

PLANNING APPLICATION NUMBER:P12/1347

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| Type of approval sought | Full Planning Permission |
| Ward | Coseley East |
| Applicant | Mr J. McManus, Chemviron Carbon Ltd |
| Location: | CHEMVIRON CARBON, FOXYARDS, BEAN ROAD, TIPTON, DY4 9AQ |
| Proposal | ERECTION OF STORAGE BUNKERS, STORAGE/MAINTENANCE WAREHOUSE, BULK REACT CARBON STORAGE SILO, BULK TANKER TRUCK LOADING AREA AND INCREASE THE HEIGHT OF THE BUILDING. |
| Recommendation Summary: | APPROVE SUBJECT TO CONDITIONS |

SITE AND SURROUNDINGS

1. The site measures 1.65 hectares. The site is not currently operating but was last used by Severn Trent Water as a plant for the reactivation of spent granular activated carbon. The new owners, Chemviron Carbon Limited, acquired the site in 2011 and will re-open the plant. The applicant would not change the use of the site. The use involves the heat treatment of carbon granules previously used generally for filtration purposes in order to reactivate them for further use. The application submission would increase the production capacity of the site by 50% from its previous operation level and to improve the efficiency of the site seeking to secure its long term use. The site would remain within B2 industrial use.
2. The site is broadly triangular in shape with the built development being focused within the southern part of the site. This includes the main regeneration plant, associated tanks, access road and parking areas. The northern and eastern parts of the site are largely undeveloped comprising a significant number of mature trees on the sites boundaries and amenity grass. The site is accessed via Bean Road through a set of controlled gates. Bean Road links with the Birmingham New Road (A4123).

3. The southern part of the site is relatively flat. The undeveloped parts of the site rise slightly up towards the canal.
4. Immediately adjoining the southern and south-western boundary of the site is a Biffa Waste Transfer Station and a mix of B1c, B2 and B8 industrial uses. Abutting the north-western boundary of the site is a former sewage treatment works that is currently used by NDI Tyre and Tube Supplies part of the Wellington Road Industrial Estate. Existing industrial units located to the south west of the site are currently unoccupied. Located immediately beyond the eastern and north-eastern boundaries of the site is the Birmingham Canal.

PROPOSAL

5. The application seeks to bring the previous use back into operation whilst increasing the capacity and efficiency of the reactivation of carbon. The scheme includes the following development:
6. Erection of a building to store spent carbon within the north-western part of the site. This building would have a footprint of 760m² measuring 34.05m wide and 22.14m deep. The maximum height of the building would be 12.12m.
7. Erection of a building for the storage of the reactivated carbon. This building would be located immediately to the north of the existing reactivation building with a foot print of 900m². The building would be 34.55m wide and 26.09m deep and would be a maximum of 13.57m high.
8. Construction of new internal access road and parking/turning areas. The new access road would broadly following the north-western and north-eastern perimeter of the site providing tanker access to the spent carbon dry storage building for unloading and access to the reactivated carbon warehouse for reloading. The new internal roadways would form a one-way vehicular route through the site providing access from the dry storage area for the unloading of spent carbon and the storage warehouse for reactivated carbon for re-loading.

9. Re-location of the existing acid storage facility.
10. Erection of a dry carbon feed system to the furnace in the form a chain conveyor and feed hoppers.
11. Increasing the height of the existing furnace building by 3 metres to 21.55m high within the existing regeneration plant building. This would facilitate the installation of an additional hearth within the kiln of the furnace. This would allow the increase in production capacity at the site.
12. The application submission would increase the production capacity of the site by 50% from its previous operation level. A key component for increasing production at the site would be the use of dry feeding the spent carbon to the process furnace. The plant would include a facility to handle spent carbon from industrial applications. The site would not involve the reactivation of hazardous substances.
13. The applicant has confirmed that the former occupiers of the site used 2000m³ of water per day in the processing of carbon granules. The process improvements planned at the site would reduce this quantity by 75%, but requires an increase in the capacity of the dry storage area for spent carbon prior to processing and an increase in capacity for the storage of reactivated carbon post processing.
14. The application has been submitted with a number of supporting documents as follows:
 - Design and Access Statement
 - Noise Survey
 - Phase 1 Habitat Survey
 - Tree Survey
 - Flood Risk Assessment
 - Transport Statement

HISTORY

Application Site

| APPLICATION No. | PROPOSAL | DECISION | DATE |
|------------------------|---|---------------------------|-------------|
| 90/51357 | Construction of building with 20.5m high chimneys and two multi-hearth furnaces to regenerate activated carbon. | Allowed on appeal | 30/07/92 |
| 97/51856 | Erection of external crane gantry and extension to existing building. | Approved with conditions | 19/02/98 |
| P00/51806 | Installation of a new water treatment plant with associated access road and a new pre-acid wash tank. | Approved with conditions | 05/03/01 |
| P04/1400 | Installation of 1 no. bagging plant (7.75m high silo and 2.6m high vacuum unit). | Approved with conditions. | 02/09/04 |

Adjoining site (Coseley Eco-Park)

| APPLICATION No. | PROPOSAL | DECISION | DATE |
|------------------------|--|--------------------------|-------------|
| P11/1336 | Demolition of all buildings (excluding buildings of local interests in Sedgley Road West). Mixed use redevelopment to form Coseley Eco Park comprising employment (B1, B2, B8), residential (C3), retail (A1), | Approved with conditions | 20/09/12 |

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| | community hall (D1), football pitch (D2), car showroom, trade wholesale, household waste recycling facility (OSG) with associated access, roads and car parking. | | |
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PUBLIC CONSULTATION

15. The application was advertised by way of neighbour notification letters being sent to the occupiers of twelve properties within close proximity to the site, the display of a site notice and the placing of an advertisement within the local press. The latest date for comments was the 3rd December 2012.
16. Two letters have been received from Skelton Group Investments (the applicant for the Coseley Eco-Park application P11/1336 and owners of land adjoining the application site, which raise the following concerns:

Letter received 26/11/12 from Skelton Group Investments

17. The approved Coseley Eco Park application includes residential use within the northern part of the site, which adjoins the application site. Planning application P11/1336 submitted an Environmental Impact Assessment to take into account the effects of the operation of the application site, since at the time of the submission of the Eco Park application it was still operating.
 - The proposed development falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. An EIA should have been carried out to assess the impact of the proposed development in environmental terms. The Council should refuse the application in accordance with Regulation 3 (4) of the EIA Regulations. The current application is unlawful and should not have been validated.

- The Chemviron proposals should not inhibit or limit the implementation of the Coseley Eco Park outline consent.
- The following aspects should be considered within an EIA:

Air Quality: No air quality assessment has been submitted despite the proposals intensifying the use of the site. The Eco Park application required extensive air quality assessments to be undertaken with a condition requiring the submission of a low emissions strategy for mitigating air quality impacts.

Visual Impact: Concerned regarding the proposals to increase the height of the furnace and building housing by 2.2m and 3m but no visual impact assessment has been submitted to evaluate the potential impacts of the proposed development. It is considered that without this assessment that the Council cannot properly judge the impact of the proposals on the character and appearance of the area and distant viewpoints and the outlook and amenities of existing and future residents of the adjoining Eco Park development.

Ecology: No habitat studies seem to have been submitted. Since the scheme would result in the proposed loss of a significant area of landscaping without such information it is impossible to comment on or establish the impacts of the development upon ecology or the need for mitigation.

Noise: Land immediately to the north of the Chemviron site is to be developed for residential dwellings as part of the Eco Park permission. Before development of the dwellings can take place, condition D2 of the Eco Park permission requires a scheme to be approved by the LPA for protecting residents in these dwellings from noise from the existing carbon regeneration facility.

18. Skelton Group Investments have reviewed the submitted Noise Impact Assessment that supports the planning application and in addition to their letter of objection, have submitted a report prepared by Vibrock and entitled "Response to Noise Impact Review, Report No. 21513.01.v3, dated October 2012.
19. Skelton Group Investments consider that the submitted noise report prepared by Hepworth Acoustics is inadequate in terms of its methodologies and therefore resultant conclusions. Skelton's are of the opinion that suitable conditions must be imposed on this application to limit noise levels to those set out within their original noise impact assessment that formed part of the Ecopark application. Skelton is of the view that without this control, there would not be a means of regulating noise emissions from the proposed facility.
20. In summary, Skelton's consider that the proposed development should not be permitted unless it is accompanied by a full EIA and planning conditions which either:
 - Prohibit any increase in noise levels over and above that associated with the existing permitted use of the site; and/or
 - Requires noise mitigation measures to be adopted within the Chemviron site, such that the increased noise levels would have no greater impact on the residential dwellings within the Eco Park than is associated with the existing permitted use.
21. Without these conditions, the objector considers that it would be unreasonable for the Local Planning Authority to require any future noise scheme associated with the implementation of the Eco Park permission to include more stringent levels of mitigation than would be required had the intensification of use of the Chemviron site not been permitted.

Letter from Chemviron (applicant) received 13th December 2012:

22. The applicant has formally responded to the above objection in a letter as follows:

EIA: The planning application would not be unlawful. The Local Planning Authority has issued its Screening Opinion and confirmed that the proposed development would not be of more than local importance; and that the site is not within an environmentally sensitive area as defined by the Regulations.

Air Quality: This was not considered particularly relevant regarding the planning application submission. The site is classed as a Part A installation under the Environmental Permitting Regulations 2010. Air quality would be controlled by an EPR Permit regulated by the Environment Agency. The permit sets strict air emission limits that the site must adhere to. A formal variation of the EPR Permit will be required and this will include an assessment on emissions.

Visual Assessment: The Design and Access Statement considers the potential visual impact of the development. The applicant considers that the increase in the building height, which is located within an Industrial Estate, is not deemed to be a change that would result in any significant detrimental impact on the amenity value of the area.

Ecology: A Phase 1 Habitat Survey and tree survey has been submitted.

Noise: Pre-application discussions took place with the Local Planning Authority and Environmental Health on the scope and methodology of the submitted noise report. The applicant's noise consultant has reviewed the report prepared by Vibrock on behalf of Skelton Group Investments and comment as follows:

'The omission of determining noise levels at existing dwellings in the area does not affect the resultant findings of the survey. The nearest current residential properties are 300m North West of the site on Sangwin Road. These properties are therefore further away from the site than the recently approved dwellings. Any increase in noise levels from the Chemviron Carbon Limited site associated with the proposals

at current dwellings will be less than the predicted levels at the approved dwellings directly north of the site.'

Hepworth Acoustics disagree with Skelton Group Investments' claim that the noise measurement they had conducted at 'Position C', the reference, are representative of the monitoring and predicted locations used by Hepworth Acoustics. Position C is 150m to the west of the proposed dwellings closest to the Chemviron Carbon Limited site, whereas Hepworth Acoustics 'Location 1' is only 50m south of the proposed dwellings. Therefore it is not possible to directly compare the measurements at the two locations as the prevailing ambient noise climates are different. Due to the remoteness of 'Position C' it is argued that 'Location 1' is more representative of noise levels that would be experienced at the proposed dwellings closest to the Chemviron Carbon Limited site. This is further strengthened by the fact that at 'Position C' road & rail traffic is understood to be the main sources of noise, whereas at 'Location 1' fixed plant and distant transportation are the main sources of noise.'

Hepworth Acoustics explain that the reasons for predicated night-time noise levels being higher than those in the daytime due to the fact that predicted noise levels were for 1 hour periods in the daytime and 5 minute periods at night, as agreed with Environmental Health. Therefore there will be proportionally longer periods of lower noise from the site in a 1hr worst case period than there would be in a busy 5 minute period at night.

Chemviron Carbon Limited stands by the noise survey conducted by Hepworth Acoustic. The survey was conducted in the most sensible manner as measurements were either taken on other Chemviron Carbon Limited sites where similar equipment/vehicles are operating as the ones intended to be implemented at the Tipton site. This study was conducted based on actual facts and not on assumptions only."

Further letter received from Skelton Group Investments 10th January 2013

23. Skelton Group Investments Limited confirms that it has received a copy of the Local Planning Authorities Screening Opinion. Skelton raises concerns that referencing within the text is incorrect and that the correct test in assessing the potential significant effects on the environment of the proposed development should apply to (i) major developments of more than local importance; (ii) development proposed for particularly environmentally sensitive or vulnerable locations; (iii) developments with unusual complex or potential hazardous environmental effects.
24. Skelton's consider that the development falls within (ii) and (iii) as the site is adjacent to a valuable nature conservation area and a SLINC as well as being classed as a Part A installation under the Environmental Permitting Regulations 2010, which the applicant has confirmed.
25. Skelton's stated that other statutory and non-statutory designations which are not included in the definition of sensitive areas, but which are nonetheless environmentally sensitive, may also be relevant in determining whether an EIA is required.
26. Skelton's state that the Screening Opinion does not provide evidence to justify that the likely adverse impacts would not equate to a significant effect on the environment under the EIA Regulations. Skelton's state that the application should not have been registered without the submission of a full EIA.

Air Quality: No air quality assessment has been assessed. If the application is to be determined then conditions should be imposed to ensure that the applicant is required to provide a low emissions strategy for mitigating the air quality impacts of the development, to be approved by the Council, prior to the commencement of development.

Visual Impact: In the absence of a landscape and visual impact assessment it cannot be proved or substantiated that the proposed development would not have

an adverse impact upon the character of the area. If the application is approved, a condition should be imposed to ensure that a full LVIA is completed and approved by the Council prior to the commencement of any development.

Ecology: Skelton's assume that no habitat surveys have been undertaken as none are available on the Council's website. Without such information, it is impossible to establish the impacts of the proposed development.

Noise: The submitted noise report has not been completed in accordance with BS4142:1997 and therefore fails to comply with the Council's own required standards and no justification have been provided for this departure.

The applicant has not addressed the points raised in the Vibrock report with the main concern being that the report does not comply with industry standard BS4142:1997.

Skelton's state that should the application be determined,

'...then conditions should be included to restrict noise levels, operating hours and vehicle movements until such a time that the applicant can prove that the noise levels of the proposed development do not exceed the existing facility. Any increase in noise levels over that of the existing facility should be mitigated by the applicant. Without such conditions any consent would be contrary to the Council's own policies and in particular saved UDP Policies EP7 and DD4.

In summary we therefore consider that the proposed development should not be permitted unless it is accompanied by planning conditions which either:

- *prohibits any increase in noise levels over and above that associated with the existing permitted use of the site; and/or*
- *requires noise mitigation measures to be adopted within the Chemviron site, such that the increased noise levels would have no greater impact on the*

residential dwellings within the Eco Park than is associated with the existing permitted use.'

Letter received from the applicant dated the 10th January 2013

27. The applicant has met with Skelton's to discuss the noise that would be generated by the plant after the proposed development compared to the existing (former operation). The applicant has reiterated that they cannot agree with the Vibrock noise report since even though the proposed development would increase the throughput of carbon through the site, the basic industrial process remains the same with the same equipment or type of equipment hence the conclusion that the additional noise generated is not deemed to differ in intensity or nature from the existing (former) operation. The applicant has stated in a letter received on the 10th January 2013 that they were:

'...willing to help them understand our position and noise assessment conclusions by getting our respective noise consultants to talk to each other.'

OTHER CONSULTATION

28. Group Engineer (Development): No objections subject to conditions requiring an amended parking layout for a widened disabled bay, cycle storage and shower facilities and provision of an electric vehicle charging point.
29. Head of Environmental Health and Trading Standards: No objections in principle to the proposed development with respect to ground conditions, noise and air quality.
30. Environment Agency: No objection
31. Canal and River Trust: No objection subject to conditions relating to boundary treatment, storage of trade effluent and hazardous materials and drainage.
32. West Midlands Fire Service: No objection

RELEVANT PLANNING POLICY

National Planning Guidance (2012)

33. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The NPPF is a material consideration in planning decisions, but does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.
34. The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development comprises the economic, social and environmental roles of the planning system. The NPPF reaffirms that the planning system is underpinned by a presumption in favour of allowing sustainable development provided that proposed development would be in accordance with the development unless material considerations indicate otherwise. Paragraph 12 of the NPPF states:

'Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise...'

35. Paragraph 123 of the NPPF provides specific guidance regarding the making of planning decisions in terms of noise. The third bullet point of this paragraph states:

'...recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because changes in nearby land uses since they were established...'

Technical Guidance to the National Planning Policy Framework
Circular 11/95 – The Use Conditions in Planning Conditions

Black Country Core Strategy (2011 BCCS)

EMP1 Providing for Economic Growth

EMP3 Local Quality Employment Areas

TRAN2 Managing Transport Impacts of New Development

ENV 1 Nature Conservation

ENV 3 Design Quality

ENV 4 Canals

ENV 5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island

ENV 8 Air Quality

DEL1 Infrastructure Provision

Unitary Development Plan (2005 UDP)

DD5 Development in Industrial Areas

DD10 Nature Conservation and Development

NC1 Biodiversity

NC6 Wildlife Species

NC9 Mature Trees

NC10 The Urban Forest

EP1 Incompatible Land Uses

EP3 Water Protection

EP7 Noise Pollution

Supplementary Planning Guidance/Documents

Nature Conservation Supplementary Planning Document

Planning Obligations Supplementary Planning Document

Parking Standards Supplementary Planning Document

ASSESSMENT

36. The main issues are
- Principle
 - Environmental Impact Assessment
 - Design and Layout
 - Access and Parking
 - Flood Risk
 - Noise
 - Air Quality
 - Visual Impact
 - Ecology and Biodiversity
 - Trees
 - Planning Obligations

Principle

37. The National Planning Policy Framework (NPPF) was adopted in March 2012 and is now a material consideration in planning decisions and sets out the Government's planning policies for England and how these should be applied.
38. The Black Country Core Strategy sets out the strategy for future development in the sub-region to 2026. Following adoption of the Core Strategy some policies in the UDP have been superseded.
39. The application site is located within the Core Strategy Regeneration Corridor (RC) 16 'Coseley – Tipton – Princes End.' The vision for that corridor is that 'by 2026 it will provide high quality sustainable residential communities and fit for purpose local employment areas. There will be an improved public realm and canal network, along with improved links between residential communities and parks/open spaces such as the Wrens Nest Local Nature Reserve. This will ensure that the Corridor will have significant accessible biodiversity and local green infrastructure'.

40. The application site is shown as an area proposed for 'local employment retention' (Policy EMP3) within RC16. Local quality employment areas are characterised by a critical mass of industrial, warehousing and service activity in fit for purpose accommodation with good access to local markets and employees.
41. The planning application proposes to continue an existing B2 use in addition to new built development that would serve to increase production at the site. The production capacity at the site would be increased by 50% as a result of the proposed development. The proposals would improve the processing of spent carbon through the use of 'dry feeding' spent carbon to the furnace. The use of dry feeding would reduce the use of water in the processing of carbon by 75% from 2000m³ of water per day. The re-opening of the plant would employ 13 full-time employees.
42. The proposed development would be in accordance with Policy EM3 of the BCCS through bringing back into use an existing viable employment use whilst facilitating an increase in its production capacity as well as creating 13 jobs.

Environmental Impact Assessment

43. The applicant sought pre-application advice with respect to the proposed development in 2012. Given the nature of the proposed development and the site area, a screening opinion was undertaken on the 26th April 2012 in accordance with The Environmental Impact Regulations. The Screening Opinion stated the following:
'The proposal falls within the description of development as set out within Section 10 (b) of Schedule 2 of the Regulations being defined as an 'Urban Development Project' The site in question does not fall within a 'sensitive area' within the context of the Regulations 2011 but due to the size of the site (exceeding 0.5ha) consideration must still be given as to whether the proposed development would likely to have significant environmental effects.'
- In determining whether the proposed development would have significant environmental effects consideration has been given to the criteria set out in Regulation 4 (6) and to the advice set out in paragraph 33 of Circular 2/99 which

states that and ES would normally only be expected to be submitted as a part of a planning application where;

1. It was a major development of more than local importance;
2. The development was proposed within an environmentally sensitive location related to developments with unusually complex or potential hazardous environmental effects.

- Annex A to Circular 2/99 provides further advice as to the need for EIA with respect to Schedule 2 development with paragraphs A18 and A19 providing specific advice regarding urban development projects and Schedule 3 of the Regulations setting out criteria to be considered in terms of the characteristics of the development, location of development and characteristics of the potential impact.
- Having regard to the legislative background and context we consider that development would not be of more than local importance and that the site is not within an environmentally sensitive area as defined by the Regulations. The site is located within an existing industrial area and was last used for industrial purposes.
- The potential environmental effects of the proposed development during the construction phase would largely relate to noise. These issues could be dealt with in a supporting report submitted with a planning application submission. During the operational phase of the development the environmental effects are likely to relate to increased vehicle movements, changes with respect to noise and air quality and impacts upon trees and nature conservation. Technical reports are proposed to be submitted as part of a planning application submission to address these issues.

- The main environmental effects of the proposed development would relate to traffic, air quality, noise, trees and nature conservation. I can confirm that the Local Planning Authority would agree that the potential environmental effects of the proposed development would be suitably assessed through the submission of technical reports forming part of a planning application and that due to the scale, nature, characteristics and non-environmentally sensitive location of the site, that the potential environmental impacts would not individually or cumulatively require the submission of an ES as part of a planning application submission.”

44. The proposed development would not be a Schedule 1 project whereby an EIA is always be required. The proposed development falls within Schedule 2, whereby the legislation and Regulations confirm that EIA may be required depending on the size, nature and location of the proposed development. In essence, the submission of an ES is discretionary.
45. The objector rightly refers the Local Planning Authority to Regulation 3 (4) of the Regulations that prohibits the granting of planning permission for Schedule 2 development which is likely to have significant environmental effects because of such factors as its nature, size, or location, unless the EIA procedures have been followed.
46. The Local Planning Authority has followed the procedures within the Regulations in issuing a Screening Opinion prior at the pre-application stage. In determining the need for an ES to not be submitted, the Local Planning Authority has considered the ‘selection criteria’ set out in Schedule 3 to the Regulations and the Screening Opinion complied with Regulation 2 (1) and Schedule 4 of the Regulations in terms of the information contained therein.
47. Circular 02/99 (Paragraph 33) makes it clear that in assessing the criteria for the need or otherwise of EIA that not all of the criteria will be relevant in every case and that the criteria provides broad guidelines with respect to the characteristics of the development, the environmental sensitivity of the location and the characteristics of the potential impacts. This translates to the view made by the Secretary of State that:

'...in general, EIA, will be needed for Schedule 2 developments in three main types of case:

a) for major developments which are of more local importance (paragraph 35):

b) for developments which are proposed for particularly environmentally sensitive or vulnerable locations (paragraphs 36-40); and

c) for developments with unusually complex and potentially hazardous environmental effects (paragraphs 41-42).'

48. Paragraph 34 of the Circular 02/99 goes on to confirm that the number of EIA developments will be a very small proportion of the total number of Schedule 2 developments and confirms that the basis test of the need for EIA is the likelihood of significant effects on the environment.
49. The site is an existing industrial plant last used for the re-activation of spent carbon. The proposed development would bring the existing established use back into use but would increase the amount of spent carbon that is re-activated through increasing the capacity of the furnace and changing the operation of the site to reactivating dry rather than wet carbon. The site is not designated for any particular use within the Development Plan but adjoins a Site of Local Importance for Nature Conservation. It is acknowledged that the use falls within Part A of the Environmental Permitting Regulations 2010.
50. Having regard to the scale, nature and characteristics of the proposed development, the main environmental impacts would relate to air quality and noise in terms of an increase of 10 tanker trips per day as a result of an increase in production at the plant, a loss of existing habitat through the felling of trees within the site in order to facilitate the construction of additional buildings and internal roadways/parking areas and the impacts of the development upon the adjoining SLINC.

51. The number of EIA developments falling within Schedule 2 should be a small proportion and should only be requested where there would be a likelihood of a significant effect on the environment as a result of the proposed development. The proposed development would have an affect on the environment in terms of air quality, noise, loss of trees and possibly the SLINC but it is unlikely that the environmental effects would be significant to warrant the submission of an ES.
52. The application has been submitted with a number of supporting documents to enable the Local Planning Authority to determine the potential environmental effects of the development. These supporting reports adequately address the environmental impacts of the proposed development and provide a mechanism for the Local Planning Authority to secure mitigation and/or amendments to the scheme.
53. In conclusion, the application as submitted is lawful and valid, with the absence of an ES being in accordance with the Environmental Impact Assessment Regulations 2011, Circular 02/99 and the Screening Opinion provided by the Local Planning Authority on the 26th April 2012.

Design and Layout and Visual Impacts

54. The proposed development would result in the erection of two new buildings on the site (spent carbon storage building and reactivated carbon building), the construction of new internal access roads and parking/turning areas, re-located acid storage facility, a dry feed carbon system to the furnace in the form a chain conveyor and feed hoppers and increasing the existing height of the furnace by 3m.
55. The site is located within an industrial area characterised by heavy industrial uses and adjoins a waste transfer station. The new development would not appear out of context. The existing regeneration plant stands 18.55 high. The two new buildings would be 12.12m and 13.57m high, thereby significantly lower than the highest building on the existing site. Whilst the proposed development would increase the height of the furnace building by 3m, given the large scale of the building and its location within an industrial area the increase in height would not be harmful to the character of the area.

56. If the residential development granted outline planning permission within the Coseley Eco Park development is implemented this would be sited at least 121m away from the existing furnace building. An increase in the height of this building by 3 metres when viewed from such a distance would not be visually harmful or result in a negative impact upon the immediate outlook from dwellings or having an adverse impact upon views.
57. The new buildings would be more modest in scale at 12 and 13m high and would be positioned some 40m away from the boundary of the residential component of the Ecopark site. The separation distances between the proposed buildings and furnace building and the residential component of the Ecopark application would be sufficient to ensure that there would not be a harmful visual impact and therefore no loss of residential amenity to the occupiers of the prospective dwellings.
58. The proposed development is not of a scale or nature to warrant or justify the submission of a landscape and visual appraisal. It is perfectly reasonable to assess and judge the potential visual impact of the development using the information submitted as part of the planning application submission.
59. The Ecopark application was submitted with a landscape and visual appraisal since this scheme was an EA application with such an appraisal being a requirement of the Environmental Impact Assessment Regulations. The initial Ecopark scheme included an energy recovery facility with indicative heights associated with the approved masterplan showing a building that would be 22m in height with an associated incinerator of 70m. The height of the incinerator required consideration of its potential visual impact upon short, medium and long distance views from within and surrounding the site. In this case, the proposed development is being assessed against existing buildings of a similar scale and therefore a landscape and visual appraisal would not serve any purpose.

60. The appearance of the development would be of a functional design with the two new buildings complementing the appearance of the existing regeneration plant. The scheme seeks to locate the buildings close to the existing built development in order to improve the operation and function of the site as well as seeking to protect the tree lined boundaries of the site adjoining the Canal and Westminster Trading Estate.
61. The design and layout of the site and resultant visual impact of the proposed development would not have an adverse impact upon the character of the area, would be appropriate having to the existing industrial nature of the area and would not prejudice the delivery of prospective Ecopark development, thereby being in accordance with Policy ENV3 of the BCCS and saved Policy DD5 of the Dudley Unitary Development Plan.

Access and Parking

62. Parking Provision: The existing facility comprises a 1000 sq m warehouse, furnace and silo. The proposed development would provide an additional 1200 sq. m. of warehouse and storage floor space to help facilitate an increase in the production of the reactivation of granular activated carbon used in the water industry.
63. The maximum parking demand for a B2 use would be 31 spaces (1 space per 70 sq m). Whilst the site falls within B2 use it is not a typical B2 operation. The development proposes to employ some 13 staff and would provide 15 spaces overall for staff and visitors. Whilst the parking provision would be significantly below the maximum standard, sufficient spaces would be provided for staff and visitors specific to this particular use.
64. Disabled Spaces: The adopted parking standards SPD requires the provision of a minimum of 5% of spaces (1.5 spaces) to be for disabled users. The submitted layout would provide 1 space. The identified space does not meet the requirements of the parking standards SPD in terms of its dimensions but this is addressed by condition (7) attached to this report.

65. Traffic Generation: The transport statement states the number of vehicle movements would increase from 2200 to 5000 movements per year. This would result in an increase of 10 movements or 5 loads per day giving a total of 20 vehicles per day overall. Given the location of the existing industrial estate off Bean Road and the existing operation of the site, no concerns are raised regarding the increase in trip generation by Group Engineer (Development).
66. Cycle Parking: Paragraph 8.1 of the Refreshed Parking Standards SPD states that overlooked, well lit, secure and undercover cycle parking facilities should be incorporated into any developments that have the potential to attract cyclists. Cycle parking should be located in positions that will encourage their use and where possible within the building. The provision of shower facilities plays an important role in encouraging people to cycle.
67. The transport statement indicates that staff showers and lockers would be available within the building. The Adopted Parking Standards SPD Table 6 states that the Local Planning Authority aims to provide cycle parking for at least 10% of all people journeys. Where long stay cycle parking space is provided i.e.: for members of staff, shower facilities should also be provided unless it is unfeasible to do so. There is no requirement for shower facilities to be provided for customers or visitors. The application would provide for 5 cycle storage spaces which exceeds the 10 % of all journeys minimum and is acceptable. Details of the storage and shower facilities should be provided but this can be secured by condition.
68. Electric Vehicle Charging Points: The adopted Parking Standards SPD sees the provision of 5% of all parking spaces relating to commercial development to be covered with an electric vehicle charging point in the interests of improving air quality. The proposed development should provision 1 EV charging point in order to comply with this component of the SPD. The submitted plans show the location of the EV charging point. The charging point would need to conform to EN62196-2 (J1772), Type 2 with Mode 3 with a 7 pin socket and provide a 32 amp, 7kw supply. All wiring must comply with BS7671 or equivalent. This can be secured by condition.

69. The proposed development would not result in any highway safety concerns with the development providing sufficient parking to meet the needs of the development and the proposed internal roadways and parking areas being of a suitable layout and dimensions to allow for the safe turning and manoeuvring of vehicles. The proposed development would therefore be in accordance with TRAN2 of the BCCS and the adopted Parking Standards SPD.

Flood Risk

70. The southern part of the site falls within indicative flood zones 2 and 3 of the Swan Brook tributary. The proposed spent carbon dry storage shed would be located within the northern part of the site and outside of the indicative floodplain and therefore raises no issues. The Environment Agency has confirmed that the flood zones depicted in this area are not accurate as the flood zone does not follow the line of the watercourse. The watercourse is further away from the site than the floodplain suggests and it is therefore considered that the proposed reactivated/virgin carbon storage within the southern part of the site would be at a very low risk of fluvial flooding. In this regard, the Environment Agency raise no objections to the proposed development and it would be in accordance with Policy ENV5 of the BCCS saved Policy EP3 of the Dudley Unitary Development Plan

Noise and Air Quality

71. The application site is currently approved for unrestricted B2 use and this proposal would not result in any change to that use classification. There is therefore no opportunity to unreasonably restrict the hours of operation and permitted delivery hours.
72. The noise impact assessment submitted with this application have been examined and the findings are accepted. The report concludes that the proposed changes to the Chemvicon site will increase noise emissions from the site, but that the resulting noise levels will only be elevated by around 3dB overall (worst case scenario). A 3dB increase in noise level is considered to be the threshold at which changes in noise levels become noticeable. The site, in its current form, already produces noise typically associated with an industrial process and the proposed additions will

therefore only result in a marginal increase in this. The impact is therefore not considered to be of such significance as to justify any additional noise mitigation measures over and above the layout of the site and the inherent noise reduction properties of the proposed building construction.

73. The recently approved residential development to the North (P11/1336) is likely to be affected by noise from this site, both with and without this development, and as such has been approved with a condition requiring on-site mitigation measures to be put in place should they be deemed necessary following an assessment of the noise at the time any development is delivered. In the context of the approved planning application P11/1336 the onus is therefore on the developer of this neighbouring site to ensure that noise from the industrial process is adequately addressed to not affect the amenity of residents of these new dwellings, as and when they are to be built. The Head of Environmental Health and Trading Standards confirms that with the proposed changes at Chemviron in place, on-site mitigation at the neighbouring site would still be achievable.
74. The Head of Environmental Health and Trading Standards has considered and assessed the two objection letters submitted by Skelton's with respect to noise and the applicant's response to these stating that:
- The 3dB increase in noise levels is what has been concluded in the Chemviron report. The Head of Environmental Health and Trading Standards sees no major flaws in the methodology of the submitted noise report confirming the predicted noise levels are based on measurements taken at another Chemviron site.
 - It has always been accepted that the Chemviron site was not operating when the first Skelton noise assessment was carried out with respect to planning application P11/1336. It was also accepted at the time that the site had recently been purchased and would be subject to change. This is the reason why a condition was attached to the Eco-Park application requiring the

completion of another noise assessment at the reserved matters stage and that a no-development buffer zone might be required.

75. The Head of Environmental Health and Trading Standards states that at this stage we do not know the layout of the residential site so it would be very difficult to stipulate mitigation (on the Chemviron site) that would definitely be successful. The only option would be a bund and barrier but this would be difficult to seek given that the noise report concludes that the proposed development would not result in a significant increase in noise. If the proposed development was for a new B2 use then it would be reasonable to seek the attachment of restrictive conditions in terms of operational/delivery hours, but that is not an option here. Also, it should be recognised that the National Planning Policy Framework is very clear and states that existing industrial uses should not be unreasonably restricted so this would appear to support this view.
76. The Head of Environmental Health and Trading Standards confirm that it considers the applicant is right to use their own data from other sites rather than 'off the shelf' levels as it makes it more relevant to their actual activities. The main argument being put forward by Skelton's with respect to noise is quite a technical one about the use and interpretation of BS4142.
77. The letter from Skeltons states that a BS4142 assessment has not been undertaken as agreed with the Council and one should therefore be carried out. In original discussions with Chemviron and their consultant it was agreed that as long as the assessment was carried out along the lines of BS4142, utilising the appropriate methodologies contained within it, that it would be appropriate. This is not necessarily the same as completing an assessment strictly in line with all elements of the standards.
78. The Head of Environmental Health and Trading Standards has confirmed that they are satisfied that the Chemviron assessment has been conducted in accordance with what has been agreed at the pre-application stage with the most important elements being, that the predicted noise from the proposed development has been compared

with the existing noise climate. (The existing noise climate being noise with the site fully operational in its current form as the premises have been in situ for some time.) It would be wrong to ignore it and compare only with the noise level in its absence.

79. Skeltons are of the opinion that they agreed to mitigate noise from Chemviron as it could currently operate and not following any extensions or changes to the operation of the site. This is not the view of the Head of Environmental Health and Trading Standards who considers that it was made clear to Skelton's during negotiations with respect to P12/1366 that we anticipated that the noise levels from Chemviron might change (the sale and their plans for investment were known then) and there would be little point in assessing the noise at that stage and subsequently devising mitigation that may or may not be appropriate. Hence the approach that was taken requiring further assessment at the reserved matters stage.
80. In terms of the comments regarding air quality, it is the view of the Head of Environmental Health and Trading Standards that allowing the EA permit to regulate emissions is the appropriate stance to take here. With regards to a low emission strategy for the development, additional vehicle movements, amounting to 10 per day, is not significant. Therefore requiring a Low Emission Strategy for what is essentially quite a small change would not be appropriate as the impact on ambient air quality would be insignificant.
81. In light of the above, the Head of Environmental Health and Trading Standards has no objections in principle to the proposed development with respect to ground conditions, noise and air quality. The proposed development would be in accordance with the NPPF and specifically paragraph 123, Policy ENV 8 of the BCCS and saved Policy EP7 of the Dudley Unitary Development Plan.

Ecology and Biodiversity

82. Despite the industrialised nature of the area, the northern and eastern boundaries of the site adjoin the Canal. The Canal and land located to the west of the site is designated as a Site of Local Importance for Nature Conservation.

83. Saved Policy NC6 of the Dudley Unitary Development Plan requires that development that is likely to have an adverse effect on habitats that are important to wildlife species and that are specially protected by law, are rare and vulnerable in the Black Country and/or are the subject of a Species Action Plan in the UK or Local Biodiversity Action Plan will only be permitted where certain criteria are met. This includes accommodating the needs of the species in the design and layout of the proposal and providing adequate mitigation for any effects of the proposed development upon species active on the site.
84. A Phase I Habitat Survey has been submitted in support of the application to determine the value of the existing habitat on the site and its potential to support protected species and wildlife generally. The survey confirmed that all species and habitats found are common and widespread and no rare or unusual plants were found. The site does not offer a suitable habitat for the presence of amphibians, badgers; bats or reptiles and no further survey work would be required.
85. The site does offer the potential for nesting and foraging for birds in the form of hedgerows, trees and woodland. The report recommends that vegetation clearance takes place outside March to August and that if this is not possible, to check vegetation before work starts. If any bird nests are found then a 5m buffer should be placed around them until the young have fledged.
86. The Phase 1 Habitat Survey recommends that if the local planning authority is minded to grant planning permission for the proposed development that ecological enhancement should be secured through the attachment of a condition. An Impact Assessment and Mitigation Report has been submitted considering the impacts of the proposed development on the adjoining SLINC. An amended plan has been received with respect to the layout of the site to provide an ecological buffer between the site and the adjoining SLINC. The buffer would be enhanced with a landscaping scheme involving the planting of trees and native species, bat boxes on existing trees and on the proposed buildings and bird boxes on trees and the proposed buildings. The delivery of this ecological enhancement scheme has been sought in the form of an on-site condition in order to mitigate against the impacts of the loss of the groups of

trees on the site in terms of their potential wildlife value as well as providing a mechanism to enhance the adjoining SLINC and the ability of the site to provide an improved wildlife corridor along the Canal. The proposed development retains the existing mature tree bund along the northern boundary of the site adjoining part of the SLINC and therefore would have limited impact upon the integrity and function of the SLINC. In light of these comments, the proposed development would be in accordance with Policy ENV4 of the BCCS, saved Policies NC1 and NC6 of the Adopted Dudley Unitary Development Plan and the Nature Conservation SPD.

Trees

87. The northern part of the site, in particular, its boundaries that adjoin the Canal and the Westminster Industrial Estate are characterised by a tree belt. The trees are planted on a bund that adjoins the Canal.

88. A Tree Survey has been submitted in support of the proposed development detailing the amount of trees that would be lost as a result of the scheme. There are 60 individual trees and 3 grouped areas of trees within the site. The tree stock is young to mature in age range. All of the trees are in an acceptable condition and no trees are deemed unsafe or unstable. The applicant's tree consultant confirms that the likely arboricultural impacts of the proposed development would be able to be addressed by attaching appropriate arboricultural conditions to any consent to ensure an appropriate method of construction to protect trees and possibly some minor amendments to the proposals.

89. The proposed development would result in the loss of most of the 3 grouped areas of trees within the site. Due to the existing land levels, the groups of trees are not visible from outside of the site. As such, it is not considered that the removal of these trees should be an obstacle to the development from an arboricultural point of view. The main area of trees of value relates to those planted on the bund that adjoins the boundary with the canal. These trees form a visual screen of the site from the canal as well as having a positive role in terms of their biodiversity value immediately adjoining the Canal, which is designated as a Site of Local Importance for Nature Conservation. The proposed layout and site levels would result in the removal of part

of this central area of boundary planting (T40-T48, T59 and T60 on the tree survey) in order to achieve the proposed development. This would reduce the existing screening from the Canal and a potential loss of integrity of this particular part of the SLINC. The screening would only be reduced within a small part of the overall boundary and not along the entire length of the boundary with the canal. The nature conservation enhancement and mitigation plan to be secured by condition would ensure the delivery of replacement planting and the temporary loss of screening would only be similar to existing industrial units that abut the canal to the north of the application site.

Planning Obligations

90. Black Country Core Strategy Policy DEL1 'Infrastructure Provision' sets out the adopted policy framework for Planning Obligations within Dudley and the Planning Obligations SPD provides further detail on the implementation of this policy; these policy documents were prepared in accordance with national legislation and guidance on planning obligations.
91. Policy DEL1 requires all new developments to be supported by sufficient on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.
92. The obligations potentially triggered according to the Planning Obligations SPD are:
 - Local Employment Strategy
 - Transport Infrastructure Improvements
 - Air Quality Enhancement
 - Nature Conservation Enhancement
 - Public Art

93. In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations, in particular Regulation 122, have been applied to ensure that the application is treated on its own merits:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development;
- (c) fairly and reasonably related in scale and kind to the development.

94. At the time of writing the report, consultation was taking place on the need for an off-site contribution towards transport infrastructure improvements. The position as to whether this meets the three tests above and therefore being sought will be reported in a pre-committee note.

On-Site Provision (to be secured by condition)

1. Air Quality Improvements (provision of Electric Vehicle Charging Point)
2. Nature Conservation Enhancements and Mitigation to the equivalent of £8,910

95. It is considered that these contributions meet the necessary tests as stated above in that they contribute to the delivery of a sustainable development, are being provided directly on the development site itself and are deemed to be in scale and kind to the proposed development.

96. This development complies with the requirements of BCCS Policy DEL1 and the Planning Obligations SPD.

CONCLUSION

97. The planning application proposes to bring back into use an existing B2 use in addition to new built development that would serve to increase production at the site. The production capacity at the site would be increased by 50% as a result of the proposed development. The proposals would improve the processing of spent carbon

through the use of 'dry feeding' spent carbon to the furnace. The use of dry feeding would reduce the use of water in the processing of carbon by 75% from 2000m³ of water per day. The re-opening of the plant would employ 13 full-time employees.

98. The NPPF supports the proposed development stating that proposed development that accords with an up-to-date Local Plan should be approved unless material considerations indicate otherwise with paragraph 123 specifically recognising '*...that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because changes in nearby land uses since they were established...*'
99. The proposed development falls within Schedule 2 of the Environmental Impact Assessment Regulations but the scheme would not have significant environmental effects to warrant the submission of an ES. The submission of an ES in this case is discretionary and it is of the opinion of the Local Planning Authority that in the absence of significant environmental effects that it would be unreasonable to suggest that the proposals would be EIA development.
100. The proposed development would form a logical extension to the existing plant siting buildings in locations to support the improved operation of the site in terms of the movement of vehicles and storage of spent and reactivated carbon.
101. The scheme would not raise any fundamental highway safety concerns with the enhanced production increasing trips by 10 per day. This would not raise issues in terms of the capacity of the local highway network and the layout of the site would be appropriate to facilitate the increased movements that would occur during the day. The proposed layout would provide sufficient off street parking to meet the parking demand associated with the site.
102. The scheme would not raise any flood risk issues due to the floodplain associated with Swan Brook being located away from the site.

103. The application site is currently approved for unrestricted B2 use and this proposal would not result in any change to that use classification. There is therefore no opportunity to unreasonably restrict the hours of operation and permitted delivery hours.
104. The noise impact assessment submitted with this application has been examined and the findings are accepted. The report concludes that the proposed changes to the Chemviron site will increase noise emissions from the site but that the resulting noise levels will only be elevated by around 3dB overall (worst case scenario). A 3dB increase in noise level is considered to be the threshold at which changes in noise levels become noticeable. The site, in its current form, already produces noise typically associated with an industrial process and the proposed additions will therefore only result in a marginal increase in this. The impact is therefore not considered to be so significant as to justify any additional noise mitigation measures over and above the layout of the site and the inherent noise reduction properties of the proposed building construction.
105. The increase in trips associated with the development would not raise significant concerns with respect to air quality. An electric vehicle charging point would be secured by condition to help encourage the use of more sustainable forms of private cars thereby helping to reduce emissions. The additional trips per day would not be significant and would not require the submission of a low emission strategy. It is acknowledged that the site would be controlled by the Environment Agency under its permit and as part of Part A of the Environmental Permitting Regulations 2010. This would be the appropriate mechanism for the regulation of emissions relating to the development.
106. The siting and scale of the new buildings would be significantly lower than the existing furnace building and of a similar scale to existing industrial units within the area. Whilst the proposed development would increase the height of the furnace building by 3 metres this is not considered significant having regard to the industrial nature of the site and the siting of the site away from residential properties. The proposed development would not have an adverse visual impact.

107. The site has limited value in terms of biodiversity comprising common habitat providing limited opportunities for wildlife. The proposed development would result in the loss of a significant number of trees. These trees have limited amenity value and some wildlife value. The scheme would largely retain the tree belt running along the eastern boundary of the site adjoining the canal. This would serve to protect the integrity of this part of the SLINC and the canal wildlife corridor generally. A condition can be attached to secure the provision of replacement planting and a nature conservation enhancement scheme to mitigate against these impacts.

RECOMMENDATION

108. It is recommended that the application be APPROVED subject to conditions:

Reason for approval

The planning application proposes to bring back into use an existing B2 use in addition to new built development that would serve to increase production at the site. The production capacity at the site would be increased by 50% as a result of the proposed development. The proposals would improve the processing of spent carbon through the use of 'dry feeding' spent carbon to the furnace. The use of dry feeding would reduce the use of water in the processing of carbon by 75% from 2000m³ of water per day. The re-opening of the plant would employ 13 full-time employees.

The NPPF supports the proposed development stating that proposed development that accords with an up-to-date Local Plan should be approved unless material considerations indicate otherwise with paragraph 123 specifically recognising '*...that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because changes in nearby land uses since they were established...*'

The proposed development falls within Schedule 2 of the Environmental Impact Assessment Regulations but the scheme would not have significant environmental effects

to warrant the submission of an ES. The submission of an ES in this case is discretionary and it is of the opinion of the Local Planning Authority that in the absence of significant environmental effects that it would be unreasonable to suggest that the proposals would be EIA development.

The proposed development would form a logical extension to the existing plant siting buildings in locations to support the improved operation of the site in terms of the movement of vehicles and storage of spent and reactivated carbon.

The scheme would not raise any fundamental highway safety concerns with the enhanced production increasing trips by 10 per day. This would not raise issues in terms of the capacity of the local highway network and the layout of the site would be appropriate to facilitate the increased movements that would occur during the day. The proposed layout would provide sufficient off street parking to meet the parking demand associated with the site.

The scheme would not raise any flood risk issues due to the floodplain associated with Swan Brook being located away from the site.

The application site is currently approved for unrestricted B2 use and this proposal would not result in any change to that use classification. There is therefore no opportunity to unreasonably restrict the hours of operation and permitted delivery hours.

The noise impact assessment submitted with this application has been examined and the findings are accepted. The report concludes that the proposed changes to the Chemviron site will increase noise emissions from the site but that the resulting noise levels will only be elevated by around 3dB overall (worst case scenario). A 3dB increase in noise level is considered to be the threshold at which changes in noise levels become noticeable. The site, in its current form, already produces noise typically associated with an industrial process and the proposed additions will therefore only result in a marginal increase in this. The impact is therefore not considered to be so significant as to justify any additional noise mitigation measures over and above the layout of the site and the inherent noise reduction properties of the proposed building construction.

The increase in trips associated with the development would not raise significant concerns with respect to air quality. An electric vehicle charging point could be secured by condition to help encourage the use of more sustainable forms of private cars thereby helping to reduce emissions. The additional trips per day would not be significant and would not require the submission of a low emission strategy. It is acknowledged that the site would be controlled by the Environment Agency under its permit and as part of Part A of the Environmental Permitting Regulations 2010. This would be the appropriate mechanism for the regulation of emissions relating to the development.

The siting and scale of the new buildings would be significantly lower than the existing furnace building and of a similar scale to existing industrial units within the area. Whilst the proposed development would increase the height of the furnace building by 3 metres this is not considered significant having regard to the industrial nature of the site and the siting of the site away from residential properties. The proposed development would not have an adverse visual impact.

The site has limited value in terms of biodiversity comprising common habitat providing limited opportunities for wildlife. The proposed development would result in the loss of a significant number of trees. These trees have limited amenity value and some wildlife value. The scheme would largely retain the tree belt running along the eastern boundary of the site adjoining the canal. This would serve to protect the integrity of this part of the SLINC and the canal wildlife corridor generally. A condition can be attached to secure the provision of replacement planting and a nature conservation enhancement scheme to mitigate against these impacts.

The decision to grant planning permission has been taken with regard to the policies and proposals in the adopted Dudley UDP (2005) and to all other relevant material considerations.

The above is intended as a summary of the reasons for the grant of planning permission. For further detail on the decision please see the application report.

APPROVAL STATEMENT INFORMATIVE

In dealing with this application the local planning authority have worked with the applicant in a positive and proactive manner, seeking solutions to problems arising in relation to dealing with the application, by seeking to help the applicant resolve technical detail issues where required and maintaining the delivery of sustainable development. The development would improve the economic, social and environmental concerns of the area and thereby being in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Conditions and/or reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: TRP-05-001/04-0010A, TRP-05-001/04-001B, TRP-05-001/04-0011, TRP-05-001/04-0012, TRP-05-001/04-0013, TRP-05-001/04-0015, TRP-05-001/04-0016, TRP-05-001/04 0017, TRP-05-001/04 0018, TRP-05-001/04 0019, TRP-05-001/04 0020, TRP-05-001/04-0021, TRP-05-001/04 0022 sheets 1 Of 3, 2 of 3 and 3 of 3., TRP-05-001/04-0027 and 14643-1.
3. Notwithstanding the plans submitted prior to the commencement of development, details of the proposed boundary treatment (showing height, specification, colour, materials and/or planting) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall subsequently be implemented in accordance with the agreed details unless otherwise agreed in writing.
4. If surface water run-off and ground water is proposed to drain into the waterway details including the design of interceptors shall be submitted for consideration.
5. Notwithstanding the plans submitted, prior to the commencement of development details of the proposed storage of trade effluent, hazardous substances, materials etc. shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing and thereafter retained.
6. Development shall not begin until details of the type, texture and colour of materials to be used in the external elevations of the buildings hereby approved have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.
7. Notwithstanding the details submitted as part of this planning application, a revised parking layout shall be submitted to and approved in writing by the Local Planning Authority showing the provision of 1 No. widened disabled bay. The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.
8. Notwithstanding the details shown on the approved plans, details shall be submitted to and approved in writing by the Local Planning Authority showing the proposed method of drainage associated with the parking and servicing areas associated with

the proposed development. The drainage strategy shall ensure the limitation of surface water run-off from the site. The scheme shall be implemented in accordance with the approved details and retained for the lifetime of the development.

9. No development shall commence until details of nature conservation enhancement and mitigation works have been submitted to and approved in writing by the Local Planning Authority. The nature conservation enhancement works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
10. No development shall commence until details of secure cycle parking and shower facilities in accordance with the Council's parking standards have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be provided in accordance with the approved details prior to first occupation of the development, shall be made available at all times and be maintained for the life of the development.
11. No development shall commence until details for the provision of external electric charging points have been submitted to and approved in writing by the Local Planning Authority. The Electric Charging point(s) shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.
12. Prior to the commencement of development, details of the landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details before the end of the first planting season following initial occupation of the development and retained for the lifetime of the development.
13. No development shall take place until there has been submitted, and approved in writing by the local planning authority details of the tree protection measures on site. The details shall include:
 - a. A plan showing the location and identification (with reference to a survey schedule if necessary) of all trees on, or directly adjacent to the development site, that are to be retained during construction. These trees are to be marked with a continuous outline.
 - b. A plan showing the location and identification (with reference to a survey schedule if necessary) of all the trees on, or directly adjacent to the development site that are to be removed prior to, or during development. These trees are to be marked with a dashed outline.
 - c. A plan showing the extent of the Root Protection Area, which is to be protected by physical barriers during development. The extent of the area that is to be protected will be calculated in accordance with Clause 4.6 of British Standard BS:5837 – 2012 'Trees in Relation to Design, Demolition and Construction— Recommendations'.
 - d. Design details of the proposed protective barriers and ground protection to be erected around the trees during development. Any protection barriers should be designed and constructed in accordance with the provisions set out in section 6.2 of British Standard BS:5837 – 2012 'Trees in Relation to Design, Demolition and

Construction– Recommendations’.

14. No development or other operations shall commence on site or in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall commence on site until the approved tree felling and pruning works have been completed. All tree felling and pruning shall be carried out in full accordance with the approved specification and the requirements of British Standard 3998 (2010) Recommendations for Tree Work.
15. No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed service (gas, electricity and telecoms) and foul and surface water drainage layout has been submitted to and approved in writing by the Local Planning Authority. Such layout shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved service/drainage layout.
16. Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of a lighting scheme associated with the proposed development. The lighting shall be implemented in accordance with the approved details and retained for the lifetime of the development.
17. Prior to the commencement of development, intrusive site investigation works should be undertaken to establish the exact situation regarding coal mining legacy issues on site. In the event that the site investigations confirm the need for remedial works to treat the mine entries and/or areas of shallow mine workings to ensure safety and stability of the proposed development, remedial works identified by the site investigation shall be undertaken before development begins.



AREA 16 HA
SCALE 1:2500

CENTRE COORDINATES: 394557, 293012



Supplied by Streetwise Maps Ltd

Image of the approved EcoPark Masterplan (P11/356) in relation to the application site.

