Necessary to make the proposed development acceptable in planning terms.
- Directly related to the proposed development.
- Fairly and reasonably related in scale and kind to the proposed development.

(Regulation 122, CIL Regulations 2010 and Decision taking, paragraph 204, National Planning Policy Framework (NPPF).)

In relation to the planning obligations sought for, it is considered that the Highways Improvement Works and Travel Plan meet the legal tests required for the Local Planning Authority to request these to make the development acceptable in planning terms. The Travel Plan was not part of the S106.

Representations

Most of the comments received objecting to this application have been covered above, in the relevant key issue sections. Additional comments have been addressed below:

- There is a link between the Bircotes application and WMI

It is apparent from objectors that they think this site is part of a National Infrastructure Project for the West Midlands Rail freight Interchange that the Council and local residents have recently been informally consulted about. This application site was shown on the WMI plans for a point of locational context. The 'permitted' annotation was an indication that 3 units at this site have planning permission. The plan did not show the four units that are being proposed.

- More suitable sites are available

There is no policy requirement for a sequential test.

- No more warehouses are needed

In 2012 the Councils Employment Land Supply study considered demand up to 2030. When the study was commenced the Bericote site had outline planning permission and was therefore included in and relied upon in the Councils supply of developable employment land. Further to this the site, as mentioned previously has been designated for employment since 1980.

- Destroying Calf Heath Wood

The application red line site lies outside of Calf Heath and no removal of trees from the Wood are proposed within this application.

CONCLUSION

The proposal is for 4 industrial/distribution buildings on an area of brownfield land within the Four Ashes development boundary. The proposal is in accordance with the spatial strategy for the district whereby Core Policy 1 gives support to the districts four strategic employment sites which includes Four Ashes, and as such, conforms to the NPPF presumption in favour of sustainable development.

The proposal will bring significant economic benefits to the district that include the creation of up to 1,525 new jobs and an investment in excess of £120 million in Four Ashes. The benefits of the proposal are considered to make a positive contribution to the local community, and although being a large development in a semi-rural location, it would primarily benefit the district in particularly nearby villages and would be in keeping with the area particularly when considering the adjacent development.

The proposed development is clearly in a sustainable location for employment use, within the Four Ashes development boundary. It is therefore considered that the proposal conforms to the NPPF presumption in favour of sustainable development. The proposed access, via Gravelly Way, onto the A449 and onwards to the highway network, it is a suitable location for this type of development.

The design of the proposal is considered acceptable and would not have a detrimental impact upon the street scene. The impact upon neighbouring amenity and the amenity of the surrounding area has been assessed and considered acceptable. The overall principle of the redevelopment of the previously developed industrial site, adjacent to but outside the Green

Belt, is considered to be acceptable and is supported by previous and current planning policy.

The proposal is therefore recommended for **APPROVAL** subject to a Section 106 Agreement; complying with policies EV1, EQ1, EQ4, EQ5, EQ7, EQ8, EQ9, EQ10, EQ11, EQ12, EV12 and CP1 of the adopted Core Strategy and the National Planning Policy Framework.