

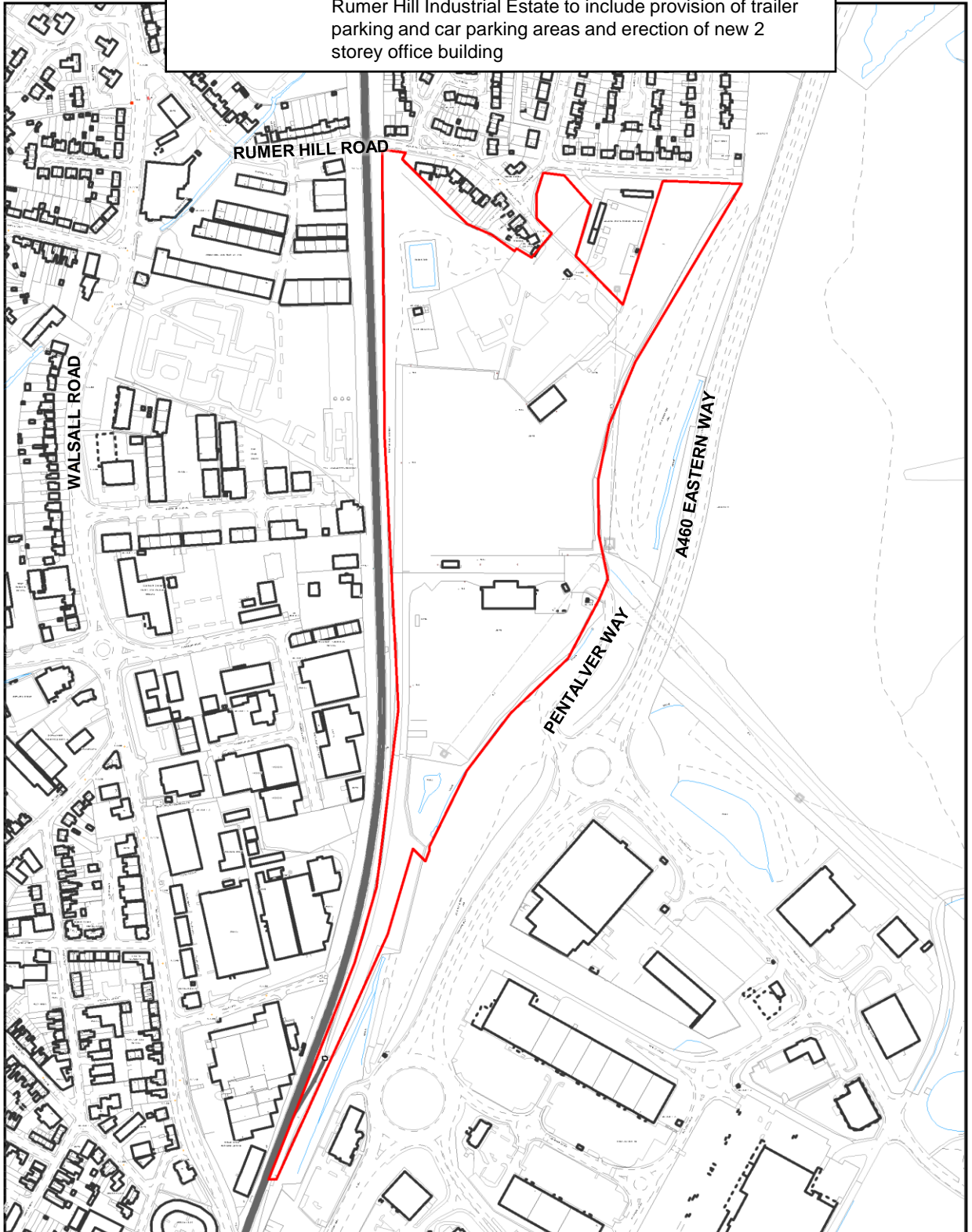


**Application No:** CH/19/280

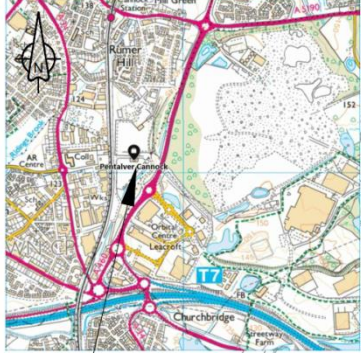
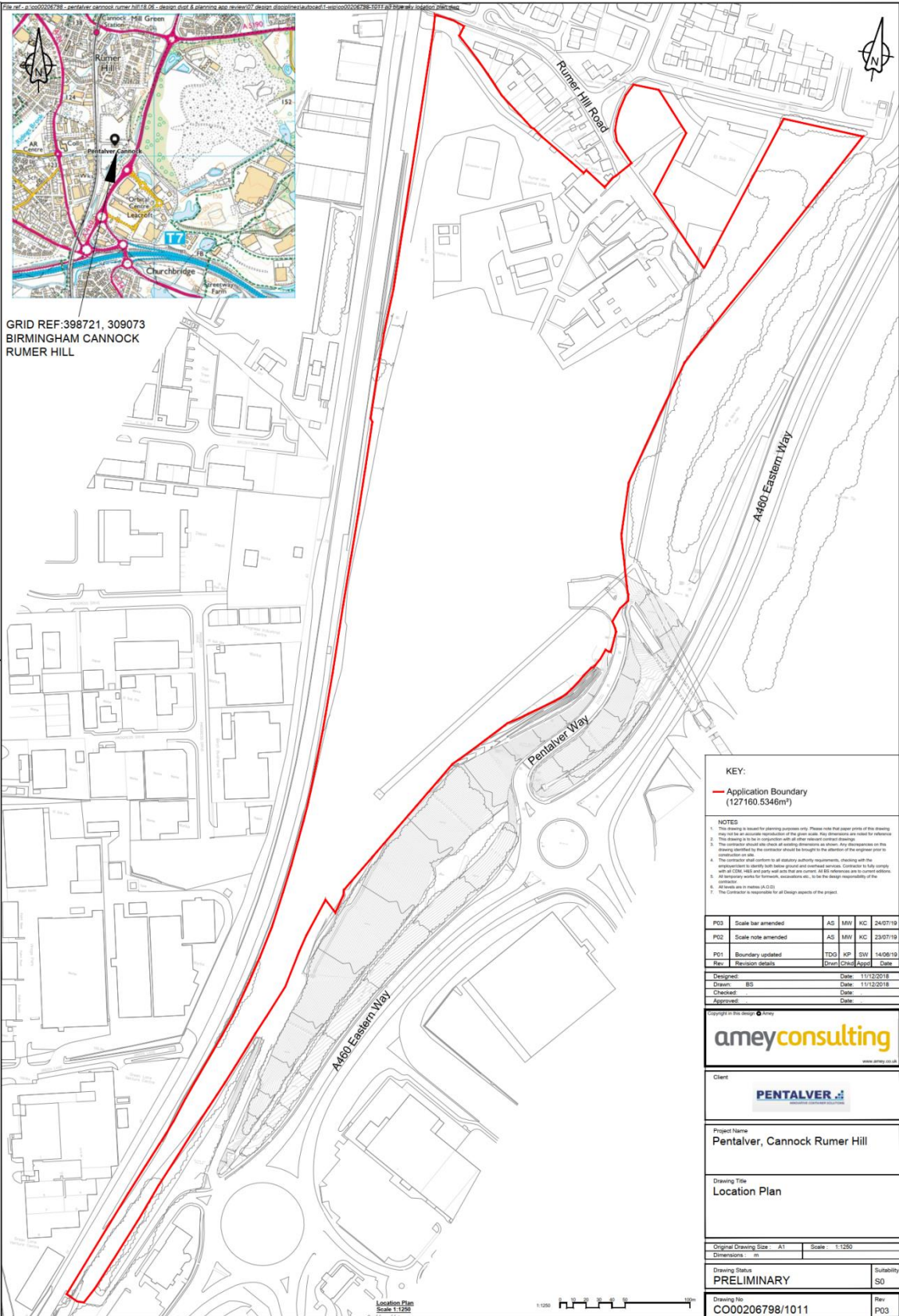
**Location:** Pentalver, Pentalver Way, Cannock, WS11 8XY

**Proposal:** Installation railhead to comprise 5 line rail siding with two gantry cranes and alterations to existing site layout to convert existing depot to a multi-modal container handling facility. Expansion of depot site onto adjoining former Rumer Hill Industrial Estate to include provision of trailer parking and car parking areas and erection of new 2 storey office building

Item no. 6.1



# Location Plan



GRID REF: 398721, 309073  
 BIRMINGHAM CANNOCK  
 RUMER HILL

**KEY:**

— Application Boundary  
 (127 160.5346m<sup>2</sup>)

**NOTES:**

- This drawing is issued for planning consent only. Please note that paper prints of this drawing may not be an accurate reproduction of the plan scale. No dimensions are noted for reference.
- This drawing is to be in compliance with all other relevant contract drawings.
- The contractor should take care of existing structures to show. Any alterations to the existing structure by the contractor should be shown in the position of the contractor's contribution on site.
- The contractor must confirm to all statutory authority requirements, checking with the appropriate authority to identify both below ground and overhead services. Contractor to fully comply with all CDM, HSE and safety rules and that are current. All HSE references are to current editions.
- All temporary works for formwork, excavations etc., to be the design responsibility of the contractor as per BS 5975.
- The Contractor is responsible for all design aspects of the project.

|           |                    |       |            |       |          |
|-----------|--------------------|-------|------------|-------|----------|
| PO3       | Scale bar amended  | AS    | MW         | KC    | 24/07/19 |
| PO2       | Scale note amended | AS    | MW         | KC    | 23/07/19 |
| PO1       | Boundary updated   | TDG   | XP         | SW    | 14/06/19 |
| Rev       | Revision details   | Drawn | Checked    | Scale |          |
| Designed: | BS                 | Date: | 11/12/2018 |       |          |
| Checked:  | BS                 | Date: | 11/12/2018 |       |          |
| Approved: |                    | Date: |            |       |          |

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www.amey.co.uk

Client:  
**PENTALVER**  
CONSTRUCTION SERVICES

Project Name:  
**Pentalver, Cannock Rumer Hill**

Drawing Title:  
**Location Plan**

Original Drawing Size: A1    Scale: 1:1250

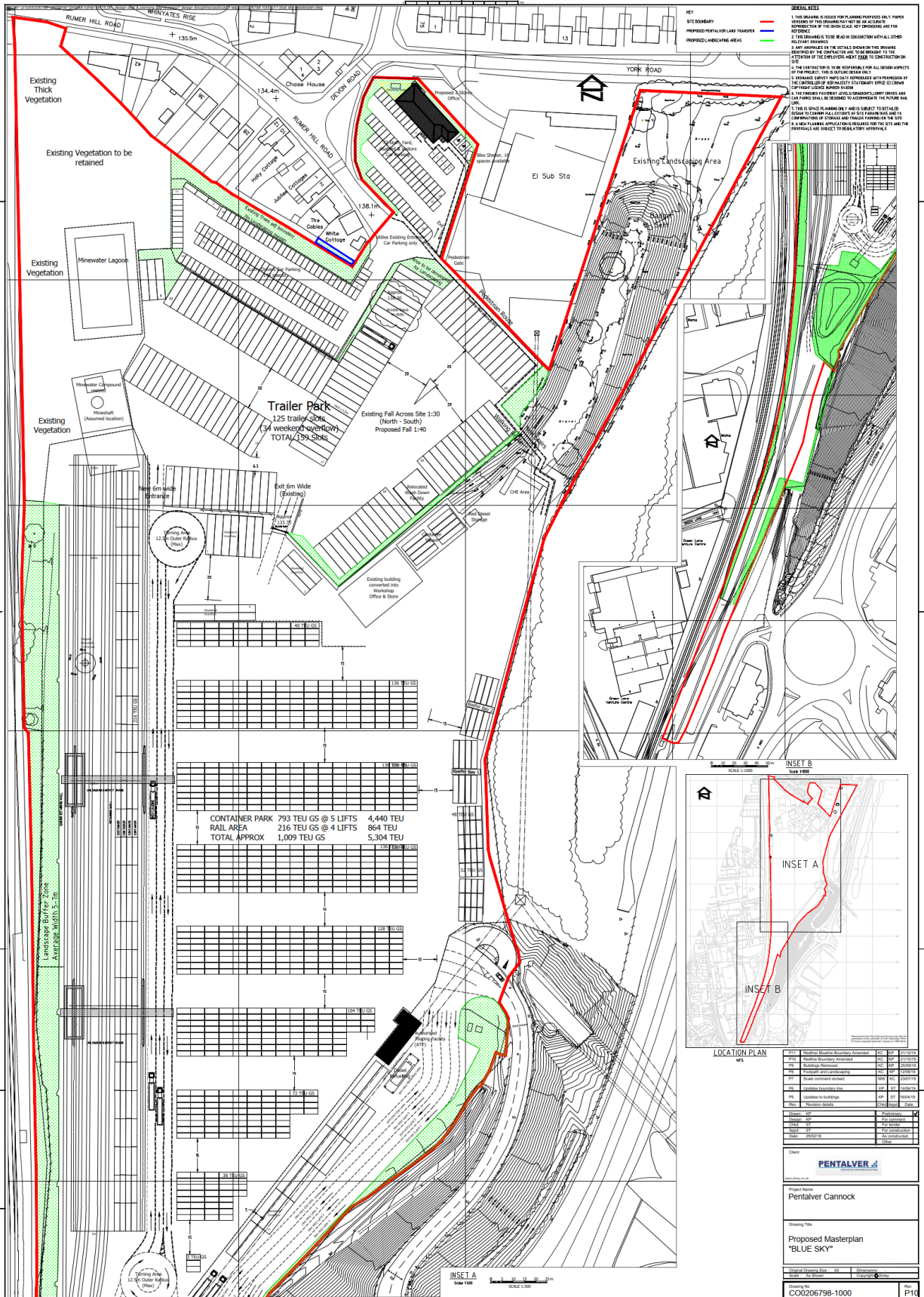
Dimensions: —

Drawing Status: **PRELIMINARY**    Suitability: **SD**

Drawing No: **CO00206798/1011**    Rev: **PO3**

# Masterplan

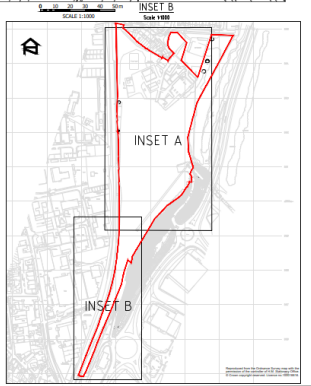
Item no. 6.3



**KEY**  
 SITE BOUNDARY  
 PROPOSED PERVALUED LAND TRAJECTORY  
 PROPOSED LANDSCAPE FEAT

**GENERAL NOTES**  
 1. THE DRAWING IS FOR INFORMATION ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY APPROVALS AND PERMITS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES.  
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY APPROVALS AND PERMITS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES.  
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY APPROVALS AND PERMITS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES.  
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY APPROVALS AND PERMITS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES.  
 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY APPROVALS AND PERMITS FROM THE LOCAL AUTHORITY AND OTHER RELEVANT AGENCIES.

|                     |                      |                  |
|---------------------|----------------------|------------------|
| CONTAINER PARK      | 793 TEU GS @ 5 LIFTS | 4,440 TEU        |
| RAIL AREA           | 216 TEU GS @ 4 LIFTS | 864 TEU          |
| <b>TOTAL APPROX</b> | <b>1,009 TEU GS</b>  | <b>5,304 TEU</b> |



| REV | DATE       | DESCRIPTION           | BY | CHKD |
|-----|------------|-----------------------|----|------|
| 01  | 12/11/2019 | Issue for Information | MS | MS   |
| 02  | 12/11/2019 | Issue for Information | MS | MS   |
| 03  | 12/11/2019 | Issue for Information | MS | MS   |
| 04  | 12/11/2019 | Issue for Information | MS | MS   |
| 05  | 12/11/2019 | Issue for Information | MS | MS   |
| 06  | 12/11/2019 | Issue for Information | MS | MS   |
| 07  | 12/11/2019 | Issue for Information | MS | MS   |
| 08  | 12/11/2019 | Issue for Information | MS | MS   |
| 09  | 12/11/2019 | Issue for Information | MS | MS   |
| 10  | 12/11/2019 | Issue for Information | MS | MS   |
| 11  | 12/11/2019 | Issue for Information | MS | MS   |
| 12  | 12/11/2019 | Issue for Information | MS | MS   |
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Client: **PENTALVER**

Project: Pentaver Cannock

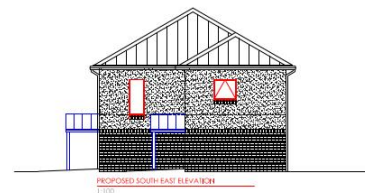
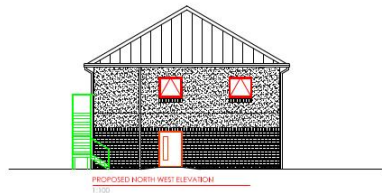
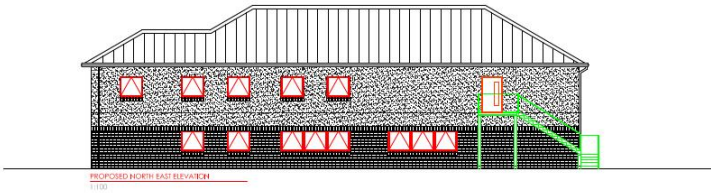
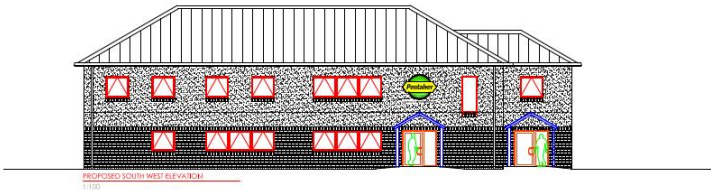
Drawing Title: Proposed Masterplan "BLUE SKY"

Project No: COX206798-1000

Page: P10

# Proposed Office Elevations

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**ILLUSTRATION 2**  
1:10

**PLANNING NOTES:**  
ROOF: ZINC STANDING SEAM ROOF COVERING WITH ALUMINIUM RIDGES (COLOUR TO BE AGREED WITH CLIENT)  
EXTERNAL WALLS: LOWER 20% BRICK OR WALL IN RED TONE FACING BRICK (TAN WITH BLUE BRICK SOLIDER COURSE AT HEAD AND GABLE)  
TOP SECTION TO BE WHITE THROUGH COLOUR RENDERED FINISH  
EXTERNAL WINDOWS/DOORS: ALUMINIUM COLOUR FINISH  
ENTRANCE CANOPIES: PROPRIETARY GLAZED CANOPIES  
EXTERNAL STEPS: PPC STEPS (COLOUR TO BE AGREED)

SRP  
SPENCER PUGH ASSOCIATES  
ARCHITECTURAL DESIGN & PROJECT MANAGEMENT

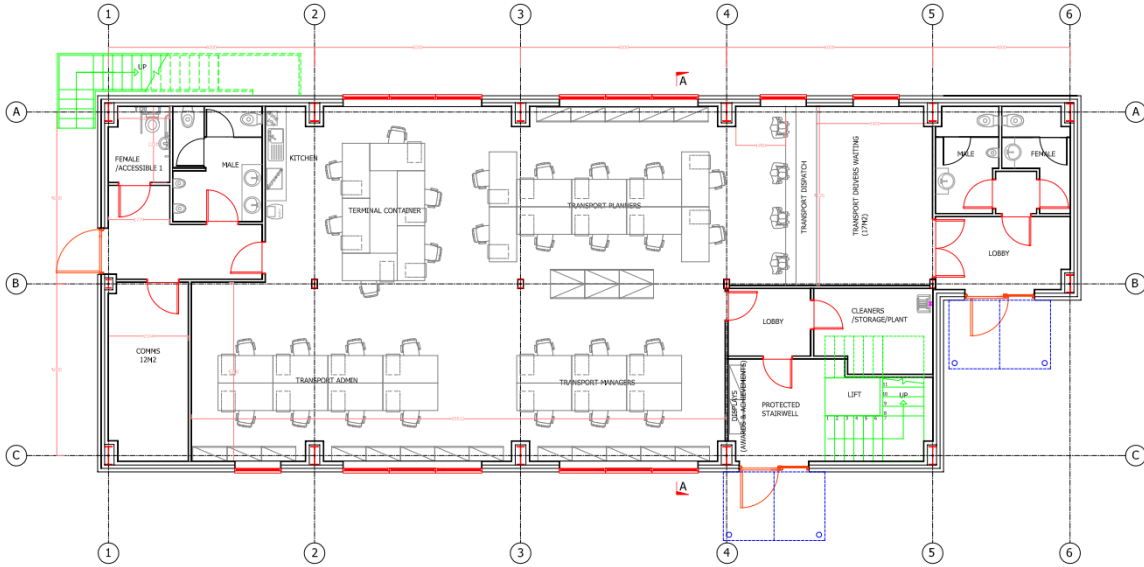
PROJECT: PROPOSED OFFICE BUILDING  
LOCATION: [REDACTED]  
DATE: [REDACTED]

ISSUED FOR: [REDACTED]  
DRAWING NO: [REDACTED]  
DATE: [REDACTED]

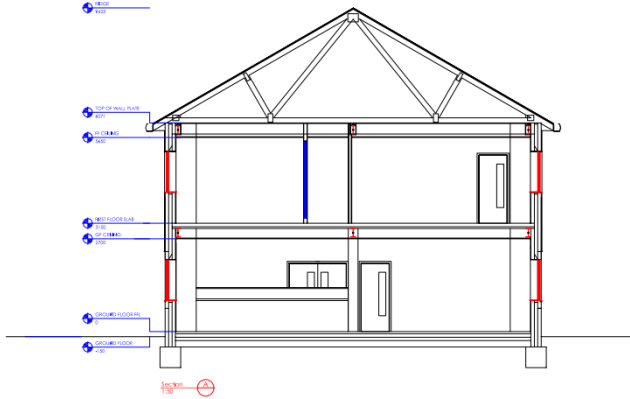
SCALE: 1:100  
DATE: [REDACTED]

DATE: [REDACTED] SCALE: [REDACTED] DRAWN BY: [REDACTED] CHECKED BY: [REDACTED]  
DATE: [REDACTED] SCALE: [REDACTED] DRAWN BY: [REDACTED] CHECKED BY: [REDACTED]

# Proposed Office Floor Plans



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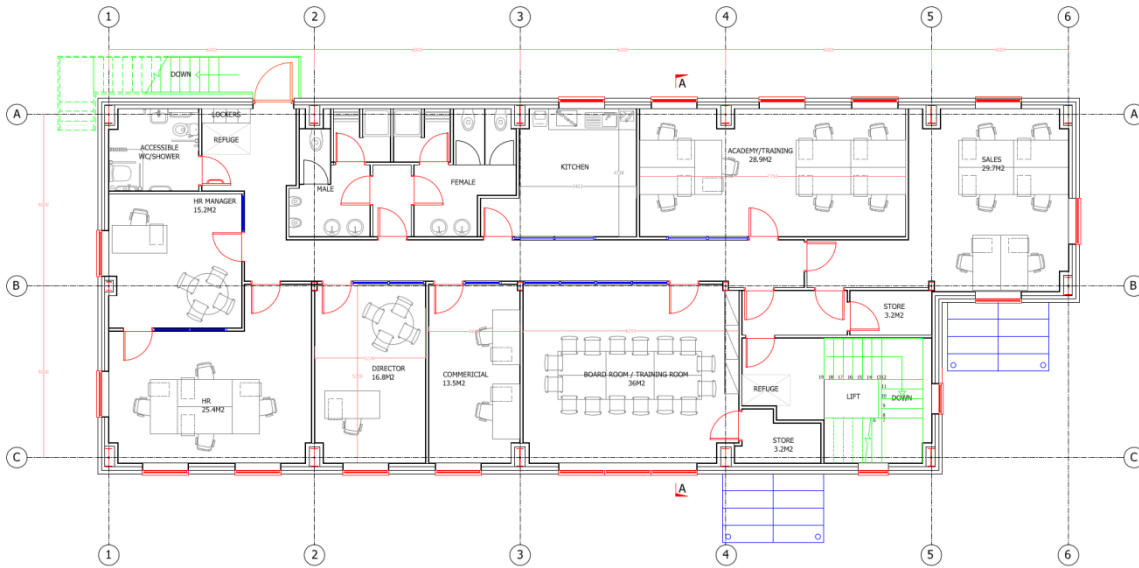
1:1200 A 100 50  
 1:1200 A 100 50  
 1:1200 A 100 50

**SPENCER PUGHE ASSOCIATES**  
 ARCHITECTURAL DESIGN & PROJECT MANAGEMENT  
 12 Canal Quay, Chichester, West Sussex, PO19 1UD  
 www.spencerpughassociates.co.uk

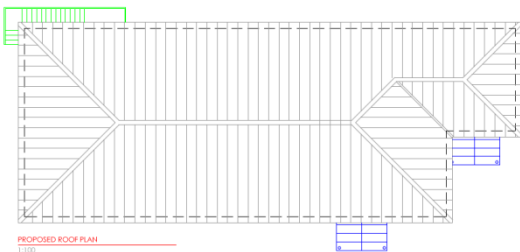
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|-------------|----------------------------|
| PROJECT     | PROPOSED GROUND FLOOR PLAN |
| DATE        | 27.10.18                   |
| SCALE       | 1:50 (A1)                  |
| DRAWN BY    | SP                         |
| CHECKED BY  |                            |
| PROJECT NO. | PROJ_18_02_001             |
| DRAWING NO. |                            |

# Proposed Office Floor Plans

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PROPOSED FIRST FLOOR PLAN  
T130



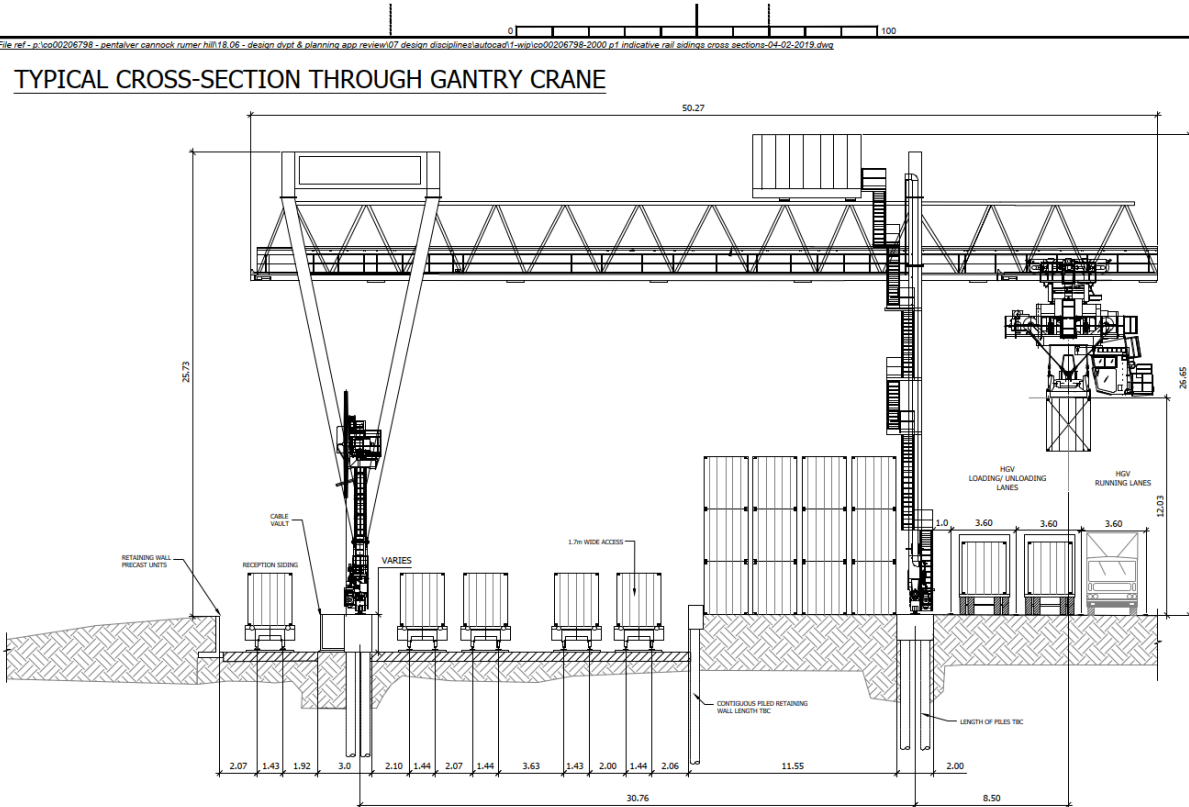
PROPOSED ROOF PLAN  
T130

|          |   |    |    |                                    |
|----------|---|----|----|------------------------------------|
| 24.10    | C | SP | SP | See also notes on other sheets     |
| 24.10.28 | A | SP | SP | Check and sign ALL in red and blue |
| 24.10.28 | A | SP | SP | Check and sign ALL in red and blue |
| 24.10.28 | A | SP | SP | Check and sign ALL in red and blue |

**SPENCER PUGHE ASSOCIATES**  
 ARCHITECTURAL DESIGN & PROJECT MANAGEMENT  
 12 Laurel Road, Tynes, Chester CH64 1LR, UK  
 T: 01244 288033 www.spencerpugheassociates.co.uk

|             |                          |
|-------------|--------------------------|
| PROJECT     | PROPOSED OFFICE BUILDING |
| DESIGNED BY | SPENCER PUGHE ASSOCIATES |
| CHECKED BY  | SPENCER PUGHE ASSOCIATES |
| DATE        | 2018                     |
| SCALE       | 1:100                    |
| DRAWN BY    | SPENCER PUGHE ASSOCIATES |
| CHECKED BY  | SPENCER PUGHE ASSOCIATES |

# Proposed Gantry Crane Cross-Section



**DESIGN HAZARDS**  
 (The following information has been collected from Preconstruction Information and the Amey CDM Hazard Management Process.)  
 1. To be defined at a later stage.

| Rev       | Scale note amended | AS    | MW         | KC   | 23/07/19 |
|-----------|--------------------|-------|------------|------|----------|
| Rev       | Rev details        | Drawn | Chkd       | Appd | Date     |
| Designed: | GC                 | Date: | 28-01-2018 |      |          |
| Drawn:    | GC                 | Date: | 28-01-2018 |      |          |
| Checked:  | KP                 | Date: | 29-01-2018 |      |          |
| Approved: | KC                 | Date: | 29-01-2018 |      |          |

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Client  
**PENTALVER**  
 infrastructure construction solutions

Project Name  
**Pentalver, Cannock**

Drawing Title  
**Typical Cross Section Through Gantry Crane**

Original Dwg Size: A3 Scale: 1:200  
 Dimensions: -

Drawing Status  
**PRELIMINARY** Suitability  
 S0

Drawing No  
**CO00206798/2001** Revision  
 P1

**NOTES**

- THIS DRAWING IS ISSUED FOR PLANNING PURPOSES ONLY. PLEASE NOTE THAT PAPER PRINTS OF THIS DRAWING MAY NOT BE AN ACCURATE REPRODUCTION OF THE GIVEN SCALE. KEY DIMENSIONS ARE NOTED FOR REFERENCE
- THIS DRAWING IS CONCEPTUAL ONLY AND FULL DESIGN TO BE UNDERTAKEN AT A LATER STAGE
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWINGS
- ANY ANOMALIES ON THE DETAILS SHOWN ON THIS DRAWING IDENTIFIED BY THE CONTRACTOR ARE TO BE BROUGHT TO THE ATTENTION OF THE EMPLOYERS AGENT PRIOR TO CONSTRUCTION ON SITE
- ORDNANCE SURVEY MAPS DATE REPRODUCED WITH PERMISSION OF THE CONTROLLER OF HER MAJESTYS STATIONARY OFFICE (C) CROWN COPYRIGHT LICENCE NUMBER: 543268
- THE FINISHED PAVEMENT LEVELS/GRADIENTS, LORRY DRIVES AND CAR PARKS SHALL BE DESIGNED TO ACCOMMODATE THE FUTURE RAIL LINK.
- THIS IS SPACE PLANNING ONLY AND IS SUBJECT TO DETAILED DESIGN TO CONFIRM FULL EXTENTS OF SITE PARAMETERS AND TCU CONFIRMATIONS OF STORAGE AND TRAILER PARKING ION THE SITE
- A NEW PLANNING APPLICATION IS REQUIRED FOR THE SITE AND THE PROPOSALS ARE SUBJECT TO REGULATORY APPROVALS



|                         |                |
|-------------------------|----------------|
| <b>Contact Officer:</b> | Richard Sunter |
| <b>Telephone No:</b>    | 01543 464481   |

| <b>PLANNING CONTROL COMMITTEE</b> |  |
|-----------------------------------|--|
| <b>Application No:</b>            | CH/19/280  |
| <b>Received:</b>                  | 26-Jul-2019  |
| <b>Location:</b>                  | Pentalver, Pentalver Way, Cannock, WS11 8XY  |
| <b>Parish:</b>                    | Norton Canes/ Non Parish Area  |
| <b>Description:</b>               | Installation railhead to comprise 5 line rail siding with two gantry cranes and alterations to existing site layout to convert existing depot to a multi-modal container handling facility. Expansion of depot site onto adjoining former Rumer Hill Industrial Estate to include provision of trailer parking and car parking areas and erection of new 2 storey office building. |
| <b>Application Type:</b>          | Full Planning Application Major  |

**RECOMMENDATION:**

Planning Control Committee is minded to approve the application subject to the conditions attached to the report and the completion of a Section 106 agreement to secure funding for the implementation of a Travel Plan; and that

Provided no new material issues are received between the meeting of Planning Control Committee and the expiration of the publicity period on 28<sup>th</sup> November 2019; delegated powers are granted to officers to issue the decision.

**Reason(s) for Recommendation:**

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and/ or the National Planning Policy Framework.



Conditions (and Reasons for Conditions):

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990.

**Design**

2. No part of the office building hereby approved shall be undertaken above ground level until details of the materials to be used for the external surfaces have been submitted to and approved by the Local Planning Authority.

Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3 and the National Planning Policy Framework.

3. No part of the gantries hereby approved shall be constructed above ground level until details of the colour coating to be used for the external surfaces have been submitted to and approved by the Local Planning Authority.

Reason

In the interests of visual amenity and to ensure compliance with Local Plan Policies CP3 and the National Planning Policy Framework.

**Highways**

4. The replacement office building hereby permitted shall not be occupied until the associated parking and turning areas have been provided in accordance with submitted Drg. No.CO0206798-1000 Rev. P7 the subject of this consent and shall thereafter be retained at all times for their designated purposes.

Reason

In the interests of highway safety in accordance with paragraph 109 of the National Planning Policy Framework.

5. The replacement office building hereby permitted shall not be occupied until details of revisions to the Rumer Hill Road (U5050) access have been submitted to, and approved in writing by, the Local Planning Authority. The revisions to the Rumer Hill Road (U5050) access shall be carried out in accordance with the approved details prior to the replacement office building

being occupied.

Reason

In the interests of highway safety in accordance with paragraph 109 of the National Planning Policy Framework.

6. The proposed trailer slots within the site curtilage shall be retained at all times for their designated purpose.

Reason

In the interests of highway safety in accordance with paragraph 109 of the National Planning Policy Framework.

7. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority indicating a Construction Vehicle Management Plan (CVMP). The approved CVMP shall thereafter be implemented prior to the commencement of the construction phase and thereafter adhered to throughout construction unless otherwise approved in writing by the Local Planning Authority.

Reason

In the interests of highway safety in accordance with paragraph 109 of the National Planning Policy Framework.

8. The replacement office building hereby permitted shall not be occupied until details of a secure weatherproof parking facility for 16No. bicycles, 16No lockers for bike users and showers have been submitted to, and approved in writing by, the Local Planning Authority. The bicycle parking facility, lockers and showers shall thereafter be installed in accordance with the approved details prior to the replacement office building being occupied. Thereafter the parking facility, lockers and showers shall be retained for the life of the development.

Reasons

In the interests of site sustainability.

**Drainage**

9. 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, and

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 prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

**Reason**

In the interest of providing proper drainage to the development

10. No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:

Provision of surface water run-off attenuation storage in accordance with the principles outlined in the Flood Risk Assessment and Drainage Strategy by Amey Consulting (ref: CO00206798/Rev1, dated 04/03/2019).

Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the 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.

Plans illustrating flooded areas and flow paths in the event of exceedance or failure of the drainage system.

Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.

Evidence provided that the proposed discharge does not exceed the conveyance capacity of the receiving waterbody, particularly where proposed discharge points differ from the existing arrangement

**Reason**

In the interest of providing proper drainage to the development and the prevention of flooding.

11. Prior to discharge to any watercourse, surface water sewer, soakaway or pond all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

**Reason**

In the interest of protecting the aquatic environment in accordance with the National Planning Policy Framework.

**Contamination**

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

13. The construction of the office block shall not commence until ground gas protection measures evaluating to a score of 5.5 (as per BS8485:2015) have been submitted to and approved in writing by the Local Planning Authority. No building on the site shall be occupied until
- (ii) the works comprising the approved scheme have been implemented; and
  - (iii) verification that the works have been completed has been submitted to the Local Planning Authority.

Reason

Ground gas monitoring has demonstrated that the site is at high risk from ground gas.

14. The development shall be carried out in strict accordance with the Operational Noise Management Plan dated April 2019 and found at Appendix C of the Noise Assessment, Reference A110049 Revision 3, dated 19<sup>th</sup> June 2019, unless otherwise approved in writing by the Local Planning Authority. In such instances the development shall be carried out in strict accordance with the approved revised Operational Noise Management Plan.

The Operational Noise Management Plan shall be reviewed and if necessary revised bi-annually to account for changing circumstances and evidence of any adverse noise impact from the operations.

Reason

In the interests of protecting the amenity of the occupiers of nearby residential properties in accordance with Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the National Planning Policy Framework.

14. The development shall be carried out in strict accordance with the Ecological Management Plan, dated October 2019 And prepared by FPCR Environment and design Lt. unless otherwise approved in writing by the Local Planning

Authority. In such instances the development shall be carried out in strict accordance with the approved revised Operational Noise Management Plan. The Operational Noise Management Plan shall be reviewed and if necessary revised bi-annually to account for changing circumstances and evidence of any adverse noise impact from the operations.

**Reason**

In the interests of protecting the amenity of the occupiers of nearby residential properties in accordance with Policy CP12 of the Cannock Chase Local Plan and paragraph 174 of the National Planning Policy Framework.

15. The office hereby approved shall not be occupied until a scheme for the fitting of the car park with electric charging points for electric vehicles has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been completed. The works shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

**Reason**

In the interests of improving air quality and combatting climate change in accordance with policy CP16 and the National Planning Policy Framework.

**Landscaping Conditions**

16. Notwithstanding the details of the approved plans no trees within Group G10 as identified in the Arboricultural Assessment, prepared by FPCR Environment and Design Limited, shall be felled, topped or lopped until a detailed survey has been undertaken and a report identifying which trees are to be removed has been submitted to and approved in writing by the Local Planning Authority. The landscaping works thereafter undertaken shall be carried out in accordance with the scheme approved under this condition.

**Reason**

Given the way the group of trees has grown up selection of trees to be felled and removed needs careful consideration to avoid future impacts on the remaining trees and the contribution they make to the character of the wider area in accordance with Policy CP3 of the Cannock Chase Local Plan.

17. The approved landscape works shown on Dwg. Nos. LN03931/LA2 Rev P5, LA3 Rev P5, LA4 Rev P5, LA5 Rev P5, LA6 Rev P5 and LA7 Rev P5 shall be carried out in the first planting and seeding season following the occupation of any buildings or the completion of the development whichever is the sooner.

**Reason**

In the interest of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

- 18 Any trees or plants which within a period of five years from the date of planting die, are removed or become seriously damaged or diseased, shall be replaced in the following planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

In the interests of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

19. The site landscape, following completion of establishment, shall be managed in accordance with the approved Management Plan Ref LN03931 Rev G, unless otherwise agreed in writing by the Local Planning Authority.

Reason

In the interests of visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

- 20 The development shall be carried out in accordance with the recommendations and terms of the Ecological Implementation Plan, dated November 2019, produced by FPCR Environment and design Limited.

Reason

The measures contained with the Ecological Implementation Plan to upgrade and maintain remaining areas of semi- natural vegetation around the development are required to offset ecological damage resulting from the development proposals” in accordance with Policy CP12 of the Cannock Chase Local Plan and paragraphs 170, 174, 177, 179 of the National Planning Policy Framework.

21. The Ecological Management Plan, dated October 2019, shall be implemented for the life time of the development.

Reason

The measures contained with the Ecological Management Plan to maintain remaining areas of semi- natural vegetation around the development are required to offset ecological damage resulting from the development proposals” in accordance with Policy CP12 of the Cannock Chase Local Plan and paragraphs 170, 174, 177, 179 of the National Planning Policy Framework.

21. Should discrepancies exist between the Ecological Implementation Plan and the Landscape Management Plan, the provisions of the Ecological Implementation Plan shall take precedence in all retained areas supporting semi-natural vegetation.

Reason

The application of herbicides and pesticides should only be used where absolutely essential in areas of established semi-natural vegetation in order

to safeguard the ecological value for the site in accordance with Policy CP12 of the Cannock Chase Local Plan and paragraphs 170, 174, 177, 179 of the National Planning Policy Framework.

22. No trees or hedges shown as retained on the approved plans shall be cut down, topped, lopped, uprooted or removed without the prior written permission of the Local Planning Authority nor shall they be wilfully damaged or destroyed.

Any trees or hedges which, within a period of 5 years from completion of the development are cut down, topped, lopped or uprooted without permission of the Local Planning Authority or become seriously damaged or diseased or die shall be replaced in the next planting season with similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason

The existing vegetation makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP14, CP12 and the NPPF.

23. The approved arboricultural work shall be carried out fully in accordance with the submitted details including timetable and to BS 3998 Tree Work & BS 5837 Trees in Relation to Construction, unless otherwise approved in writing by the Local Planning Authority.

Reason

To ensure the retention and appropriate maintenance of the existing vegetation which makes an important contribution to the visual amenity of the area. In accordance with Local Plan Policies CP3, CP12, CP14 and the NPPF.

24. No development shall not commence until

- (a) a scheme of intrusive site investigations for approval which includes the investigation of both shallow coal workings and the recorded on-site mine entries has been submitted to and approved in writing by the Local Planning Authority; and
- (b) The scheme of intrusive site investigations has been implemented in full; and
- (c) A report of findings arising from the intrusive site investigations along with a scheme of remedial works / mitigatory measures for approval; has been submitted to and approved in writing by the Local Planning Authority and
- (d) the remedial works have been implemented in full.

Reason

The site is located within an area which has been previously been subject to

mineral workings and a scheme is required to ensure that the site can be redeveloped safely with appropriate remediation.

25. The development hereby permitted shall be carried out in accordance with the following approved plans:

Application form dated 08.07.19

Drawing CO00206798/1011 Rev P1 - Site location plan (Amey Consulting)

Drawing CO00206798/1033 Rev P1 - Topographical Survey (Amey Consulting)

Drawing CO00206798/1000 Rev P11 – Proposed Masterplan layout (Amey Consulting)

Drawing CO00206798/2000 Rev P06 – Cross Sections Through The Site (Amey Consulting)

Drawing CO00206798/2001 Rev P0 – Typical Cross Section through Gantry Crane (Amey Consulting)

Drawing CO00206798/3000 Rev P04 – Proposed Phasing Plan (Amey Consulting)

Drawing PR1828\_SPA\_V1\_DR\_B\_0001 Rev A – Proposed Office Ground Floor Plan & Section A-A (Spencer Pughe Associates)

Drawing PR1828\_SPA\_V1\_DR\_B\_0002 Rev B – Proposed Office First Floor Plan & Roof Plan (Spencer Pughe Associates)

Drawing PR1828\_SPA\_V1\_DR\_B\_0003 Rev A - New Office Proposed Elevations and Illustrations prepared by Spencer Pughe Associates;

Drawing PR1828\_SPA\_V1\_DR\_B\_0004 Rev B – Proposed Authorised Testing Building Plans & Elevations (Spencer Pughe Associates)

Design and Access Statement (Spencer Pughe Associates)

Planning Statement dated July 2019 (WYG Planning)

Transport Statement dated October 2019 (Mayer Brown)

Transport Technical Note issued August 2019 (Mayer Brown)

Framework Travel Plan dated June 2019 (Mayer Brown)

Framework Construction Vehicle Management Plan dated October 2019 (Mayer Brown)

Phase I Geoenvironmental Site Investigation Report dated November 2018 (GeoCon Site Investigations)

Phase II Geoenvironmental Site Investigation Report dated November 2018 (GeoCon Site Investigations)

Noise Assessment dated October 2019 (WYG Acoustic team)

Air Quality Assessment dated September 2019 (WYG Air Quality team)

Air Quality Damage Costs note (WYG Air Quality team)

Ecological Appraisal dated May 2019 (FPCR Environment and Design Ltd)

Arboricultural Assessment Rev E dated 6 November 2019 (FPCR Environment and Design Ltd)

Bat Report dated October 2019 (FPCR Environment and Design Ltd)

Ecological Implementation Plan dated November 2019 (FPCR Environment and Design Ltd)

Lighting Assessment dated October 2019 (WYG Lighting team)

Landscape and Visual Impact Assessment Rev D dated October 2019 (WYG Landscape team)

Landscape Proposals Plans dated (WYG Landscape team) Drawing no's LA2 Rev P5, LA3 Rev P5, LA4 Rev P5, LA5 Rev P5, LA6 Rev P5 and LA7 Rev P5

Landscape Management Plan Rev G dated 6 November 2019 (WYG Landscape team)

Flood Risk Assessment & Drainage Strategy Revision 3 dated October 2019 (Amey Consulting)

CIL Additional Information Form.

**Reason**



For the avoidance of doubt and in the interests of proper planning.

### Notes to Developer:

#### The Environment Agency

The Environment Agency has advised: -

Paragraph 179 of the National Planning Policy Framework states “Where a site is affected by contamination or land stability issues, responsibility for securing safe development rests with the developer and/or landowner.”

The Environment Agency recommends that developers and /or Landowner should:

Follow the advice in Land Contamination: risk management  
<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>  
 when dealing with land affected by contamination.

1. Refer to the Environment Agency Guiding principles for land contamination for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
2. Refer to our website at [www.gov.uk](http://www.gov.uk) for more information.

Waste on-site.

The CL:AIRE 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 position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

Waste to be taken off-site.

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 2016
- 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 hazardous waste material produced or taken off-site 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.

### **Staffordshire Fire and Rescue Service**

Staffordshire Fire and Rescue Service has advised

#### 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.

Roads and drives upon which appliances would have to travel; in order to process to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire Firefighting appliance (GVW of 17800kg).

#### Automatic Water suppression System (Sprinklers)

Staffordshire Fire and 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/](http://www.bafsa.org.uk/) the website of the Automatic Fire Sprinklers Association Ltd.

### **Western Power Distribution**

Western Power Distribution (WPD) has Extra High Voltage (EHV) (132kV) network installed on this site. WPD MUST be contacted in all instances for safety guidance, proximity clearances and clear working methodologies related to locating equipment and safe working practices prior to any physical (or survey) works at this site. Any alteration, building or ground works proposed within 50 meters of any network, apparatus or equipment that may or may not directly affect cables or conductors, must be notified in detail to Western Power Distribution. For further information contact - Western Power Distribution, Stoke Projects Team, 234 Victoria Road, Fenton, Stoke on Trent ST4 2JA or via telephone on: Emergency contact number (West): 0330 123 5008 General Enquiries: 0845 724 0240. WPD accepts no responsibility for works undertaken by any party on this site without written prior consent from an authorised WPD employee (approval subject to submission of working method statements and compliance with network safety requirements. All attendees on this site are advised and encouraged to familiarise themselves with ENA GS6 (Avoidance of Danger from Overhead Lines) prior to taking site access.

The developer is referred to the consultation response from Western power Distribution.

**Staffordshire Police**

The developer's attention is brought to the consultation response from Staffordshire Police in respect to their detailed recommendations in respect of designing out crime.

**National Grid**

The developer's attention is brought to the consultation response from National Grid dated 11/6/2019 (Reference WM\_GW2A\_3NWP-020406).

**Cadent**

The developer's attention is brought to the consultation response from Cadent, dated 16/10/2019, (Reference WM\_GW2A\_3NWP\_020406).

**Landscape Officer**

The Landscape Officer has advised that there are discrepancies between the Landscape Management Plan and Ecological Implementation Plan. The ecological Implementation Plan correctly states that pesticides and fertilisers should not be used whilst there is a very heavy reliance upon the use of herbicides in the Landscape Management Plan. It should be noted that bramble represents valuable wildlife habitat and is not a pernicious weed as indicated in the landscape plan. Whilst some control of this plant may be required in localised areas it should be by cutting rather than herbicide application.

There is no mention of the bulb planting in the landscape plan which is an essential element of the ecological mitigation and compensation measures. The Developer's attention is therefore drawn to Condition 21 of this permission.

**Consultations and Publicity****External Consultations****Norton Canes Parish Council**

No objections.

The parish council sees this developmet as a positive one as it would enable freight to be transported byv the installation of arailhead abnd therefore take away the HGVs that currently use Blakeney Way which affects the environment of the village.

**County Flood Risk Managment (SUDS) (Local Lead Flood Authority)**

We have reviewed the latest comments from Amey in response to our initial consultation response (dated 16.08.19). We are generally satisfied with the reasoning presented and acknowledge that whilst we will need to see the full details

of the proposed surface water drainage strategy prior to work commencing on site, since we are generally satisfied with the proposals outlined so far, we would be willing to recommend that this requirement is attached as a condition to any planning permission.

We therefore recommend that the condition below is attached to any planning permission.

#### National Grid, Gas Distribution Plant Protection

No objections, but general comments and an informative for the developer attached.

#### Staffordshire County Council

##### Background

The proposal would result in the expansion of an existing container depot into an adjoining area of previously developed land, and the establishment of a railhead for multi-modal operation.

##### Observations

The site falls within a Mineral Safeguarding Area (MSA) for shallow coal and fireclay, and for superficial sand and gravel. Paragraph 144, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

Policy 3.2 of the Minerals Local Plan states that:

Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

In this case, however, the site also falls within the boundary of the former Poplars ('Merry England' Authorisation) opencast coal mine, so it is unlikely that any significant mineral resources remain.

The Poplars Landfill is approximately 120 metres to the west of the application site but it is unlikely that the proposed development would unduly restrict or constrain the existing permitted waste management facilities.

### Conclusions

Having regard to the policies, guidance and observations referred to above, it is reasonable to conclude that the proposed development will not lead to the sterilisation of significant mineral resources, or unduly constrain the nearby waste management facilities.

Therefore, in accordance with the powers contained in the 'Scheme of Delegation to Officers', this letter confirms that Staffordshire County Council, acting as the Mineral and Waste Planning Authority has no objection to the planning application for the installation railhead to comprise 5 line rail siding with two gantry cranes and alterations to existing site layout to convert existing depot to a multi-modal container handling facility. Expansion of depot site onto adjoining former Rumer Hill Industrial Estate to include provision of trailer parking and car parking areas and erection of new 2 storey office building. Erection of new workshop building, relocation of washdown facility and refueling point, and provision of authorised testing facility at Pentalver, Pentalver Way, Cannock. for the reasons described above.

### Coal Authority

#### The Coal Authority Response: Material Consideration

As you are aware, the Coal Authority have previously raised concerns and objected to this planning application.

We note that the applicant has submitted an amendment to the layout of this proposal (Drawing No. CO0206798-1000 Rev P9 - Proposed Masterplan "BLUE SKY") which illustrates that 2no. buildings and the RC workpad have now been removed. We are pleased to note that the applicant has amended the layout to address our previous concerns, in our letter dated 17 September 2019.

Therefore, we consider that the recommended intrusive ground investigations, previously identified by the applicant's technical consultants, Geocon Site Investigations Ltd can be secured by the LPA imposing a suitably worded condition and for these investigations to be undertaken prior to commencement of development. Based on the findings of the site investigations, will enable the applicant's technical consultant to design the remedial / mitigatory measures required to ensure that development will be safe and stable.

As part of the site investigation works, the condition of the two on-site recorded mine entries will also need to be reported on and an assessment made on whether these

mine entries have been treated appropriately and is to current industry standards and therefore adequate for the development proposed within this site.

The Coal Authority considers that based on all information that has been submitted in support of this planning application, an adequate assessment of the coal mining risks impacting on this site have been undertaken as required by the NPPF paragraph 178 – 179.

Appropriate recommendations have been made by the applicant's technical consultants: Geocon Site Investigations Ltd that intrusive site investigation works are required, prior to development, in order to establish the exact situation regarding coal mining legacy issues on the site and to inform the remedial / mitigatory measures required to ensure that the development is safe and stable.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings / mine entries to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- \* The submission of a scheme of intrusive site investigations for approval which includes the investigation of both shallow coal workings and the recorded on-site mine entries;
  - \* The undertaking of that scheme of intrusive site investigations;
  - \* The submission of a report of findings arising from the intrusive site investigations;
  - \* The submission of a scheme of remedial works / mitigatory measures for approval;
- and
- \* Implementation of those remedial works.

The Coal Authority withdraws its objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

#### County Highways

No objections subject to conditions.

#### Severn Trent Water Ltd

No objections subject to conditions.

### Network Rail

The response received merely alluded to a questionnaire to be completed by the applicant.

### Environment Agency

#### Contamination Issues

We have the following comments to make which relate solely to the protection of 'Controlled Waters', matters relating to Human Health should be directed to the relevant department of the local council.

Reference to the 1:50,000 scale geological map indicates that the site is located on Devensian Till. This is designated as a secondary, undifferentiated aquifer. This means that these deposits could have properties of either a Secondary A or Secondary B aquifer. The definitions of each of these aquifer types are given below.

- Secondary A aquifers. These are permeable strata capable of supporting water supplies at a local rather than strategic scale and in some cases forming an important source of base flow to rivers.
- Secondary B aquifers. These are predominantly lower permeability strata which may in part have the ability to store and yield limited amounts of groundwater by virtue of localised features such as fissures, thin permeable horizons and weathering.

The bedrock geology beneath the above superficial deposits is the Pennine Middle Coal Measures Formation. This is designated as a secondary A aquifer as described above.

The site investigation included with the application demonstrates that it will be possible to manage the risk posed to controlled waters by this development. However as with all site investigations it may be possible that contamination exists that has not been discovered.

In light of the above, we would advise that a condition is included to ensure any significant contamination discovered during development is dealt with appropriately.

### Western Power Distribution

Objection.

Western Power Distribution (WPD) has Extra High Voltage (EHV) (132kV) network installed on this site. WPD MUST be contacted in all instances for safety



guidance, proximity clearances and clear working methodologies related to locating equipment and safe working practices prior to any physical (or survey) works at this site. Any alteration, building or ground works proposed within 50 meters of any network, apparatus or equipment that may or may not directly affect cables or conductors, must be notified in detail to Western Power Distribution. For further information contact - Western Power Distribution, Stoke Projects Team, 234 Victoria Road, Fenton, Stoke on Trent ST4 2JA or via telephone on: Emergency contact number (West): 0330 123 5008 General Enquiries: 0845 724 0240. WPD accepts no responsibility for works undertaken by any party on this site without written prior consent from an authorised WPD employee (approval subject to submission of working method statements and compliance with network safety requirements. All attendees on this site are advised and encouraged to familiarise themselves with ENA GS6 (Avoidance of Danger from Overhead Lines) prior to taking site access.

Following an incident on 11/12/17 when inadvertent contact was made with the 132kV conductors occurred on this site Pentaver were instructed at that time that if you are working in proximity to Overhead lines or structures, then you must comply with Health & Safety Executive guidance as laid down in GS6 "Avoidance of Danger From Overhead Power Lines".

When working in proximity to overhead lines, the minimum statutory clearances required, are shown in the table below for the voltage to which the line is designed. In order to allow for construction tolerances and compliance with HSE Note of Guidance, WPD strongly recommend that clearances are increased to the figures shown in the right hand column.

| <b>Description of Clearance</b>                                     | <b>Minimum Clearance from 132kV Lines (Meters)</b> | <b>Recommended Clearances from 132kV Lines (Meters)</b> |
|---|--|---|
| Line Conductors to Ground (other than a road)                       | 6.7  | 7.0   |
| Line Conductors to road surface (not a high load route or motorway) | 6.7  | 7.3   |
| Line Conductor to building or other structure                       | 3.6  | 6.6   |
| Line conductor to plant during construction                         | 3.2*   | -   |

\*Any part of the barrier required by HSE GS6 which may be stood on must be at least 3.6m from the conductors.

The use of any plant that is capable of extending and infringing Clearance to the conductors must be strictly controlled. Any plant working beneath or immediately to the side of the conductors must not be capable of extending above 4m and must have the appropriate restrictors fitted to prevent inadvertent contact with the overhead Conductors. Please note that the overhead conductors are live at 132,000 volts.

#### Highways England

No objections.

#### Staffordshire Fire and Rescue

No objections.

May I take this opportunity to remind you of Staffordshire Fire and Rescue Services site requirements in the event of an emergency.

#### 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.

Roads and drives upon which appliances would have to travel; in order to pass to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire Firefighting appliance (GVW of 17800kg).

#### Automatic Water Suppression System (Sprinklers)

Staffordshire Fire and 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/](http://www.bafsa.org.uk/) the website of the Automatic Fire Sprinklers Association Ltd.

#### Staffordshire Police

Makes reference to section 17 of the Crime and Disorder Act 1998, paragraph 58 and 69 of the NPPF, Policy CP3 of the Local Plan and the Human Rights Act Article and Protocol 1, Safer Places: The Planning System and Crime Prevention and recommends that the proposal attains Police Secured By Design accreditation. The response goes to make detailed recommendations in respect of designing out crime.

#### South Staffordshire Water Plc

No comments received.

### **Internal Consultations**

#### Environmental Health,

I have no objections to the proposals, but offer the following comments, based on the supporting documents submitted by the applicant.

#### Noise

Although the scheme is an expansion on the current activities, the nearest residential properties will benefit from increased separation distances and a 3 metre high barrier. The quieter activities, such as car parking areas will now be closest to residents. Noise calculations indicate that these measures will be adequate to ensure that the site will not have an adverse impact on the quality of life of nearby residents. However, it is imperative that the operator adheres to the noise management plan produced for this site, to ensure that good practice is maintained. This includes vehicle management plans, delivery and loading process, unloading, return journeys, reversing alarms, management and maintenance, training and monitoring. The plan should be revised bi-annually to account for changing circumstances and evidence of any adverse noise impact from the operations.

## Air Quality

### Construction Phase

The report states that without mitigation measures, the construction phase presents a high risk to the most vulnerable receptors in the locality. However, a range of mitigation measures is suggested, which I would request are implemented in full.

### Operational Phase

The modelled impact of NO<sub>2</sub> emissions are qualitatively described as 'negligible' across the modelled locations, with the maximum increase of 0.2ug/m<sup>3</sup> at Flat 21, The Heath, Cannock Road, Heath Hayes. However, this property is in close proximity to the exceedence location within air quality management area No. 3. ('HHFW' monitoring location at the façade of the Five Ways Public House), which is not itself qualitatively assessed. I would ask that this relevant receptor at HHFW is assessed. The impact of PM10 and PM2.5 is deemed to be 'negligible', which appears to be a reasonable conclusion.

A Defra damage cost calculation should be provided to determine whether additional air quality mitigation measures should be undertaken or contributions made to external schemes. Travel plans will provide some mitigation value, which should be evaluated to determine the extent to which this is the case.

Further Comments Received 1<sup>st</sup> October 2019.

In addition to my previous comments, I add the following based on the contents of the revised air quality assessment that has been submitted:

The revised air quality assessment demonstrates a total damage costs of £25,776, and provides a list of recommended operational phase mitigation measures (infrastructure measures highlighted **in bold**):

- Appointment of a Travel Plan Coordinator;
- Personalised Travel Plans for employees, with competitions for those who can travel the most sustainably;
- Car Sharing Scheme promotion for employees to help save money and benefit the environment;
- Identification of suitable/safer routes through the site for pedestrians and cyclists to ensure easy access (in the form of maps);
- **A shelter providing 16 secure cycle parking spaces for staff and visitors;**
- **Provision of 16 cycle lockers, showers and changing facilities for employees;**
- "Bike to Work" and other promotional events for employees;
- Noticeboards set up and updated by checking with local bus operators that timetables are still accurate; and

- Reception “Information Point” with staff training to include gaining knowledge of the surrounding area.

In order to determine whether the mitigation measures are proportionate, it will be necessary for the applicant to:

Most of the measures are ‘soft’ measures, and thereby can potentially fade over time. The applicant should confirm that the recommended measures will be undertaken, and they should be conditioned in perpetuity.

In the case of the travel plan coordinator, I anticipate that this will be a part part-time function. In such case, the associated costs should be pro-rata to the time dedicated to the function.

Provide an itemised breakdown of costs for such measures to ensure proportionality to the damage costs calculated.

Should there be a shortfall in the mitigation measures v the damage cost value, then further mitigation measures should be required. If these can not be accommodated on site, the measures would preferably be towards sustainable transport infrastructure in the locality.

As an advisory comment, the Staffordshire Air Aware scheme (cc'd in) aims to assist companies in the vicinity of AQMAs to employ green transport plan measures.

The operational impact at specific locations is deemed to be ‘negligible’, which I agree with.

#### Land Contamination

Chemical contamination of significance has not been found on the site. However, a watching brief should be kept during development, and contingency plans made for dealing with erroneous materials if encountered.

The developer should note that Japanese Knotweed is potentially found on site in overgrown areas. It is strongly advised that this should be professionally managed as it may cause liability issues at a future date.

#### Groundwater and Surface Water

It is noted that risks to these receptors is considered very low and no specific measures required, unless the Environment Agency consider otherwise.

#### Ground Gas

Ground gas monitoring has demonstrated that the site is at high risk from ground gas. As such, gas protection measures evaluating to a score of 5.5 (as per BS8485:2015) should be incorporated into new buildings on site. Suggested gas protection measures are described within the report, but chosen measures should be agreed with this department prior to commencing build.

## Planning Policy

The proposal is for the provision of a rail head (that already has planning permission granted in principle in 2006) to convert the current road linked container terminal into a multi-modal facility and expand the current operations onto adjoining land to the immediate north that comprises the now vacant and cleared Rumer Hill Industrial Estate. The application also seeks the relocation of the offices to the former Rumer Hill Industrial Estate, provision of office parking to the north, and re-provision/relocation of existing buildings on the site.

The site represents a brownfield site which is in current employment use as a haulage business site.

The proposal needs to be considered in the context of national and local planning policy. The development plan for Cannock Chase District consists of the Local Plan (Part 1), adopted Neighbourhood Plans and the Staffordshire County Council Waste and Minerals Local Plans. The views of Staffordshire County Council as the waste and minerals planning authority should be considered, as necessary. These policy comments are restricted to matters concerning the Local Plan (Part 1), Neighbourhood Plans and supporting guidance.

### National Planning Policy considerations

The National Planning Policy Framework (NPPF para 11) states development proposals that accord with an up to date development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The provisions of the NPPF as a whole should be considered in the determination of this application. However, the most pertinent areas to consider are outlined further below.

Chapter 6 relates to building a strong, competitive economy and paragraph 80 states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wide opportunities for development. The economic benefits of the proposal should be considered in this context. Paragraph 82 states 'planning policies and decisions should recognise and address the specific locational requirements of different sectors...including storage and distribution operations at a variety of scales and in suitably accessible locations.'

Chapter 9 promotes sustainable transport and paragraphs 108-111 in particular outline the measures that should be taken in relation to specific development proposals. Paragraph 107 also requires planning policies and decisions to recognise the importance of providing adequate overnight lorry parking facilities.

Chapter 11 seeks to make effective use of land and paragraph 118 states that planning decisions should give substantial weight to the value of using suitable brownfield land for homes and other identified needs.

Chapter 15 sets out how planning policies and decisions should contribute to conserving and enhancing the natural environment. Of particular relevance are Paragraphs 170, 180, 181 (given the proposal sites' proximity to the AQMA at the A5) and 183.

Chapter 16 sets out how planning policies and decisions should contribute to conserving and enhancing the historic environment, including taking into account the setting of heritage assets. Paragraphs 189-192 outline the considerations to take into account in the determination of planning applications.

#### Current Local Plan policies considerations

The Local Plan (Part 1) was adopted more than five years ago; it is now the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May-July 2019). Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)).

The site is not allocated for any purpose within the current adopted Local Plan (Part 1). An area of land alongside the eastern boundary of the site is designated Green Space Network.

Policy CP1 sets out the overall development strategy for the District, which is to focus the majority of development within the existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and green infrastructure. The urban areas are to accommodate most of the District's new housing and employment developments, distributed broadly in proportion to the existing scale of the settlement, with urban extensions (including to the east of Rugeley/Brereton on another part of the former power station).

Policy CP3 provides detailed considerations for the design of new developments, and links to the Districts Design Supplementary Planning Document (2016).

Policy CP5 sets out the role of the Green Space Network. As the proposals do not appear to infringe upon the adjacent designated Green Space Network space there

is no need to consider the criteria-based policy which addresses any losses of such spaces.

Policy CP8 Employment Land addresses the employment development needs of the District. It outlines that the proportion of development across the District's urban areas is expected to be broadly in line with their existing size. There has been a current shortfall identified in needs as set out in the most recent Employment Land Availability Assessment (2018) of around 2ha in employment land. The site lies in close proximity to the 'strategic high quality employment site' of Kingswood Lakeside. The potential for the developments to relate to and enhance the high quality employment opportunities within the area should therefore be considered.

Policy CP9 promotes a 'balanced economy' within the District via a range of means, including supporting high quality job opportunities and measures to support upskilling of the local workforce. The potential for the development to contribute towards these aims should be considered. Under supporting text in paragraph 4.50 the Plan states 'a key proposal that could potentially assist regeneration ambitions is the promotion of an inter-modal depot at the Maesrk site in Cannock...' which is a reference to this site and proposal.

Policy CP10 promotes sustainable transport within the District. The provision of appropriate sustainable transport measures as part of the proposal should be considered in consultation with the County Council Highways team. Under 'Rail' the Policy states that 'the promotion of the Mid-Cannock site as a road/rail interchange depot is supported', which is a reference to this site and proposal.

Policy CP11 sets out the strategy and policy for the District's town and local centres. The proposal includes an element of main town centre uses (in terms of offices) in an out of town location. However, it is understood that these are replacement/relocated facilities and they are ancillary to the main use of the site for storage and haulage operations. The proposal is therefore not considered to be contrary to Policy CP11.

Policy CP12 promotes the protection, conservation and enhancement of the District's biodiversity and geodiversity assets. Whilst the application site does not appear to contain any international, nationally or locally designated wildlife sites at present the potential for any site-specific ecological features of interest to be affected should be considered.

Policy CP14 sets out policy provisions for the protection, conservation and enhancement of the District's landscape character, particularly the Cannock Chase Area of Outstanding Natural Beauty (AONB). The site is not in the immediate vicinity of the AONB. However, it is understood that the landscape and visual impact of the gantry cranes has been considered via evidence submitted by the applicant.



Policy CP15 promotes the protection, conservation and enhancement of the District's historic environment assets. It sets out that the local decision making process will be based upon an assessment of significance of any heritage assets including information from the Historic Environment Record. The site is not within nor appears to contain any heritage assets. However it is understood that the potential impact of the gantry cranes upon the setting of nearby heritage assets has been considered via evidence submitted by the applicant. A Conservation Area Appraisal and Management Plan are available for Cannock Town Centre in this regard.

Policy CP16 sets out policy provisions for tackling climate change and ensuring the sustainable use of resources. Positive consideration will be given to proposals that help address these including those that contribute to improved accessibility of service and sustainable transport links; energy efficiency improvements and renewable and low carbon energy generation; assist adaptation to climate change; reduce and mitigate all forms of pollution; contribute to waste reduction and increased recycling; use land sustainably, including the preference for brownfield land; and account for flood risk. The site lies in proximity of the A5 AQMA..

#### Supplementary Planning Documents and Developer Contributions

The Design SPD (2016) provides guidance on overall design principles. This SPD also makes reference to the Parking Standards SPD (2005) that provides detail on such measures.

The Developer Contributions and Housing Choices Supplementary Planning Document (adopted 2015) sets out the Council's overall approach to developer contributions. The SPD provides for a range of developer contributions required from developments, including affordable housing; open space and sports facilities; education; transport; biodiversity; and other potential contributions such as those related to air quality. The need for any site-specific planning obligations should be considered in consultation with the relevant provider/consultee.

#### Emerging Local Plan Considerations

The Council is in the process of reviewing the adopted Local Plan (Part 1). The most recent consultation was on the Issues and Options stage of this process (May-July 2019). The plan is still in the early stages of production and therefore limited weight can be attributed to it at this stage. However, the Issues and Options document highlights a number of strategic issues that will need to be considered via the Local Plan Review, including housing and employment growth requirements and the strategy for future development. The latter are of some relevance to this application.

#### Employment Land Growth Requirements and Strategy

Under section 'Objective 4: Encourage a vibrant local economy and workforce' the document outlines the updates required to the Local Plan policies for employment land. The District's employment land growth requirements will need to be updated along with the employment development strategy i.e. where new developments should be located within the District. As part of the updated evidence base for the Local Plan Review (Economic Development Needs Assessment 2019) there is a range of options for employment growth requirements for the Council to consider. At the low end this constitutes 30ha of employment land (for B class uses) and at the high end this constitutes 67ha of employment land (for the period 2018-2036). The consultation document also outlines a potential shortage of employment land within the wider region, namely arising from the Black Country authorities at present which may require further consideration (paragraph 8.25).

In terms of the District's capacity to meet these growth options, the document outlines that there are a number of strategic development options to consider. These include 'Option A' which utilises the existing employment supply identified within the urban areas (circa 25ha) and then seeks to identify any additional sites or supply (e.g. via higher densities) to maximize the contribution made from development within the urban areas. However, the existing capacity of 25ha is recognized as a 'maximum' estimate of supply at this stage as some of those sites have also been suggested for alternative uses, as well as employment land.

#### Other policy areas and overall commentary on Local Plan Review

The Local Plan Review Issues and Options consultation identifies there are likely to be a number of updates to the existing Local Plan (Part 1) policies. However, these are primarily to reflect updated national planning policy and updated local evidence for the next plan period. Overall it is not expected that many of the key principles of these policies will fundamentally change (particularly given that the Local Plan (Part 1) is only just 5 years old and was produced in the context of the NPPF, 2012).

#### Council's Ecologist

The submitted Ecological Management Plan dated October 2019 contains measures to upgrade and maintain remaining areas of semi-natural vegetation around the development which are likely to be sufficient in scale to offset ecological damage resulting from the development proposals. Full implementation of these measures will be sufficient to meet the requirements of CP12.

I have no objection to the proposals subject to a condition being imposed requiring full implementation of the measures contained within the submitted ecological management plan which will need to remain in place for the duration of the development.

## Economic Development

No objections.

Economic Development are supportive of the application.

It is great to see the continued focus on development in Cannock from Pentalver. Alongside the previously supported planning applications – Should this be granted, Pentalver would be in a position to upgrade its facilities onto newly acquired land, making space for the previously accepted proposals.

A number of positives to note.

- The overall project investment is substantial at £18 million – It is fantastic to see that Pentalver sees Cannock as the best location for this investment and growth.
- Pentalver have consulted the public well, clearly demonstrating plans, and listening to public worries.
- The increase in scale, and administrative functions on the site would mean an additional 50 jobs created. The new office build was referred to as being used for “current and future” expansion which sounds promising.
- The shift to a modal site, would allow the business to become increasingly efficient – and hopefully attract new clients on that basis as well as enable Cannock Chase based business to consider further territories.
- Great attention has been paid to the travel plans – including bus/cycling/train – and how these routes connect to the site which is fantastic, given the increased use of the area with McArthur Glen situated in close proximity.

We do have a number of recommendations to support the application.

- With reference to the creation of 50 jobs –It would be great to see detail on whether there would be a focus on employing these locally. Reference could be paid to how McArthur Glen have linked with Walsall College on the Skills Academy – There may be a possibility to do a similar scheme with a local provider to ensure continued recruitment/training should that be needed.
- Reference also made to the future plans of having plug in points for EV vehicles. It would have been suggested to implement these points during the first development and build stage, to coincide around travel plans, and not as a later phase.

## Parks & Open Spaces

Ecological implementation plan –

Details acceptable but see not under Landscape Management Plan.

Arboricultural assessment -

As the applicant has confirmed that the service duct in respect of a 2017 application will not be installed under the car park area. As such this removes the issue around T5 and also any other potential impact on the remaining TPO trees along that boundary in respect of a new service duct/ provision. As discussed the inclusion of a condition covering the omission of the trench would be appropriate.

With regard to G10 the position still remains however, following discussion the proposed condition requiring detailed survey and identification of trees to remove would be acceptable.

Landscape Management Plan

- This has now combined the various aspects as required.
- The ecologist has however noted the following minor points:-

There are discrepancies between the Landscape Management Plan and Ecological Implementation Plan. The ecological Implementation Plan correctly states that pesticides and fertilisers should not be used whilst there is a very heavy reliance upon the use of herbicides in the Landscape Management Plan. It should be noted that bramble represents valuable wildlife habitat and is not a pernicious weed as indicated in the landscape plan. Whilst some control of this plant may be required in localised areas it should be by cutting rather than herbicide application.

There is no mention of the bulb planting in the landscape plan which is an essential element of the ecological mitigation and compensation measures.

I would advise that where discrepancies exist between the two documents the Ecological implementation Plan should take precedence in all retained areas supporting semi-natural vegetation.

Summary

- Details generally acceptable with appropriate conditions as discussed/ noted.

Waste and Engineering Services

No objections.

**Response to Publicity**

The site has been advertised by neighbour letter, site notice and newspaper advertisement. 5 letters of representation have been received raising the following issues: -

Residents of Rumer Hill have had to endure flies and smells from the adjacent landfill and noise from lorries being loaded with horns beeping.

The car park from Rumer Hill will cause congestion on already overloaded estate Roads, particularly Devon Road.

The ground around the coal mining drainage pool is very soft and they want to build up to it.

The applicants are acting as if planning permission is assumed and they are only going through a tick box exercise.

The proposal would introduce an oversized crane.

The traffic would result in excessive amounts of noise and pollution.

What is to be implemented in regard to acoustic barriers along the east of the property.

A detailed letter of objection has been received raising the following issues: -

### **Stats**

Previous owner Genesis-Wyoming

Present owner Brookfield's

Heavy lifter Fire approx.. 2yrs ago/ Fuel leak into reservoir where newts etc live.

Badgers have already been moved for the business but killed soon after (unknown how).

Bats on site which are protected.

Japanese knotweed on site which could spread if disturbed.

Protected Pool?

Plans to reduce Pentalver's fleet of vehicles approx. 150 plus outside contractors such as Haywoods Maritime, Squires and Stobart's. Plans to increase the number of agency staff/ vehicles (number unlimited).

Running at approx.. 30% capacity at present. However, Bristol Freightliner yard closed meaning traffic required to store elsewhere including Cannock.

Boxes originally stacked at 5 high, now instructed by new manager to go up to 6 high.

Contract for heavy lifters already placed with Briggs for 6 high lifting.

Sound barrier to the north side 3-4 high, empty containers, constantly used and only replaced after complaints fro noise pollution.

New CCTV cameras on site are costing \$41000 to update for expected volume.

### **Background Info**

Landor St closing due to HS2, now moving main traffic to Telford.

Sandvik site considered due to its proximity to they West Coast Mainline.

Brookfields already own another site off the A449 and rent part of it to other companies...part is undeveloped as yet.

The site is set to be 1/3 larger than the i54 site just off the M54. This site links to A449, A5, M6 and West Coast Mainline and far more suitable for a road/rail operation. It does not involve residential housing estates being used for industrial access.

The scheme would see a 'Strategic Rail Freight Interchange' built on the land, chosen for its proximity to the West Coast Mainline and key main roads. The development would include a freight terminal capable of accommodating ten 775 metre long trains a day, container storage, HGV parking and a rail control building. All of which point to the site being a more suitable option.

Developers also looked hard at and ruled out eight other locations in the region, including the closed Rugeley Power station (which already has a rail link), the former Royal Ordnance Factory site in Featherstone (Sandvik), and Dunston and Creswell on the southern and northern fringe of Stafford.

The following information was provided by Pentalver Directors at the May meeting.

### **Railway**

5 roads planned including a run round road. Unwired.

Locos class 60, 66, 70 Diesel fleet.

Plans to build to 6 trains per day 6.5 days per week.

2x 70m cranes (an eye sore from any angle).

Length of trains 38-50 containers approx.. (1 per lorry) making approx.. 600 lorry movements per 24hrs including loading and unloading.

### **Train Details**

#### **Class 60 Locomotive**

Built between 1989-1993, 131 tonnes Air Braking, Max Speed 60mph, 3100bhp, 8cyl-145 litre engine.

Between 2012 and 2018 Db Cargo sold their fleet class 60 to other freight operators.

In 2018 GB Railfreight purchased 10 class 60 from Colas Rail (their whole fleet) who replaced them with class 70's.

#### **Class 66 Locomotive**

Built 1998-2008 2014-2015, 129 tonnes, Air Braking, MAX Speed 75mph, 3300bhp, 2 stroke engine combined supercharger and turbo. Operators- Colas Rail, DB Cargo UK, Direct Rail, Freightliner, GB Railfreight.

#### **Class 70 Locomotive**

Built 2008-2017, 129 tonnes, Air braking, Max speed 75mph, 3690bhp.

Operators Colas Rail, Freightliner.

Video and sound Examples of these locos and trains have ben shown to Environmental Health and Ward Counsellors.

Noise of loco 100db min and Diesel Fumes (unknown). Locomotive noise is at such a level that a normal conversation cannot be had in close proximity. Ear defenders required and you have to shout!).

The wagons could be a combination of FTA/FSA/KFA Wagons which average about 22-25 wagons per train, but could be longer. They have a mix of 20' and 40' containers on them so would vary the number off lorries required. The train horn is usually used before any train movement takes place.

Rail access from the south of the site. Turn out already site with 3 aspect main line signal exiting to south. There is no provision for exiting to the north hence the requirement for a run around road. Track access plans have already been submitted to network rail and now forms part of the new

timetable for December 2019. This clearly shows the timed movements of the trains and also clearly shows there will be two trains on site overnight, meaning that loading and shunting will take place overnight increasing noise and air pollution. Evidence has been provided in this pack.

### **Road Traffic**

Increase traffic numbers via Devo Road and Rumer Hill Road with increased noise levels and pollution adding to the pollution already from the AD Plant at the Poplars site.

This was discussed at the Pentalver meeting with access via Rumer Hill road gates. At present there are 240 staff who will be redirected via Rumer Hill Estate as this will become the main entrance for staff. This was confirmed with the Directors in May. So an extra 240 cars across a 24 hour period, the site is working at 30% capacity at present. This is likely to increase with expansion plans. Site access development is available off the Brewers Fayre Island to the south of the site. This is clearly shown on the photos in the pack an easily seen using google maps. This is a far better position for site access as the access opens directly onto the A460 roundabout by the brewers Fayre Pub.

HGV access via Devon road was also discussed and I was told that although this is a possibility there was no plans to make it a HGV access but would not be ruled out for the future. Therefore, as a minimum a weight restriction would be required for Devon Road. The railway bridge on Rumer Hill Road would negate the same as the 12'3" height restriction is regarded as sufficient.

### **Site Suitability**

.Residents of Rumer Hill have suffered long enough with noise/ light and air pollution without any need to make it worse. Already the residents of Rumer Hill Road have had to suffer light pollution all through the night and have had to purchase black out blinds. Residents of Rumer hill Estate continue to suffer odour pollution from the AD plant and increased exhaust pollution from the increasing number of cars that are using the estate as a cut through form Walsall road to Lichfield Road and vice versa even though the estate is already regarded as access only. For which signage has existed for decades but not enforced.

The issue is likely to increase due to the building of the new Designer Outlet with no consideration being given to the impact on the residential area. Improvements have been made to some local infrastructure but not to the residential areas. This was proved when the main A5190 Lichfield road was



blocked off due to road works connected with the Designer Outlet build. The numbers dropped off to virtually zero, only increasing 7 weeks later when the road was opened to one-way traffic. When both lanes are fully open Devon road is bumper to bumper during rush hour with residents unable to access their own property.

Previous noise complaints about Pentalver have been upheld and Pentalver had to take steps to reduce noise nuisance from the site. This was addressed by Environmental Health at CCDC.

[Councillors are advised that the above submission was accompanied by a range of photographs and railway timetable. These are available for inspection on the Council's Public Access website].

### Relevant Planning History

|             |   |
|-------------|---|
| CH/00/0203: | Reception and despatch of coal. Existing lawful use Cert issued. Use/DevCert Issued. 01/18/2001           |
| CH/00/0322: | Change of use for the operation of ten coaches/ mini-buses. Full - Approval with Conditions. 09/13/2000.  |
| CH/00/0353: | One 15 metre high monopole tower three sector antennae. Full - Approval with Conditions. 09/22/2000.      |
| CH/00/0484: | Change of use for gymnastic training facilities. Full - Approval with Conditions. 11/15/2000.             |
| CH/01/0252: | Variation of condition 6 of planning permission CH/00/0322. Full - Approval with Conditions. 07/10/2001.  |
| CH/03/0875: | Container handling depot. Full - Approval with Conditions. 04/14/2005.                                    |
| CH/04/0278: | Fence. Full - Approval with Conditions. 06/22/2004.   |
| CH/06/0276: | Container handling depot. Full - Approval with Conditions. 09/28/2006.                                    |
| CH/07/0008: | Relocation of container repair shop and container workshops. Full - Approval with Conditions. 02/27/2007. |
| CH/10/0364  | Residential development - (Outline including access). Undetermined/File Closed. 05/26/2016.               |

|            |   |
|------------|---|
| CH/11/0358 | Prior notification for the demolition of vacant industrial buildings. Approved 11/18/2011.                                      |
| CH/14/0452 | Application to vary condition 2 and remove condition 3 of planning consent CH/06 Full - Approval with Conditions 08/03/2016.    |
| CH/17/165  | Installation of stand by electricity generatinf infrastructure and other ancillary. Full - Approval with Conditions 07/21/2017. |
| CH/88/940  | Office/ industrial warehousing retail and Hotel. Full - Approval with Conditions 01/19/1989.                                    |
| CH/89/0503 | Opencast coal and and clay extraction restoration atop woodland. Full - Approval 06/13/1990.                                    |
| CH/91/0161 | Seven hoarding and 2 flagpoles. Advert-Grant with Conditions 04/16/1991.  |
| CH/97/0254 | Proposed modifications to the working and restoration. County Reg 3 - No objections. 09/24/1997.                                |
| CH/97/0274 | 22.5m high raio mast and equipment building . Full - Approval with Conditions 09/24/1997.                                       |
| CH/98/0522 | Proposed railway station associated to parking. Outline-Approval with Conditions 11/18/1998.                                    |
| CH/98/0538 | Five storage containers and change of use of building. Full - Approval with Conditions 12/02/1998.                              |
| CH/99/0090 | Proposed restaurant and public bars etc. 07/14/2000.  |
| CH/99/0180 | Change of use for car repairs and HGV operating centre. Full - Approval with conditions 06/02/1999.                             |
| CH/99/0588 | Variation of conditions 1XX(K) AND 1XXI on PLANNING County Reg 3 - No Objections 01/26/2000.                                    |

## **1 Site and Surroundings**

- 1.1 The application site comprises the Pentalver site to the south and land which was formerly part of the Rumer Hill Industrial Estate which has subsequently been demolished and cleared. The site has a total area of 12.07 hectares.

- 1.2 The northern part of the site is comprised of previously developed land which is characterised by hardstanding, demolition rubble, a mine water lagoon and compound operated by Severn Trent and a pumping station owned by the Coal Authority, intermittent grassland, scrub and fringes of secondary woodland.
- 1.3 The southern part of the site is occupied by Pentalver and operated as a shipping container storage area and a lorry park.
- 1.4 The site is situated between the Birmingham-Rugeley Railway line to the west and A460 Eastern Way to the east.
- 1.5 To the west of the site across the railway is a predominantly industrial-commercial area. To the east across Eastern Way are the Poplars Landfill site and the Orbital Centre. To the north the site bounded by residential properties of the Rumer Hill Estate.
- 1.6 The site is located within the main urban area of Cannock. The site is not allocated for any planning purpose in the Cannock Chase Local Plan. However, the site is located within a Coal Authority High Risk Area and a Minerals Safeguarding Area.

|          |                 |
|----------|-----------------|
| <b>2</b> | <b>Proposal</b> |
|----------|-----------------|

- 2.1 The Applicant is seeking consent for
  - (i) the installation of a railhead to comprise 5 line rail siding with two 27m high gantry cranes; and
  - (ii) alterations to the existing site layout to convert the existing depot to a multi-modal container handling facility, and
  - (iii) expansion of the depot site onto adjoining former Rumer Hill Industrial Estate to include provision of trailer parking (125 trailer slots and a further 35 weekend trailer parking slots) and car parking areas 140 spaces for lorry drivers); and
  - (iv) erection of new 2 storey, 530sqm (GIFA) office building; and
  - (v) the erection of new workshop building, relocation of washdown facility and refuelling point, and provision of authorised testing facility
- 2.2 The office building would be approximately 9.5 metres high and constructed at ground floor level from red tone facing bricks with blue brick soldier course and at head and cills with the first floor finished in render all under a zinc

standing seam roof. The office would be located to the northern end of the site adjacent to Rumer hill Road and Devon Road.

- 2.3 The container repairs building would have an overall height of 5.79m and would be constructed of steel. The ATF building would have a maximum height of 6.7m and would be finished in part brick and part profiled steel. These would be located along the eastern boundary of the site.
- 2.4 Access from Rumer hill would be restricted to cars and pedestrians only with all lorries leaving and arriving via Pentalver Way.

### **3 Planning Policy**

3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.

3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).

3.3 Relevant Policies within the Local Plan Include:

|         |   |
|---------|---|
| CP1: -  | Strategy                                    |
| CP3: -  | Chase Shaping-Design                        |
| CP8: -  | Employment Land                             |
| CP9: -  | A Balanced Economy                          |
| CP10: - | Sustainable Transport                       |
| CP12: - | Biodiversity and Geodiversity               |
| CP14: - | Landscape Character                         |
| CP16: - | Climate Change and Sustainable Resource Use |

3.4 National Planning Policy Framework

3.5 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be 'presumption in favour of sustainable development' and sets out what this means for decision taking.

3.6 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.7 Relevant paragraphs within the NPPF include paragraphs: -

|                     |  |
|---------------------|--|
| 8:                  | Three dimensions of Sustainable Development          |
| 11-14:              | The Presumption in favour of Sustainable Development |
| 47-50:              | Determining Applications                             |
| 80:                 | Building a Strong Competitive Economy                |
| 108, 109, 111       | Promoting Sustainable Transport                      |
| 124, 127, 128, 130: | Achieving Well-Designed Places                       |
| 153, 163            | Climate Change, and Flooding                         |
| 170, 175:           | Conserving and Enhancing the Natural Environment     |
| 178, 180, 181, 183: | Ground Conditions and Pollution                      |
| 212, 213:           | Implementation                                       |

3.8 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

#### **4 Determining Issues**

4.1 The determining issues for the proposed development include: -

- i) Principle of development
- ii) Design and impact on the character and form of the area
- iii) Impact on residential amenity.
- iv) Impact on highway safety.
- v) Impact on nature conservation
- vi) Drainage and flood risk
- vii) Air quality
- Viii) Mineral safeguarding
- ix) Crime and the fear of crime
- x) Waste and recycling facilities
- xi) Ground conditions and contamination
- xii) Economic development issues

4.2 Principle of the Development

- 4.2.1 Both the NPPF and Cannock Chase Local Plan 2014 Policy CP1 advocate a presumption in favour of sustainable development unless material considerations indicate otherwise.
- 4.2.2 The proposal is for the provision of a rail head (that already has planning permission granted in principle in 2006) to convert the current road linked container terminal into a multi-modal facility and expand the current operations onto adjoining land to the immediate north that comprises the now vacant and cleared Rumer Hill Industrial Estate. The application also seeks the relocation of the offices to the former Rumer Hill Industrial Estate, provision of office parking to the north.
- 4.2.3 The site represents a brownfield site which is in current employment use as a haulage business site.
- 4.2.4 The proposal needs to be considered in the context of national and local planning policy. The development plan for Cannock Chase District consists of the Local Plan (Part 1), adopted Neighbourhood Plans and the Staffordshire County Council Waste and Minerals Local Plans.
- 4.2.5 The National Planning Policy Framework (NPPF para 11) states development proposals that accord with an up to date development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted, unless policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide a clear reason for refusal, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 4.2.6 The Local Plan (Part 1) was adopted more than five years ago; it is now the subject of a review. This review is at an early stage in the process with consultation on 'Issues and Options' being undertaken recently (May-July 2019). Therefore limited weight can be afforded to it. The starting point for the determination of planning applications remains the adopted development plan (Local Plan (Part 1)).
- 4.2.7 The site is not allocated for any purpose within the current adopted Local Plan (Part 1). Furthermore although there is a Local Plan Review, which is at Issues and Options consultation Stage, this is not at a sufficiently advanced stage to carry significant weight.

4.2.8 Policy CP1 sets out the overall development strategy for the District, which is to focus the majority of development within the existing settlements whilst conserving and enhancing the landscape of the AONB, Hednesford Hills, Green Belt and green infrastructure. The urban areas are to accommodate most of the District's new housing and employment developments, distributed broadly in proportion to the existing scale of the settlement, with urban extensions (including to the east of Rugeley/Brereton on another part of the former power station).

4.2.9 Having had regard to the above it is noted that

- (i) Planning permission has previously been granted for a similar development on this site;
- (ii) The proposal would accord with Policy CP1 of the Development Plan to focus development within the main urban area of Cannock; and
- (iii) The site is located with a sustainable location with good access to Cannock Railway Station and bus routes thereby allowing employees good access via traffic modes other than the private car; and
- (iv) The site is not subject to any allocation or designation that would preclude a development of this type.

4.2.10 As such the proposal is considered acceptable in principle. However proposals that are acceptable in principle are required to meet all other relevant policy tests.

### 4.3 Design and the Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 Having taken all of the above into account it is considered that the main issues in respect to design and the impact on the character and form of the area are: -

- (i) Overall layout
- (ii) Materials, scale and external appearance of the development
- (iii) Landscaping

4.3.6 In order to inform the application the applicant has submitted: -

- (i) Proposed Site Layout Master Plan
- (ii) Proposed Elevations Plan and gantry Cross sections
- (iii) Landscape Proposals
- (iv) Landscape and Visual Appraisal
- (v) Arboricultural Assessment
- (vi) Landscape Management Plan



4.3.7 Landscape and Visual Appraisal (LVA) dated June 2019 and prepared by WYG Environment Planning and Transport Limited provides an assessment of the effects of the proposed development on the landscape of the site and its context. The assessment is broken down into (i) a landscape assessment and (ii) a visual assessment.

4.3.8 In respect to the landscape assessment the report states that the proposal would be moderate adverse effect on the site's landscape fabric during construction and day 1 of the development due to the intermediate scale of change associated with the removal of trees and shrubs largely within the northern part of the site to accommodate the development proposals. The report goes on to conclude "this would reduce to a minor adverse effect in the longer term when the landscaping proposal as part of the development matures, limiting the degree of the change overall to the site's landscape fabric".

4.3.9 In addition to the above the report concludes

"the assessment of landscape effects has identified a minor adverse effect on the landscape character of the urban land within the site's local landscape context during construction and operation of the development from day 1 to year 15. This is due to the industrial context of the site which includes the existing storage containers and handling operations";

adding "beyond the urban context, the proposal development is assessed as providing negligible effects on the landscape of the Coalfields Farm LCT and settled Farmlands LCT" as these would be largely separated by intervening built development and trees.

4.3.10 In respect to the visual assessment the report states that there would be "moderate adverse effects on residential receptors situated to the north of the site at the eastern end of Rumer Hill Road and within Bridgtown, including residents along Walsall Road and on Hunter Road beyond, which overlook the development from within the built-up landscape to the west at a distance of 0.3-0.4km" which would reduce overtime to minor adverse as planting matures.

4.3.11 The report also concludes that there would be minor adverse effects elsewhere in Bridgtown and Rumer Hill and to minor adverse to negligible effects to motorists and other users of of rights of way

4.3.12 The LVA and other plans and statements listed above have been reviewed by the Landscape Officer who has no objections to the LVA and considers that, subject to conditions the layout and landscaping proposal are acceptable

4.3.13 As such it is considered that the development would be well-related to existing buildings and its surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and would successfully integrate with existing trees; hedges and landscape features of amenity value. The proposal would therefore not be contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127 of the NPPF.

#### 4.4. Impact on Residential Amenity

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the "amenity enjoyed by existing properties".

4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.

4.4.3 In this respect it is noted that impacts on the amenity of neighbouring residential properties have the potential to be affected by

- (i) Overlooking, overshadowing and loss of outlook from the proposed buildings, particularly the office and other features within the site such as the gantry and the storage of containers.
- (ii) noise from the operation in particular, but not limited to, vehicles within the site.
- (iii) air quality.

4.4.4 Air quality will be addressed later in the report under its own distinct section as it has wider environmental and geographic implications.

4.4.5 In respect to the impact of the proposed office at Rumer Hill Road it is noted that this would be two-storey with a height to eaves of 9.5m high and length and width of 28.5m and 11m respectively. The northern (side) elevation of the office would be 32m from the dwelling at 2 Devon Road and the front elevation would be approximately 51 m from the Gables, on Rumer Hill Road.

4.4.6 Officers can confirm that given the size, scale height of the proposed office and its juxtaposition to the nearest dwellings that any additional level of

overlooking and overshadowing, or loss of outlook would be acceptable and insufficient to warrant refusal.

4.4.7 Overlooking from within the Pentalver site particularly from the car park would not be significant given the level of screening along the boundary shared with the houses fronting Rumer hill Road.

4.4.8 Although the two gantries would have a height of 27m they would not be occupied being essentially machines. As such given the substantial distance between them and the dwellings to the north it is considered that they would not have significant impact on residential amenity by virtue of overlooking, overshadowing or loss of outlook.

4.4.9 In respect of noise the applicant has submitted a noise report which concludes: -

“Including the mitigation scheme [which] includes a 3.0m acoustic barrier around the perimeter of the proposed HGV parking areas, the proposed development, including all combined sources of noise, is not expected to have an ‘adverse impact’ on health or quality of life. Noise levels from the proposed development have been predicted and it has been demonstrated that the predicted noise emissions will result in levels to be within or below the No Observable Adverse Effect Level at nearby noise sensitive receptors during both the daytime and night-time and levels which are below the criteria [set out in the report].

Despite the favourable assessment an ‘Operational Noise Management Plan’ has been produced.....The management plan presents best working practices to reduce noise levels even further. The management plan also presents a scheme for post-completion noise monitoring to show compliance.”

4.4.10 The Environmental Health Officer has stated

“Although the scheme is an expansion on the current activities, the nearest residential properties will benefit from increased separation distances and a 3 metre high barrier. The quieter activities, such as car parking areas will now be closest to residents. Noise calculations indicate that these measures will be adequate to ensure that the site will not have an adverse impact on the quality of life of nearby residents. However, it is imperative that the operator adheres to the noise management plan produced for this site, to ensure that good practice is maintained. This includes vehicle management plans,

delivery and loading process, unloading, return journeys, reversing alarms, management and maintenance, training and monitoring. The plan should be revised bi-annually to account for changing circumstances and evidence of any adverse noise impact from the operations.”

4.4.11 The comments from, and issues raised by, Rumer Hill Residents Association are noted. These have been forwarded to the applicant who in response has stated: -

“WYG were commissioned by Lambert Smith Hampton to produce a noise assessment to enable the discharge of Conditions 5, 6 and 8 on the extant planning permission (ref CH/14/0452 dated 8th August 2016). The conditions relate to (5) a scheme of acoustic mitigation (6) design of the quiet railhead warning system and (8) absolute noise levels specifically for the proposed railhead.

WYG undertook a baseline noise monitoring survey from Thursday 28th March 2019 to Thursday 4<sup>th</sup> April 2019 at twelve locations including attended short-term monitoring at seven locations during the daytime, evening and night-time. Five additional locations were measured, unattended, over a 169-hour period. This monitoring was undertaken to characterise the existing baseline ambient noise environment currently experienced at the closest properties surrounding the site.

Furthermore, source noise measurements of a diesel locomotive was undertaken at a siding in Salisbury; LAeq (averaged noise) and LAmax (maximum instantaneous noise) level data from this monitoring have been presented. Noise level data for the rail mounted gantries (RMG), HGV operations (including parking and movements), reach stackers, vehicle jet wash and staff car-parking have also been presented within the noise assessment.

The closest sensitive residential premises have been identified and summarised within the report. These receptors have been selected to represent worst-case locations with respect to direct noise from the site (based on distance to the sources in different directions) to represent both ground floor living spaces and first floor bedrooms of nearby properties.

Three-dimension noise modelling has been undertaken to predict the effects of multiple noise sources operating simultaneously at locations

surrounding the site, taking into account the relative distances and heights of the surrounding properties.

The first element of the noise assessment takes into account the noise limits set out within Condition 8 of the planning condition. The assessment considers the proposed operations of the railheads, including the movement of a diesel locomotive including sources such as horns etc, the operation of two Rail Mounted Gentries (RMG) and the quiet railhead warning system. The assessment has shown that predicted operational noise levels are below both the average LAeq criterion of 40 dB and LMax criterion of 60 dB at the facades of all closest sensitive receptor locations.

An additional assessment of yard activity associated with the proposed site extension was undertaken (including the movements and loading of HGVS, stacking of containers, jet wash and all other sources).

The initial assessment identified that, in the absence of additional acoustic mitigation, site operations to the north of the site would have the potential to adversely affect the closest properties.

Therefore, in accordance with the requirements of Condition 5, a scheme of mitigation has been designed to reduce the potential for adverse effects at the closest properties by providing 3.0m high acoustic barriers around the perimeter of the proposed trailer parking area to the north of the site, adjacent to the receptors along Rumer Hill Road.

With the inclusion of this mitigation, operational noise levels are predicted to be below the existing background noise levels and cumulative noise levels (including railhead and site extension) would meet the requirements of Condition 8. Nevertheless, an operational noise management plan has also been produced which outlines a number of physical and best practice measures to reduce noise within the site and includes provision for noise monitoring of the operational site.”

4.4.12 The Environmental Health Officer has reviewed the noise issue in the light of the comments made by the residents association and the WYG statement (above) and has stated

“Although the WYG statement lacks the supporting data, it should be treated as reliable as it in no way detracts from the developer’s responsibilities. It proposes 3.0m high acoustic barriers around the

perimeter of the proposed trailer parking area to the north of the site, adjacent to the receptors along Rumer Hill Road together with an operational noise management outlining a number of physical and best practice measures to reduce noise within the site and includes provision for noise monitoring of the operational site. This document does not appear to have been included, but I anticipate will address the relevant noises.

I understand that Rumer Hill Road will not be used for commercial vehicle movements. As such, I do not consider that vehicle noise and air quality issues on Rumer Hill Road to be a constraint to development in this instance.”

4.4.13 The comments of the Environmental Health Officer are accepted and it is concluded that, subject to the attached conditions, the noise levels associated with the proposal would maintain a high quality of residential amenity.

4.4.14 Having had regard to all of the above that subject to the attached conditions it is considered that the proposal would safeguard the high standard of amenity of existing and future occupiers of neighbouring residential properties in accordance with policy CP3 of the Cannock Chase Local Plan and Paragraph 127(f) of the NPPF.

#### 4.5 Impact on Highway Safety

4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe adding at paragraph 110: -

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid

unnecessary street clutter, and respond to local character and design standards;

- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

4.5.2 In order to achieve the above requirements paragraph 111 of the NPPF goes on to state: -

‘All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.’

4.5.3 In order to support the application the applicant has submitted: -

- (i) Proposed Layout Plan
- (ii) Framework Travel Plan
- (iii) Transport Statement

4.5.4 The proposed layout shows that access for all cars and pedestrians associated with the HGV workers and the office would be accessed via Rumer Hill Road. However, all HGVs using the site would access and egress via Pentalver Way onto the Eastern Bypass.

4.5.5 The Highway Agency and the County Highway Authority have no objections subject to the attached conditions.

4.5.6 In response to the issues raised by local residents in respect to traffic the Highway officer has stated

“In highway terms it appears that the main concern is a residential housing estate being used for industrial access.

In determining the application the Highway Authority noted that the Rumer Hill Road access will be used to service the proposed new office and will not provide access for HGV's associated with the site. With reference to the submitted Transport Assessment, Paragraphs 3.2 & 3.3 confirm this arrangement. I note there is also concern that Rumer Hill Road was not being ruled out for HGV access in the future. If this proposal did come forward then the merits of such a proposal would be considered and determined at that time.

Rumer Hill Road previously served Rumer Hill Industrial Estate and with reference to planning application CH/10/0364 received Outline Planning Permission for a maximum of 70No.dwellings. 70No.dwellings would generate between 560 and 700 vehicle movements per day.

Taking the above into account the Highway Authority would not be able to defend a recommendation of refusal to the Local Planning Authority at any Appeal.”

4.5.7 The comments made by the Highway Authority are accepted. Therefore subject to the conditions recommended by the County Highway Authority and the completion of a Section 106 agreement in respect to the implementation of the Travel Plan it is considered that the residual cumulative impacts on the road network would not be severe and that the proposal would not lead to unacceptable problems on the highway network and as such the proposal is not contrary to Paragraph 109 of the NPPF.

#### 4.6 Impact on Nature Conservation Interests

4.6.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170, 174, 177, 179 of the NPPF.

4.6.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via

'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for;

- support for the protection, conservation and enhancement of existing green infrastructure to facilitate robust wildlife habitats and corridors at a local and regional scale (particularly to complement Policy CP16);
- supporting and promoting initiatives for the restoration and creation of priority habitats and recovery of priority species and the provision of new spaces and networks to extend existing green infrastructure;
- supporting development proposals that assist the delivery of national, regional and local Biodiversity and geodiversity Action plan (LBAP/GAP) targets by the appropriate protection, incorporation and management of natural features and priority species;



- the promotion of effective stewardship and management across the district to contribute to ecological and geological enhancements.

#### 4.6.3 Paragraph 170 of the NPPF states [amongst other things] that

- 'Planning policies and decisions should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [and]
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;'

#### 4.6.4 Paragraph 174 goes on to state

When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity 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;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

#### Site Specific Impacts on Ecology

4.6.5 The applicant has submitted: -

- (i) Ecological Management Plan,
- (ii) Bat survey, October 2019

4.6.6 The bat report concludes: -

“Given the absence of trees with potential roosting features and the absence of bats recorded during the internal/ external building assessment, and nocturnal building survey, the presence of an on-site bat roost can be ruled out and no further surveys are required.

4.6.7 The report goes onto provide details of mitigation and enhancement through the provision of bat boxes and control of external lighting.

4.6.8 The Ecological Management Plan sets out measures to maximise the future biodiversity of the site and where possible compensate for loss of habitats. Proposals entail the retention of all semi-natural habitats located at the periphery of the Pentaver Depot although it recognises that approximately 0.766ha of Open Mosaic Habitat and scattered tree will be lost.

4.6.9 Habitat enhancement will include some element of new planting with native species, bat and bird boxes and management of grass land areas which without intervention would succumb to scrub.

4.6.10 The Council’s Ecologist has stated that the “submitted Ecological Management Plan dated October 2019 contains measures to upgrade and maintain remaining areas of semi-natural vegetation around the development which are likely to be sufficient in scale to offset ecological damage resulting from the development proposals” and that “full implementation of these measures will be sufficient to meet the requirements of CP12”.

4.6.11 In respect to the issues raised by local objectors the Council’s Ecologist has stated

- (i) In respect to bats there is low level foraging activity on the site but no evidence of a roost. Foraging areas are not legally protected only places of shelter and protection. The development is likely to result in reduced feeding opportunities but there is no evidence to suggest that this would significantly impact upon the status of the species concerned at the local level.
- (ii) In respect to badgers recent surveys have not identified any current badger activity on the site. Whilst badgers were certainly present when the container depot was first developed it is likely

that they are no longer present or use the site on a less frequent basis. In the absence of current records badgers are not a principle factor in determining the application.

- (iii) In respect to newts there is no evidence of great crested newt on the site. Smooth newts may be present in the pond but these are not legally protected.

4.6.12 As such the Council's Ecologist has no objection to the proposals subject to a condition being imposed requiring full implementation of the measures contained within the submitted ecological management plan which will need to remain in place for the duration of the development. This is accepted by officers as a reasonable and proportionate response to the development and its impact on ecology.

4.6.13 It is therefore considered that the proposal, subject to the attached conditions, meets the requirements of Policy CP12 of the Local Plan and paragraphs 170, 174, 177, 179 of the NPPF.

#### 4.7 Drainage and Flood Risk

4.7.1 The site is located in Flood Zone 1 on the Environment Agency's Flood Zone Maps, and therefore is in the zone of least risk from flooding.

4.7.2 In this respect it is noted that paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.

4.7.3 In addition to the above it is paragraph 165 of the NPPF states 'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development;

4.7.4 The application is supported by a Flood Risk Assessment and Drainage Strategy prepared by Amey Consulting. This concludes: -

"The site is entirely sited within Flood Zone 1 by the Environment Agency. On review of Table 2 of the Flood Risk and Coastal Change Guidance, the flood risk vulnerability classification of the proposed

development is assessed to be Less Vulnerable. In accordance with Table 3 of the Flood Risk and Coastal Change Guidance, the proposed development is assessed to be appropriate for the site.

The principle source of flood risk to the proposed development is considered to be the increase in surface water run-off generated by creating impermeable areas within the boundary of the site. To mitigate the risk of surface water flooding the detailed design of the proposed drainage networks will be in accordance with current standards and follow the principles set out in the drainage strategy. The detailed design shall include above and below ground SUDs where possible to store flood water during extreme storm events. Attenuation features shall be designed to allow for increase in rainfall intensity over the design life of the [proposed development.

The detailed drainage design shall include suitably sized oil interceptor units to provide treatment to all runoff generated by the proposed development.”

4.7.5 The Lead Local Flood Authority and Severn Trent Water Authority after considering the documents have stated that they have no objections subject to the attached conditions.

4.7.6 It is therefore concluded that subject to the attached conditions the proposal would be acceptable in respect to drainage and flood risk

#### 4.8 Air Quality

4.8.1 The proposal by its very nature together with the traffic that it would generate has the potential to impact on air quality. In this respect it should be noted that Paragraph 181 of the NPPF states: -

'Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.'

4.8.2 The application is accompanied by an Air Quality Assessment (dated September 2019, and prepared by Lambert Smith Hampton. The report looks

at impacts both at the 'Construction Phase' and the 'Operational Phase'. In respect of the operational phase the report concludes

Prior to the implementation of appropriate mitigation measures, the potential impact description of dust emissions associated with the construction phase of the proposed development has potential as 'high' at some worst affected receptors without mitigation. However, appropriate site specific mitigation measures have been recommended based on Section 8.2 of the IAQM [Institute of Air Quality Management] Guidance on the Assessment of Dust from Demolition, Earthworks, Construction and Trackout. It is anticipated that with these appropriate mitigation measures in place, the risk of adverse effects due to emissions from the construction phase will not be significant."

4.8.3 In respect to the operational phase the report concludes: -

"For the operational phase, a design year assessment of 2022 traffic emissions have undertaken to assess the effects of the proposed new railhead.

During the design year with the development in place, the assessment of the impact description of the effects associated with both the committed and proposed development, with respect to NO<sub>2</sub> the impact description of the proposed development is determined to be negligible at all identified existing receptors.

With respect to PM<sub>10</sub> and PM<sub>2.5</sub> exposure, the impact description of the proposed development is determined to be negligible for the all identified existing sensitive receptors.

The Damage Cost total provides an indication of the potential air quality effect associated with the proposed development of comparison with other schemes. The damage Cost Calculation will be offset by the mitigation measures detailed in section 8"

namely to promote sustainable travel and minimise the traffic impact of staff related travel via the production of a Travel Plan.

4.8.4 The Travel Plan will entail

- Appointment of a Travel Plan Coordinator.
- Car sharing promotion.
- Identification of suitable / safer routes.
- A shelter providing 16 secure cycle parking.
- Provision of 16 cycle lockers and showers and changing rooms.
- Bike to work and other promotional schemes.
- Notice boards with bus time-tables
- Reception information point.

4.8.5 The Environmental Health Officer (EHO) has stated that he agrees with the conclusion in the report that the operational impact at specific locations would be 'negligible' and accepts that the mitigation measures proposed would meet the total damage costs of £25,776. As such the EHO has no objections subject to a mechanism is put in place to ensure implementation of the Travel Plan. Officers confirm that this could be secured via a section 106 agreement and, or, conditions.

4.8.6 Therefore subject to the attached conditions/ section 106 agreement it is considered that the proposal would be acceptable in respect of air quality.

#### 4.9 Mineral Safeguarding

4.9.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aims to protect mineral resources from sterilisation by other forms of development.

4.9.2 Policy 3.2 of the new Minerals Local Plan states that:

'Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.9.3 In this respect it is noted that the site falls within a Mineral Safeguarding Area (MSA) for shallow coal and fireclay, and for superficial sand and gravel. However the comments from Staffordshire County Council Mineral Planning Authority that the site falls within the boundary of the former Poplars ('Merry England' Authorisation) opencast coal mine, so it is unlikely that any significant mineral resources remain and that they have no objection are noted.

4.9.4 It is therefore considered that the proposal would not unduly restrict the mineral operations and therefore is acceptable having regard to the requirement of Policy 3.2 of the Minerals Plan and Paragraph 206, of the National Planning Policy Framework.

#### 4.10 Crime and the Fear of Crime

4.10.1 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 do to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.

4.11.2 In addition to the above paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development create places which [amongst other things] create places that are safe and where crime and disorder, and the fear of crime, do not undermine quality of life, social cohesion and resilience.

4.11.3 The comments of Staffordshire Police are noted. Given the nature of the comments and the issues that they raise it is considered that the most appropriate way of dealing with this is by way of an informative attached to any permission granted.

4.11.4 As such it is considered that the proposal is acceptable and would create a place which is safe and where crime and disorder, and the fear of crime, would not undermine quality of life, social cohesion and resilience.

#### 4.12 Waste and Recycling Facilities

4.12.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.12.2 In this respect the Pentalver site would make its own arrangements for the disposal of waste and there is sufficient land available to ensure adequate provision is made for storage and collection. As such Waste and Recycling Services have no objections to the proposal.

4.12.3 As such the proposal would not be contrary to Policy CP16(1) (e).

#### 4.13.2 Ground Conditions and Contamination

4.13.1 The site is located in a general area in which coal mining has been a significant factor and therefore there are potential issues in respect to land stability.

4.13.2 In this respect paragraph 170 of the NPPF states: -

“Planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things]:

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

4.13.3 In addition to the above paragraph 178 of the NPPF states: -

Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

4.13.4 Finally paragraph 179 of the NPPF makes it clear that where 'a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.

4.13.5 In this respect it is noted that the applicant has provided

- (i) Geoenvironmental Site Investigation report prepared by Geocon Site Investigations Ltd
- (ii) Coal Mining Risk Assessment

4.13.6 The mains issues in respect to the above are: -

- (i) Ground Contamination.
- (ii) Ground Water Contamination.



- (iii) Ground Gas.
- (iv) Land Stability.

#### Ground Contamination

4.13.7 In respect to ground contamination the Environmental Health Officer has stated that chemical contamination of significance has not been found on the site but has advised that a watching brief should be kept during development, and contingency plans made for dealing with erroneous materials if encountered.

#### Groundwater and Surface Water

4.13.8 The Environment Agency has stated

Reference to the 1:50,000 scale geological map indicates that the site is located on Devensian Till. This is designated as a secondary, undifferentiated aquifer. This means that these deposits could have properties of either a Secondary A or Secondary B aquifer. The definitions of each of these aquifer types are given below.

- Secondary A aquifers. These are permeable strata capable of supporting water supplies at a local rather than strategic scale and in some cases forming an important source of base flow to rivers.
- Secondary B aquifers. These are predominantly lower permeability strata which may in part have the ability to store and yield limited amounts of groundwater by virtue of localised features such as fissures, thin permeable horizons and weathering.

The bedrock geology beneath the above superficial deposits is the Pennine Middle Coal Measures Formation. This is designated as a secondary A aquifer as described above.

The site investigation included with the application demonstrates that it will be possible to manage the risk posed to controlled waters by this development. However as with all site investigations it may be possible that contamination exists that has not been discovered.

In light of the above, we would advise that a condition is included to ensure any significant contamination discovered during development is dealt with appropriately.”

### Ground Gas

4.13.9 The EHO has noted that ground gas monitoring has demonstrated that the site is at high risk from ground gas. As such, gas protection measures evaluating to a score of 5.5 (as per BS8485:2015) should be incorporated into new buildings on site. Suggested gas protection measures are described within the report, but chosen measures should be agreed with this department prior to commencing build.

### Land Stability

4.13.10 The Coal Authority after considering the original Mining Report expressed concerns in respect to the proposed two buildings along the eastern boundary of the site. In response and in an effort to speed up the decision making process the applicant has removed these two buildings from the description of the development. The Coal Authority has now confirmed that the proposal is acceptable in respect to risks from the mining legacy.

4.12.11 As such it is concluded that subject to the attached conditions the proposal is acceptable in respect of the requirements of paragraphs 170, 178 and 179 of the NPPF.

### 4.14 Economic Development

4.14.1 The applicant has stated that the proposed railhead would create a piece of economic infrastructure with the potential to support the competitiveness of business. The project would require an inward investment of £18 million pounds and involve an input of £1.3 million from the Local Growth Fund from the Birmingham and Solihull Local Enterprise Partnership.

4.14.2 The applicant's Planning Statement also states Pentalver contributes to the local economy through employment of approximately 330 local people and that the proposals are expected to create approximately 50 new additional jobs.

4.14.3 The Economic Development Officer has acknowledged the benefits of the proposal and is supportive of the application.

4.14.4 It is clear from the above that Pentalver currently makes a significant contribution to the local economy. Furthermore, the current proposal would safeguard the current jobs, involve a substantial investment in the district and create a further 50 jobs. This investment would dovetail well with Objective 4 of the Employment Land Growth Requirements and Strategy to encourage a vibrant local economy and workforce. As such the economic benefits arising from the proposal are substantial not only to the district but also to the wider

West Midlands area and accordingly substantial weight should be afforded to them.

#### 4.15 Health and Safety

4.15.1 In respect to issues of health and safety and the carrying out of the development in a safe manner the comments of National Grid, Gas distribution Plant Protection, Network Rail, Western Power Distribution and Staffordshire Fire and Rescue have been sought

4.15.2 National Grid, Gas Distribution Plant Protection have made no comments and Network Rail's response was merely to forward a questionnaire for the applicant to submit.

4.15.3 Staffordshire Fire and Rescue have stated that they have no objections and have made general comments on issues which would be considered and controlled under the Building Regulations such as distance from mains and hydrants and the use of sprinklers. It is considered that these issues should be appropriately addressed by way of an informative attached to any permission granted.

4.15.4 Western Power Distribution have objected to the proposal on the grounds that it has Extra High Voltage (EHV) (132kV) network installed on the site. WPD has gone on to state that they must be contacted in all instances for safety guidance, proximity clearances and clear working methodologies related to locating equipment and safe working practices prior to any physical (or survey) works at this site and that any alteration, building or ground works proposed within 50 meters of any network, apparatus or equipment that may or may not directly affect cables or conductors, must be notified in detail to Western Power Distribution. WPD has gone on to recommend minimum distances

4.15.5 Notwithstanding the above the responsibility for ensuring that development is implemented safely lies primarily with the applicant. Western Power, although objecting has not raised any issue in detail that would preclude the development and has recommended distances and has made the assertion that the developer should contact them. As such it is considered that the most appropriate manner of dealing with this issue is by placing an informative on any permission granted bringing to the attention of the developer the comments made by Western Power.

#### 4.16 Economic Benefits

4.16.1 The proposal has a number of positive economic benefits including: -

- The overall project investment would result in a substantial internal investment of £18m into the infrastructure not only of the District but also at regional level.
- The increase in scale, and administrative functions on the site would mean an additional 50 jobs created.
- The shift to a modal site, would allow the business to become increasingly efficient – and hopefully attract new clients on that basis as well as enable Cannock Chase based business to consider further territories.

4.16.2 It is considered that the above economic benefits are substantial and should be granted substantial weight in the determination of this application.

## **5 Human Rights Act 1998 and Equalities Act 2010**

### **Human Rights Act 1998**

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

### **Equalities Act 2010**

- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect

to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

## **6 Conclusion**

- 6.1 Full planning permission is sought for a new railhead and associated development. The application proposes the installation of a railhead to comprise 5 line rail siding with two gantry cranes and alterations to existing site layout to convert existing depot to a multi-modal container handling facility. Expansion of depot site onto adjoining former Rumer Hill Industrial Estate to include provision of trailer parking and car parking areas and erection of new 2 storey office building.
- 6.2 The site is unallocated in the Local Plan and is located within a sustainable location within the urban area of Cannock. As such the proposal is considered to be acceptable in principle.
- 6.3 The impacts of the proposal in respect to landscape, residential amenity, highway safety and capacity, ecology, social cohesion and drainage and flood risk are, subject to the attached conditions, considered acceptable.
- 6.4 Having had regard to all local and national policy requirements the proposal is considered acceptable, subject to the attached conditions and the completion of a Section 106 agreement in respect to the implementation of a travel plan.
- 6.5 In addition to the above it is considered that the economic benefits of the proposal are substantial and should be granted substantial weight in the determination of this application. Therefore any residual harm resulting from the proposal would be clearly outweighed by the economic benefits of the proposal.
- 6.6 Approval is therefore recommended subject to the attached conditions and the completion of a section 106 agreement to secure monies for the monitoring of a travel plan.
- 6.7 However, given the lateness of receipt of some of the amended details, the length of the consultation period and the fact that the local paper is a weekly paper, the consultation period for amendments is not due to expire until 28<sup>th</sup> November 2019. Hence Planning Control Committee, if it is minded to approve, can only at this stage give a resolution at the meeting. Such a resolution would enable the decision to be made without the need to wait until the next meeting of Planning Control Committee which is scheduled to take place on 18<sup>th</sup> December 2019.
- 6.8 Hence it is recommended that Planning Control Committee resolves that

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- (i) it is minded to approve the application subject to the conditions attached to the report and the completion of a Section 106 agreement to secure funding for the implementation of a Travel Plan; and that
- (ii) Provided no new material issues are received between the meeting of Planning Control Committee and the expiration of the publicity period on 28<sup>th</sup> November 2019; delegated powers are granted to officers to issue the decision.