



Appeal Decision

Site visit made on 1 November 2022

by Samuel Watson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2023

Appeal Ref: APP/B3438/W/22/3299330

Land at Blythe Park, Sandon Road, Cresswell, 397475 339108

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Elan Homes (Midlands) and Scentarea Ltd against the decision of Staffordshire Moorlands District Council.
 - The application Ref SMD/2021/0829, dated 13 December 2021, was refused by notice dated 12 April 2022.
 - The application sought planning permission for outline planning application with all matters reserved (save access) for creation of up to 168 residential dwellings (Use Class C3), up to 33,480 square metres of Use Class B1, B2 and B8 floorspace, ancillary uses to include community centre and a shop (Use Class A1), together with highway works, landscaping, public realm, car parking and other associated works without complying with a condition attached to planning permission Ref SMD/2018/0789, dated 27 July 2021.
 - The condition in dispute is No 5 which states that: The development hereby permitted shall not be carried out except in accordance with the principle details shown on the following submitted plans:-
 - 120314-04 Rev C – Suggested Roundabout Arrangement
 - 120314-06 Rev A – Cresswell Road Footway and Localised Highway Widening
 - 120314-08 Rev B – Suggested Roundabout Arrangement
 - 120314-09 – Swept Path Analysis Fire Tender – Emergency Access
 - A-L-0001 Rev A – Land Use Parameter Drawing
 - A-L-0003 Rev A – Access and Movement Parameter Drawing
 - No more than 168 dwellings shall be developed on the site.
 - The reasons given for the condition is: To ensure that the proposal is carried out in accordance with the approved plans, for clarity and the avoidance of doubt.
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Decision

1. The appeal is allowed and outlined planning permission is granted for the creation of up to 168 residential dwellings (Use Class C3), up to 33,480 square metres of Use Class B1, B2 and B8 floorspace, ancillary uses to include community centre and a shop (Use Class A1), together with highway works, landscaping, public realm, car parking and other associated works at Land at Blythe Park, Sandon Road, Cresswell, 397475 339108 in accordance with Ref SMD/2018/0789 without compliance with condition 5 as previously imposed on that permission, but subject to the conditions set out in the schedule below.

Preliminary Matters

2. Outline planning permission was granted under SMD/2014/0576 for the development described in the header above. All matters were, with the exception of the access, reserved for later consideration. As part of this

permission, details of alterations to the junctions between Uttoxeter Road and Cresswell Lane, and between Sandon Road and the appeal site were agreed; roundabouts would be used at both locations.

3. A variation of conditions was subsequently submitted and granted under reference SMD/2018/0789 and this appeal seeks to vary the condition associated with this permission.

Main Issues

4. The main issues are the effect of the proposal on:
 - Highway safety; and,
 - The living conditions of neighbouring occupiers with regard to noise and pollution.

Reasons

Highway Safety

5. The access for the appeal site is shown as being off Sandon Road, which becomes Cresswell Lane before meeting Uttoxeter Road. The proposal before me relates to the junctions at the site access and at Uttoxeter Road. As noted above, the existing permission grants roundabouts at both locations. The proposal before me would replace these with a T-junction to access the site and a traffic-lighted junction between Cresswell Lane and Uttoxeter Road. Although my site visit can afford only a snapshot in time, I noted that both roads were relatively fast and served by a regular flow of vehicles. There are residential dwellings near both of the junction locations.
6. I am mindful that development near the site may have taken place following the original permission being granted and that extant permissions may also be present. I am also mindful that the traffic data before me does not extend beyond 2024. However, I have not been provided with any substantive evidence to demonstrate that the predicted traffic levels would be significantly different to that found under the 2014 assessment. Specifically, I note that the Council's appeal statement highlights that predicted traffic levels have not varied significantly. To this extent I find that, although the traffic data provided by the appellant does not extend beyond 2024, as the differences found by the Council are so minimal, this is not unacceptable.
7. It is clear from the evidence before me that either types of junction, T-junction or roundabout, would result in some highway risks. However, the level of risk associated with the proposal would be very similar to that of the approved roundabouts. In particular, while I note the Council's concerns, no substantive evidence has been submitted to demonstrate that T-junctions are any less safe than roundabouts. I also find that a lack of similar junctions within the surrounding area does not necessarily mean that traffic-lighted junctions would be unsafe or that they should be resisted. I therefore find that the alterations to the approved junctions would not unacceptably harm the flow or safety of the highway. In reaching this decision I note that the Highway Authority have found similarly in this regard.

8. The appellant has provided a Road Safety Audit as part of their appeal submissions. Whilst this audit highlights a small number of issues relating to the fine detail of the proposal these are matters for the adoption of the junctions by the Council.
9. In conclusion, the proposal would not result in an unacceptable impact on highway safety as a result of the alterations to the junctions on Sandon Road and between Cresswell Lane and Uttoxeter Road. The proposed changes to the scheme would therefore comply with Policies DC1 and T1 of the Staffordshire Moorlands Local Plan (the LP) which collectively, and amongst other matters, require that developments can be accommodated satisfactorily by the highway network and that it is well integrated for motor vehicles, pedestrians and other sustainable transport options and, where necessary, contribute to junction improvements. The proposal would also comply with the matters of highway safety as set out within the National Planning Policy Framework (the Framework), in particular, Paragraph 111 which only seeks to prevent development where there would be an unacceptable impact on highway safety, or a severe cumulative impact on the road network.

Living Conditions

10. As noted above, there are a number of dwellings near both junctions. Given their close proximity to the highway it is likely that their occupiers experience a level of light, noise and air pollution from road users. As there is an extant permission for residential development at the site, I find that some increase in disturbance related to highway movements is already to be expected. The proposal before me would not include any development that would increase the number of movements associated with the appeal site, beyond that already permitted.
11. During the hours of darkness, the junction at Uttoxeter Road would already be illuminated by streetlights and by the lights of motor vehicles. In this context, I find that the proposed traffic lights would not significantly or unacceptably increase the level of illumination. As the proposed access junction serving the appeal site would not be served by traffic lights, I find that this would also not result in an unacceptable level of illumination. Although there may be some changes to the way in which vehicles use the junctions over that already permitted, I find that this would be very limited. Consequently, I find that the likely increase in light associated with the proposal would not be detrimental to the living conditions of the neighbouring occupiers.
12. The highway network around the two junctions is already busy and it has not been demonstrated that traffic levels would be significantly increased. The way in which vehicles use the highway would be somewhat altered from existing, but from the information before me, I find that there would be limited changes from the extant permission. In particular, the traffic data provided suggests that vehicular wait times at the junctions would be comparable. Mindful of this, the statement from Sharps Acoustics and the Air Quality Assessment from BWB, I find that there would be a negligible impact on noise and air pollution as a result of the development. I therefore find that in this way the living conditions of neighbouring occupiers would not be unacceptably affected as a result of the proposed junctions.

13. The proposal would result in the dwellings adjacent to the Uttoxeter Road junction being served by a service road that links on to Church Lane whilst the dwellings opposite the site access junction would have access directly on to the junction, similar to the extant permission. No substantive evidence has been submitted to demonstrate that either layout would result in access to the dwellings being harder or less safe for occupiers. Moreover, I find that the layout of the vehicular accesses serving both proposed junctions are fairly typical for larger roads in residential areas. Although I am mindful that the proposal would result in neighbouring occupiers needed to change the way in which they access their dwelling while using a motor vehicle, a change would already have occurred under the extant permission.
14. In light of the above, the changes to the permitted layout of the two junctions would not result in an unacceptable impact on the living conditions of neighbouring occupiers from pollution, or with the ability to access their dwellings. The proposal would therefore comply with LP Policy DC1 which, amongst other matters, seeks to protect the amenity of the area with particular reference to noise, odour and light pollution. It would also comply with Paragraph 130 of the Framework which seeks to create places with a high standard of amenity for existing and future users.

Other Matters

15. A signed Section 106 has been submitted which sets out variations to the original obligation agreed in connection with Permission SMD/2014/0576 and subsequently varied. Paragraph 57 of the Framework sets out the following tests for planning obligations: they are necessary to make the development acceptable in planning terms; they are directly related to the development and; they are fairly and reasonably related in scale and kind to the development. I am content that the variation of the original agreement complies with the tests.
16. Although I note that the previous scheme was that which the appellant sought consultation on with local residents. It is clear that further, statutory, consultations were carried out as part of the planning application for this scheme. Consequently, although different to that previously permitted, I do not find that any interested parties would have been prejudiced as a result of the scheme differing from that originally applied for.

Conditions

17. As I have concluded that the proposed variation of Condition 5 would not result in any harm to highway safety or the living conditions of neighbouring occupiers, I have varied the condition by replacing plans as set out in the schedule of conditions below.
18. The guidance in the Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no information before me to demonstrate that the other conditions should not be reimposed, I shall impose all those that I consider remain relevant. In the event that some have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

19. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

Samuel Watson

INSPECTOR

Schedule of Conditions

1. No phase of the development (as approved under Condition 07) except for works of site clearance and demolition hereby permitted shall be commenced until full details of the layout, scale, appearance and landscaping (hereinafter called "the reserved matters") for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.
2. Application for approval of the first reserved matters (as identified in condition 01) shall be made to the Local Planning Authority no later than the expiration of 4 years from the date of permission ref. SMD/2014/0576 and all remaining applications for reserved matters approval shall be made within the period of 6 years beginning on the date of permission ref. SMD/2014/0576.
3. Each phase of the development hereby permitted shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved for that phase.
4. The development hereby permitted shall not be carried out except in accordance with the principle details shown on the following submitted plans:-
 - IPD-21-555-114
 - IPD-21-555-150
 - IPD-21-555-151
 - A-004-APP-0001 RevA
 - A-004-APP-0003 RevANo more than 168 dwellings shall be developed on the site
5. The total gross floorspace of the non-residential elements of the development as defined by the Town and Country Planning (Use Classes) Order 2015 (as amended) hereby permitted shall be limited as follows:-
 - Employment Units (B1b,c / B2/ B8): up to 33,480 sq m
 - Shop (A1) up to 250 sq m
 - Community Facility (D1) up to 300 sq mThe development shall be carried out in accordance with the approved details.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, the use of any part of the site for offices falling within Class B1(a) of the Town and Country Planning Use Classes Order 2015 (or any subsequent amendment) shall be limited to that which is ancillary to (and comprised within the specified floorspace for) any other uses fallings within Classes B1(b,c), B2 or B8 of the Town and Country Planning (Use Classes) Order 2015 hereby permitted.
7. No development, with the exception of site clearance and demolition shall commence until there has been submitted to and approved in writing by the Local Planning Authority a Phasing Programme. The Programme shall provide details of the phasing of the development including the extent and composition of the phases and the overall likely programme for the development including how the residential development will be delivered in conjunction with the commercial development. The development shall only be carried out in accordance with the approved Programme and any reference made to a phase shall be to a phase approved pursuant to the Phasing Programme unless explicitly stated to the contrary.
8. The Phasing Programme approved pursuant to Condition 07 may be amended from time to time with the written approval of the Local Planning Authority. If the Local Planning Authority considers that such an amended Programme will result in a change to the development such that it may have significant adverse effects on the environment for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the Regulations), then the amended Programme shall be accompanied by an appropriate Environmental Statement and the application for the amended Programme shall be determined in accordance with the requirements of the Regulations.
9. There shall be maintained at all times a Masterplan for the whole of the development site which shall be submitted to and approved in writing by the Local Planning Authority at the time of submission of the first application for approval of reserved matters. Such Masterplan shall:
 - show connections through the site and onto the public highway for pedestrians and cyclists,
 - show residential street layout and character, and,
 - be in general accordance with the Design and Access Statement submitted with this application. The Masterplan may be updated from time to time with the written agreement of the Local Planning Authority. Each application for approval of reserved matters shall be in accordance with the Masterplan (as approved at the time).
10. No phase of development hereby permitted shall be commenced until full details of the following have been submitted to and approved in writing by the Local Planning Authority for that phase:
 - layout of site including disposition of buildings and provision of parking, turning and servicing within the site curtilage;
 - means of surface water drainage from all areas intended to remain in private ownership, and,

- full road construction including longitudinal sections and a satisfactory means of draining roads to an acceptable drainage outfall. The relevant phase shall thereafter be implemented in accordance with the approved details and be completed in respect of each phase prior to its first occupation.
11. The development hereby permitted shall not be commenced until details of the access arrangements indicated on drawing no. IPD-21-555-151. (including alterations to the existing access and provision of bus stops) have been submitted to and approved in writing by the Local Planning Authority. These shall incorporate further two-dimensional and three dimensional revisions as recommended by subsequent Safety Audits. These access arrangements shall be constructed in accordance with the approved plans prior to first occupation of any part of the development with the exception of Phase 1b as identified on drawing plan reference A-082-P-01 Rev D 'The Greenhouse People Unit Site Plan'.
12. The development hereby permitted shall not be commenced until details of the off site highway works at the junction of Cresswell Lane and Uttoxeter Road indicated on drawing no. IPD-21-555-150 and footway works indicated on drawing no. 120314-06 rev A have been submitted to and approved in writing by the Local Planning Authority which shall incorporate further two-dimensional and three dimensional revisions as recommended by subsequent Safety Audits. These off site highway works shall be constructed in accordance with the approved plans prior to first occupation of any part of development, with the exception of Phase 1b as identified on drawing plan reference A-082-P-01 Rev D 'The Greenhouse People Unit Site Plan'.
13. The development hereby permitted shall not be commenced until an off-site traffic management scheme comprising a signage scheme detailing the permitted routeing for HGV traffic accessing and leaving Blythe Business Park shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management scheme shall thereafter be implemented prior to first use of the commercial development in accordance with the approved plans and maintained throughout the life of the development.
14. The development hereby permitted shall not be commenced until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority detailing the management and routeing of demolition / construction traffic (ensuring such traffic travels in a northerly direction to and from the site), traffic management measures, delivery and construction traffic (including workers) arrival times, internal compound arrangements and wheel washing facilities. The approved Construction Traffic Management plan shall be implemented on the commencement of construction and thereafter shall be adhered to for the full period of construction unless otherwise agreed in writing by the Local Planning Authority.
15. Prior to the commencement of any development on the site, a detailed hydraulic model of the River Blithe and the ordinary watercourse crossing the site shall be

submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall be implemented in accordance with the approved details.

16. No phase of the development hereby permitted shall be commenced until comprehensive details of permanent foul drainage proposals for that phase of the site have been submitted to and approved in writing by the Local Planning Authority. No dwelling or building comprising the development hereby permitted shall be occupied in any phase until the foul drainage scheme for that phase has been implemented in accordance with the approved details.
17. The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) reference JL30799_NHY-RP-001 Rev B produced by Jacobs dated August 2014 and the following mitigation measures detailed within the FRA:
- Limiting surface water run-off generated by all storm events up to and including the 1 in 100 year plus climate change critical storm so that it will not exceed run-off from the undeveloped site and not increase the risk of flooding off-site,
 - Finished floor levels of the proposed residential units shall be set no lower than 650mm above the 1 in 100 year plus climate change flood level, and,
 - Provision of compensatory flood storage if required.
18. No phase of the development hereby permitted, including works of demolition, until a scheme for detailed surface water drainage works on the site, including the timescales for the implementation of such works (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development) for that phase has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall include:-
- Demonstrate that the surface water drainage system(s) are designed in accordance with CIRIA C697 and C687 (or any subsequent amendment) and with non-statutory technical standards for sustainable drainage systems when the detailed design of the surface water drainage system is undertaken;
 - Limit the discharge rate generated by all rainfall events up to and including the 100 year plus 30% (allowance for climate change) critical rain storm to ideally the Greenfield runoff rates for the site. As a minimum, the developed site must not exceed the run-off from the undeveloped site and must not increase the risk of flooding off-site;
 - Demonstrate the provisions of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments';
 - Demonstrate detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details of any attenuation system, and outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30

year, 1 in 100 year and 1 in 100 year plus climate change return periods, and,

- Confirm how the on-site surface water drainage systems will be adopted and maintained in perpetuity to ensure long term operation at the designed parameters.

The scheme shall also include:-

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

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

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

- A survey of the extent, scale and nature of any contamination;
- An assessment of the potential risks to:
 - i. Human health;
 - ii. Property (existing or proposed) including buildings, crops, livestock, pets, woodland, service lines and pipes;
 - iii. Adjoining land;
 - iv. Ground and surface waters;
 - v. Ecological systems; and,
 - vi. Archaeological sites and ancient monuments.
- An appraisal of remedial options, and proposal of the preferred option(s).

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

- A summary of the results of the site investigation and the detailed risk assessment and options appraisal referred to in Condition 19,
- A remediation strategy giving full details of all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures, and,

- A verification plan providing details of the data to be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The strategy must ensure that the application site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The remediation strategy shall be fully implemented as approved and subsequently maintained in accordance with the timing arrangements embodied within the approved strategy.

21. No occupation of any phase of the development hereby permitted shall take place until a verification report demonstrating completion of works as set out in the approved remediation strategy and the effectiveness of the remediation for that phase has been submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan comprising the approved Remediation Strategy. The long-term monitoring and maintenance plan shall be implemented as approved for each phase of development.
22. In the event that contamination is found at any time when carrying out the approved development which was not previously identified, the location and extent of the contamination shall immediately be reported to the Local Planning Authority. No further development of the area of the site in which the contamination is found shall be carried out, unless otherwise agreed in writing by the Local Planning Authority, until an investigation and risk assessment has been undertaken in accordance with the requirements of Condition 19 and where remediation is necessary, a remediation scheme has been prepared in accordance with the requirements of Condition 20 above. These shall be submitted to and approved in writing by the Local Planning Authority prior to development recommencing, unless otherwise agreed in writing by the Local Planning Authority. The remediation scheme shall be implemented as approved and following the completion of measures as identified in the approved remediation scheme and prior to bringing the remainder of the development into first use, a verification report demonstrating the effectiveness of the remediation shall be prepared in accordance with the requirements of Condition 21 above.
23. No soil shall be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development. A suitable methodology for testing this material shall be submitted to and agreed in writing by the Local Planning Authority prior to any soils being imported onto the application site. The methodology shall include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The

analysis shall thereafter be carried out and validity evidence submitted to and approved in writing by the Local Planning Authority prior to its importation.

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

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

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

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

26. No phase of the residential development hereby permitted (except for works of site clearance and demolition) shall commence until a site specific noise

assessment and scheme for protecting the proposed residential units for that phase of the site from external noise has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall have due regard for the British Standard 8233:2014 (Sound insulation and noise reduction for buildings) and be designed to achieve noise levels of less than 35 dB LAeq in bedrooms, less than 40 dBLAeq in living areas and less than 55 dB LAeq in outdoor living areas. Pre-completion tests shall be carried out to verify compliance with the requirement of this condition and evidence of compliance shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling. A report shall be produced containing all raw data showing how calculations have been made. No dwelling within that phase hereby permitted shall be first occupied until the noise mitigation works have been completed in accordance with the approved details.

- 27.Noise associated with plant or equipment ("machinery") installed or operated at the non-residential floorspace hereby approved shall not increase the background noise levels expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] (night time 23:00-07:00 hours) at any residential dwelling above that prevailing when the machinery is not operating. Noise measurements undertaken to demonstrate compliance with this condition shall be pursuant to BS 4142:2014. If any machinery requires mitigation in order to comply with this condition, the measures shall first be submitted to and approved in writing by the Local Planning Authority and the relevant machinery shall not be used unless and until the mitigation measures have been implemented in accordance with the approved details.
- 28.The design and construction criteria for development of the buildings / premises falling within use class B1, B2 and B8 shall have regard to British Standard BS8233: 2014 Sound insulation and noise reduction for buildings (Guidance Document). The design criteria shall achieve sufficient noise reduction to ensure that the noise from the activities generated inside the fabric of the buildings / premises falling within use class B1, B2, or B8 shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:1997.
- 29.The number of HGV vehicle movements into and from the Industrial Area (as identified as 'Employment Use' on parameter plan reference A-L-0001 Rev A) shall be limited to 16 movements between the hours of 22:00 and 06:00. Records to prove compliance shall be maintained and submitted to in writing to the Local Planning Authority upon request. All records should be retained for at least 12 months.
- 30.No overnight parking shall be allowed on the access road between the hours of 18:00 and 06:00. Unless and until the access road is dedicated to the public as a right of way.

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

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

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

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

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

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

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

- Details of the favourable conservation objectives;
- Detailed prescriptions to meet objectives for creating and managing retained and created habitats;
- Design and location of bird boxes, planting and landscaping scheme (including hedge planting species composition) to benefit biodiversity;
- Provision of green roof for a proportion of the industrial units;

- Provision of bat roosting, swift nesting and house sparrow nesting opportunities in the industrial units;
- Provision of swift nesting and house sparrow nest boxes in residential units;
- Details of baseline and periodic monitoring to ensure habitats are managed to achieve favourable conservation status as defined by the management plan objectives;
- Inclusion of a riparian buffer strip along the stream;
- In channel stream management as appropriate, and,
- Is fully referenced to justify management advocated.

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

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

35.No phase of development hereby approved shall be commenced until details of a Construction Ecology Management Plan (CEMP) setting out the measures to protect retained features through appropriate fencing and site best practice to avoid pollution from run-off in or adjacent to that phase(s) has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 36.No phase of development hereby approved shall be commenced until details of a lighting scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The design and location of lighting shall not impact on foraging or commuting bats and shall minimise disturbance to other wildlife avoiding retained and enhanced habitat areas. The scheme shall be implemented for the relevant phase in accordance with the approved details.
- 37.Prior to any commencement of development on site, an updated badger survey shall be carried out to check for the presence of any newly dug setts, which shall be submitted to and approved in writing by the Local Planning Authority. If a new sett is discovered during this updated survey or if construction activities extend within 30.0m of a known sett, a mitigation strategy shall be required. The mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority before any commencement of development. Any such mitigation strategy shall be implemented in accordance with the approved details and timescales.
- 38.No phase of the development hereby permitted shall commence (except for works of site clearance and demolition) until a detailed Arboricultural Method Statement to include a scheme for the retention and protection of trees and hedges on or adjacent to that phase of the site has been submitted to and approved in writing by the Local Planning Authority. Development of that phase shall be carried out in accordance with the approved Statement and protection scheme, and in particular:-
- No trees or hedgerows shall be cut down, uprooted or destroyed, cut back in any way or removed without the written approval of the Local Planning Authority;
 - If any tree, shrub or hedge plant is removed without such approval, or dies or becomes severely damaged or diseased within 5 years from completion of the development hereby permitted, it shall be replaced by another tree, shrub or hedge plant of similar size and species, planted at such time as may be specified in writing by the Local Planning Authority;
 - No operations shall commence on the relevant phase (including soil moving, temporary access construction and / or widening or any operation involving the use of motorised vehicles or construction machinery) unless the protection works required by the submitted/approved protection scheme are in place;
 - No excavation for services, no storage of materials or machinery, no parking of vehicles, no deposit or excavation of soil or rubble, no lighting of fires and no disposal of liquids shall take place on the phase within any area designated as being fenced off or otherwise protected in the approved protection scheme, and,
 - All protective fencing erected in accordance with the approved scheme shall be retained intact for the full duration of the construction of the development hereby permitted and shall not be moved or repositioned, without the prior written approval of the Local Planning Authority.
- 39.The development hereby permitted shall not be commenced until details of the emergency access indicated on drawing no. IPD-21-555-114. have been

submitted to and approved in writing by the Local Planning Authority in consultation with Network Rail, which shall incorporate further two-dimensional and three dimensional revisions as recommended by subsequent Safety Audits. The emergency access shall be constructed prior to first occupation of any part of the development in accordance with the approved plans with the exception of Phase 1b as identified on drawing plan reference A-082-P-01 Rev D 'The Greenhouse People Unit Site Plan'.