

Planning Committee

Report of Head of Planning and Building Control on 05 August 2021

Plans List Item Number: 1

Reason for bringing to committee

Major Application and Section 106 Agreement

Application Details

Location: LAND FORMER DEELEYS TRADING ESTATE, LEAMORE LANE, WALSALL, WS2 7BP

Proposal: PLANNING APPLICATION FOR THE USE OF THE SITE FOR VEHICLE STORAGE, DRAINAGE INFRASTRUCTURE, RESURFACING WORKS, SECURITY FENCING, SECURITY LIGHTING, LANDSCAPING AND ASSOCIATED INFRASTRUCTURE.

Application Number: 20/1568

Case Officer: Fiona Fuller

Applicant: British Car Auctions Limited

Ward: Birchills Leamore

Agent: Terence O'Rourke

Expired Date: 10-Mar-2021

Application Type: Full Application: Major Use Class B8 (Storage or Distribution)

Time Extension Expiry:

Recommendation

Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant Planning Permission Subject to Conditions and a Section 106 Agreement to secure a Deed of Variation that the signal junction is not required for the current proposal and to define the online business operation, and subject to:

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions; and
- No further comments from a statutory consultee raising material planning considerations not previously addressed.



Proposal

The applicant, BCA auctions (directly adjacent), seek planning permission to use the site for vehicle storage, drainage infrastructure, resurfacing works, security fencing, security lighting, landscaping and associated infrastructure on the Deeley's Trading Estate. This is part of expanding the online auction operation as part of the changes they have made due to covid. The hours of operation are 7 days a week 00:00 to 23:59.

The following documents support the proposal:

- British Car Auctions, Walsall - TECHNICAL NOTE - November 2020
- ARBORICULTURAL IMPACT ASSESSMENT – Dated November 2020
- (REVISED) COAL MINING RISK ASSESSMENT - Date: 3rd September 2018
- FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY ON BEHALF OF BRITISH CAR AUCTIONS – dated November 2020
- Lighting Impact Assessment - November 2020
- TECHNICAL NOTE – ACOUSTICS - 20/11/2020
- PLANNING DESIGN & ACCESS STATEMENT - BRITISH CAR AUCTIONS - DECEMBER 2020

- PRELIMINARY ARBORICULTURAL ASSESSMENT dated November 2020
- PRELIMINARY ECOLOGICAL APPRAISAL - Date: October 2020
- TRANSPORT ASSESSMENT ON BEHALF OF BRITISH CAR AUCTIONS – dated November 2020

Site and Surroundings

The application site, known as Former Deeleys Castings site, is located approximately 1km east of the M6 in Leamore. It covers an area of approximately 3.7 hectares and palisade fencing currently demarcates the site boundary. Leamore Lane forms the site's northern boundary, the Wyrley and Essington Canal forms the site's western and southern boundary and industrial units and car parking associated with British Car Auctions Ltd forms the site's eastern boundary. The site is accessed from Green Lane, via BCA's operational site. There is an adjacent site as a vehicle auction centre.

The north eastern portion of the site is comprised of hard standing. The southern part of the site contains scrub vegetation and trees.

The site is relatively flat with a gradual slope from east to west. The entirety of the site is located in Flood Zone 1, a low probability of flooding.

The canal is designated as a Site of Local Importance for Nature Conservation. To the south of Leamore Lane and lies between the railway and Wyrley & Essington Canal.

There are housing surrounding the north, south and western boundaries of the site separated from the site by the highway and canal. The eastern boundary adjoins the existing site and beyond this are further employment areas.

Relevant Planning History

07/1362/FL/W2 - Erection of 102 dwellings and associated infrastructure including a balancing pond – Planning Committee March 2008 resolved to grant permission subject to conditions and a S106 Agreement to secure public realm improvements. The S106 has never been completed so permission never issued.

14/1878/FL - Erection of vehicle preparation building - Permission Granted- 06-Mar-2015

18/1554 - Use of the site for vehicle storage associated with the existing vehicle auction – Permission - 19-Mar-2020

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF 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 emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF (para 55) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved. Conditions that are required to be discharged before development commences should be avoided unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty "PSED" on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV11: Light Pollution
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals

- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- JP8: Bad Neighbour Industrial Uses
- T6 - Traffic Calming
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- EMP1: Providing for Economic Growth
- EMP3: Local Quality Employment Areas
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Walsall Site Allocation Document 2019

IND3: Retained Local Quality Industry
 LC5: Greenways
 EN3: Flood Risk
 EN4: Canals
 M1: Safeguarding of Mineral Resources
 T4: The Highway Network
 T5: Highway Improvements

Supplementary Planning Documents

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment

- NE2 – Protected and Important Species
 - NE3 – Long Term Management of Mitigation and Compensatory Measures
- Survey standards

- NE4 – Survey Standards
- Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW9(a) Planning Obligations and Qualifying development

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

Consultation Replies

Canal and River Trust

No objection subject to a drainage, lighting and fencing conditions with informative's being imposed.

Coal Authority

No objection subject to an informative being imposed

Black Country Wildlife Trust's Ecology Officer

No objection subject to a biodiversity enhancement and management, drainage strategy and construction and ecological management conditions being imposed.

Environment Agency

No response

Environmental Health

No response

Local Highways Authority

No objection subject to a dropped kerb footway crossing condition being reinstating on Leamore Lane and informative being imposed.

Pollution Control

No significant environmental impacts

Severn Trent Water

No objection and offered an informative.

Staffordshire County Council/ Drainage Team

No objection

Strategic Planning Policy

Support

Tree Preservation Officer

No objection subject to an ecologically sensitive landscaping plan, details of the lighting and details of a tree protection plan conditions

West Midlands Fire Service

No objection subject to an informative being imposed.

West Midlands Police Service

No objection subject to an informative being imposed.

Car parks

No response

Cadent Gas Limited

No response

Inlands Waterways Association – Lichfield

No objection

Inlands Waterways Association – Birmingham

No response

Council Members

Councillor Jukes

No response

Councillor Hussain

No response

Councillor Gazenfer
No response

Councillor Ali
No response

Councillor Lee Jeavons – No objection subject to a signalling controlled junction condition being imposed.

Representations

One hundred and twenty-four occupiers of the neighbouring properties were notified via letter and site notices. No representations received.

Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways/ Access
- Ecology
- Flood Risk / Drainage
- Trees / Protected Trees
- Ground Conditions and Environment
- Canal Waterways
- Impact on the Natural Environment and Landscape of the Walsall Canal

Assessment of the Proposal

Principle of Use

The application site is identified in the SAD policy IND3 for the retention of local quality industry, and specifically site IND328. Furthermore, the policy indicates the provisions of BCCS policy EMP3 which is applicable for this application site. Also, the policy goes on to mention areas which will be safeguarded for numerous uses, one of the uses being the motor trade, including car showrooms, garages and vehicle repair. The proposed use for the motor trade accords with these allocations reflecting the previously approved 18/1554.

Design, Layout and Character

Walsall's Unitary Development Plan states that development will be of a high quality design that respects local distinctiveness, enhancing the character and appearance of the area. It states that proposals will be supported where they do not have a negative impact on the character and appearance of the surrounding locality.

The proposed development will result in the improvement of the appearance of this part of the site, with hard surfacing and some landscaping to the boundaries. Furthermore, there will be an improvement to customer parking including the use of time slots.

Amenity of Neighbours and Amenity of Future Occupiers

The proposed development will have no greater material impact on the occupiers of the neighbouring properties than what had previously been approved, save for the fact, now there are no vehicle movements proposed to access/egress via Leamore Lane.

Highways/ Access

Walsall's Unitary Development Plan requires vehicular access into and out of the site to be safe and an assessment made as to whether the existing local roads can be suitably accommodate the impact of the proposal, whether adequate parking and turning spaces exist within the site and that the needs of pedestrian and cyclists have been met. This policy is considered to carry significant weight in the determination of the application as it complies with paragraph 32 of the National Planning Policy Framework which requires all schemes to provide safe access for all.

The Local Highway Authority (Transportation) have no objection subject to reinstatement of the dropped kerb on Leamore Lane. The applicant has provided a drawing demonstrating how the Leamore Lane access can be closed and the dropped kerb removed and the kerb height reinstated. It appears that the proposed development will ease any traffic problems because it will ensure that access will only be from Green Lane.

As this is a new chapter in the planning history of the site and the 18/1554 application is still live, the developer has agreed to enter into a S106 deed of variation Agreement which defines the online operation, avoiding customers accessing the site in person which may have safety and parking implications, whilst retaining the option for the signal junction onto Leamore Lane, should the applicants needs change in the future and they again wish to access Leamore Lane. The Leamore Lane signalised junction was secured via the 18/1554 planning approval. This current proposal with the applicant's business model moving to online auctions, closes the vehicular access to Leamore Lane, to ensure all vehicle movements to and from the site are via Green Lane. This closure can be secured via a Grampian style condition, given a proportion of the works are within the public highway.

The Highway Authority considers the current development taking into account the online auction model will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2018 paragraph 109 and saved UDP policies T4, T6, T7, T10 and T13 and policies DEL1 and TRAN2 of the BCCS.

Ecology

The applicant provided a Preliminary Ecological Appraisal. The Black Country Wildlife Trust's Ecologist was consulted. She raised no objection subject to a biodiversity enhancement and management, drainage strategy and construction and ecological management conditions.

In light of the above the proposals are considered to accord with saved UDP policies GP2, ENV18, ENV23, ENV24 and ENV32 and SPD Conserving Walsall's Natural Environment.

Flood Risk / Drainage

Paragraph 100 of the National Planning Policy Framework makes it clear that inappropriate in areas of flood risk should be avoided by directing development away from areas of highest risk. The contents of the National Planning Policy Framework in terms of flood risk and carries significant weight in the determination of this application. In terms of flooding, the site is within Flood Zone One as defined in the Environment Agency.

The applicant submitted a flood risk assessment, drainage strategy and an additional plan.

The Staffordshire County Council and the Drainage Team raised no objection to the submitted documents. Therefore, the development should be carried out in accordance with the submitted documents.

Trees / Protected Trees

The Council's Arboriculturist was consulted and has no objection subject to a detailed landscaped scheme and a construction management plan to protect the existing trees adjoining the development.

Ground Conditions and Environment

The proposed development reflects the previously approved 18/1554. Recommendations for remediation and coal mining legacy were previously accepted and it is considered reasonable to reflect the same conclusions with this current scheme.

Impact on canal corridor and SLINC

The application site is adjacent to Wyrley and Essington Canal and the corridor alongside is an allocated SLINC. This forms the site's western and southern boundary. It is therefore of particular importance that all works should comply with the "Code of Practice for Works Affecting Canal & River Trust"

The Canal and River's Trust was consulted and raised no objection subject to a drainage, lighting and fencing conditions being imposed.

The proposals accord with saved UDP policies ENV23, ENV24, ENV32 and ENV33 and SPD Conserving Walsall's Natural Environment.

Impact on the Natural Environment and Landscape of the Walsall Canal

The proposed development will be for commercial use with landscaping. It is considered, the site adequately addresses above ground attributes which will not have an adverse impact on living conditions, usability of proposed amenity areas, whilst not having a detrimental impact to the visual amenity of the surrounding area. Any landscaping is proposed as part of the development to consider native species are preferred in order to maintain the appearance and biodiversity. Landscaping also has the potential to impact on the integrity of the canal and it is necessary to assess this which can be achieved via a planning condition.

Lighting can lead to unnecessary glare and light pollution if it is not carefully designed. The integrity of the canal is not adversely affected. The lighting and level of luminance should only light the areas intended and the lighting should not provide flood lighting to the canal to show consideration for local species. This can be controlled via a planning condition.

In light of the above the proposals are considered to accord with saved UDP policies GP2, ENV18, ENV23, ENV24 and ENV32 and SPD Conserving Walsall's Natural Environment

Conclusions and Reasons for Decision

The site is allocated in the SAD for retained local quality industry, specifically site IND328. The policy states the provisions of BCCS policy EMP3 will apply on this site and safeguarded for various uses including those for the motor trade. The introduction of the online car auction business allows for an existing employer to invest in Walsall Borough and boost the economy and accords with SAD policy IND3.

The proposed development will result in the improvement of the layout and appearance of this part of the site. Furthermore, there will be an improvement to customer parking including the use of time slots. Furthermore, the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network.

Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant Planning Permission Subject to Conditions and a Section 106 Agreement to secure a Deed of Variation that the signal junction is not required for the current proposal and to define the online business operation, and subject to:

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions; and
- No further comments from a statutory consultee raising material planning considerations not previously addressed.

Conditions and Reasons

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. This development shall not be carried out otherwise than in conformity with the following plans and documents, unless otherwise stated in other conditions:

- Air quality TECHNICAL NOTE
- (Amended) Application form – 16.07.2021
- ARBORICULTURAL IMPACT ASSESSMENT November 2020
- COAL MINING RISK ASSESSMENT - Date: 13th September XXX
- Cover Letter - 16.07.2021
- Cover Letter (includes Notice One Certificate B) - 16.07.2021

- FLOOD RISK ASSESSMENT AND DRAINAGE STRATEGY - November 2020
- Lighting Impact Assessment November 2020
- TECHNICAL NOTE – ACOUSTICS - November 2020
- PLANNING DESIGN & ACCESS STATEMENT - DECEMBER 2020
- PRELIMINARY ARBORICULTURAL ASSESSMENT - November 2020
- Drawing No. 18-215/001 – Drawing Title - PRELIMINARY DRAINAGE STRATEGY – Rev D – Date NOV 2018
- PRELIMINARY ECOLOGICAL APPRAISAL - October 2020
- Drawing No. BCAW-ASA-XX-00-DR-A-1108-S3-P02 Drawing Title Proposed Site Elevation and Section – Date 28.01.21
- Drawing No. BCAW-ASA-XX-00-DR-A-1107-S3-P02 Drawing Title Proposed Site Layout Op6 – Date 27.08.20
- Leamore Lane – Revised Contamination Risk Assessment - 03rd September 2018
- TRANSPORT ASSESSMENT - November 2020
- Drawing No. BCAW-ASA-XX-00-DR-A-1109-S3-P01 Drawing Title Proposed Leamore Lane Access Closure – Date 28.01.21
- Drawing No. BCAW-ASA-ZZ-ZZ-DR-A-2100-S2-P04 – Drawing Title Site Location Plan Date 14.06.18
- Notice One (Certificate B) dated - 16.07.2021

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).

3a. Prior to the commencement of development, including demolition a Construction Working Plan shall be submitted for written approval of the Local Planning Authority. The plan shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway

- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

3b. The approved Construction Working Plan shall be implemented upon commencement of works and shall be maintained until the site is completed.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

4a. Prior to the commencement of the development hereby approved a Construction and Ecological Management Plan shall be submitted to and agreed in writing by the local planning authority detailing the precautionary working methods for protected and priority species and the protection of retained habitats during site enabling works and construction.

4b. The development shall not be carried out otherwise than in accordance with the approved Construction and Ecological Management Plan and retained throughout the development construction phase.

Reason: To safeguard protect species in accordance with saved UDP policies GP2, ENV23, ENV24 and ENV32 and SPD Conserving Walsall's Natural Environment.

5a. Prior to the commencement of development hereby permitted the external lighting scheme for the application site, including intensity of illumination, predicted lighting contours, design of hooded lights shall be submitted to and approved in writing by the Local Planning Authority

5b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: In the interests of the visual amenities of the area in accordance and ensure that light sensitive species utilising the canal corridor are not affected to their detriment with saved policies GP2, ENV11 and ENV32 of Walsall's Unitary Development Plan.

6a. Prior to the commencement of development hereby permitted:

- i. details of protective fencing and ground protection to be installed shall be submitted to and approved in writing by the Local Planning Authority;
- ii. The approved protective fencing and ground protection shall be installed;
- iii. One month's written notice of the intention to commence development shall be given to the Local Planning Authority to allow the Council's Arboricultural Officer to inspect the installation of the protective fencing and ground protection;

6b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details. The erection of fencing for the protection of flora and fauna should also minimise the light spill into the canal, shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

6c. Nothing shall be stored or placed nor any fires started, any tipping, refuelling, disposal of solvents or cement mixing carried out inside the protective fencing or on the ground protection referred to in part a to this condition. Ground levels within protective fencing and on ground protection areas shall not be altered nor shall any excavation or vehicular access or drainage routes be made.

6d. No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped otherwise than in accordance with the approved plans and particulars.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Saved Policy ENV18 of the UDP and Conserving Walsall's Natural Environment SPD.

7a. Prior to commencement of the development hereby approved a scheme of landscaping phased in relation to any phasing of the development and which shall include details of both hard and soft landscape works to include native plant species or species with known benefits to wildlife within the green infrastructure and earthworks shall be submitted to and approved in writing by the Local Planning Authority.

7b. The approved scheme shall be carried out in the first planting season following the completion of each development phase.

7c. Any trees shrubs or plants that die within a period of 5 years from the completion of each development phase or are removed and or become seriously damaged or diseased in that period shall be replaced and if necessary continue to be replaced in the first available planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area and to enhance the wildlife habitat in accordance with saved policies ENV17, ENV23, ENV24 and ENV33 of Walsall's Unitary Development Plan and SPD Conserving Walsall's Natural Environment.

8a. Prior to the commencement of the development hereby approved a Construction and Ecological Management Plan shall be submitted to and agreed in writing by the local planning authority detailing the precautionary working methods for protected and priority species and the protection of retained habitats during site enabling works and construction.

8b. The development shall not be carried out otherwise than in accordance with the approved Construction and Ecological Management Plan and retained throughout the development construction phase.

Reason: To safeguard protect species in accordance with saved UDP policies GP2, ENV23, ENV24 and ENV32 and SPD Conserving Walsall's Natural Environment.

9. The development hereby permitted shall not be carried out otherwise than in accordance with the existing Leamore Lane dropped kerb footway crossing shall be reinstated back to full kerb height as illustrated on drawing 'Proposed Leamore Lane Access Closure BCAW-ASA-XX-00-DR-A-1109-S3-P01 dated 28/01/21' and shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory completion and operation of the development and in the interests of highway safety.

10a. Prior to the first occupation of the development hereby approved, a scheme for provision of bat and bird nesting/roosting boxes shall submitted to and approved in writing by the local planning authority.

10b. The development shall not be occupied until the agreed bat and bird nesting/roosting boxes have been installed in accordance with the agreed details.

10c. The agreed bat and bird nesting/roosting boxes shall be maintained for the life of the development.

Reason: To conserve local bat populations and to comply with policy ENV1 of the BCCS, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

11a. Prior to the extended vehicle stock storage, customer car parking, trailer parking, access ways and vehicle manoeuvring areas first coming into use, these areas shall be fully consolidated and hard surfaced together with the clear demarcation of all parking bays, pedestrian routes and directional markings.

11b. These areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with UDP policy GP2, T7 and T13.

12a. If, during development, contamination not previously suspected or identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved in writing by the local planning authority detailing how this unsuspected contamination shall be dealt.

12b. The remediation of the site shall not be carried out otherwise than in accordance with the agreed remediation strategy.

Reason: In order to address any unsuspected soil contamination encountered during development in order to protect controlled waters receptors, namely underlying groundwater in the Secondary A and Undifferentiated Aquifers in accordance with saved UDP policies ENV10 and ENV40.

13. No site clearance shall take place otherwise than in accordance with the following steps:

- (a) If any reptiles are discovered on site during site clearance or development works shall cease temporarily and advice sought from an experienced ecologist to determine a way forward.
- (b) Site clearance work shall be undertaken in a sensitive manner to allow any common amphibians using the site to disperse. This will involve phased, directional habitat manipulation in accordance with the following:
 - i. Existing vegetation on site shall initially be mown to a height of 150mm to make it inhospitable to amphibian species. The cut should commence at the eastern end of the site and proceed in a westerly direction towards the canal to encourage any amphibians to relocate into the canal corridor
 - ii. After initial cut is complete the site shall be left for 48 hours to give amphibians time to move out of areas lost to development
 - iii. After a period of 48 hours the site strip can commence. This should be undertaken in a sensitive manner and any amphibians recorded shall be carefully relocated to the canal corridor to the west.
- (c) The site clearance methods shall be completed during the active period for amphibians which is weather dependant but generally extends between March and October inclusive. No hibernacula such as spoil heaps should be dismantled during winter months.

Reason: To safeguard protect species in accordance with saved UDP policies GP2, ENV23, ENV24 and ENV32 and SPD Conserving Walsall's Natural Environment.

Notes for Applicant

Severn Trent Water's Note: - Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our Development Services Team (Tel: 0800 707 6600).

Coal Authority's Note: - The application site lies in an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can be present and problems can occur in the future, particularly as a result of development taking place.

If any coal mining feature is unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

Highways (Transportation) Authority's Note: -1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

2. The applicant will be expected to enter into an agreement under S38 and S278 of the Highways Act 1980 with the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team at Stephen.Pittaway@Walsall.gov.uk

Canal and River Trust's Note: - 1) The applicant is advised that they should contact Michael Banks, Senior Asset Engineer, in relation to making arrangements for the inspection and maintenance of the adjacent canal cutting slope, on Michael.banks@canalrivertrust.org.uk or on 07710 075232.

2) The applicant/developer is advised to contact Jacquie Watt of the Canal & River Trust Utilities Team on Jacquie.watt@canalrivertrust.org.uk or 07584 335885 to discuss the acceptability of discharging surface water from the site to the adjacent canal in order to ensure that any necessary consents are obtained. Please be advised that the Trust is not a land drainage authority, and such discharges are not granted as of right- where they are granted, they will usually be subject to completion of a commercial agreement.

West Midlands Police Service's Note: -External LED lights with daylight sensors to the external walls of the buildings in particular at entry and exits.

Additional LED lighting for parking areas.

If lighting columns are used ensure they are not located close to the perimeter.
That might provide an offender with a climbing aid.

Monitored alarm systems will be important.

cctv capture of all persons and vehicles particularly entering and leaving.

Alarm and cctv installers should be approved by NSI, SSAIB or both

See <https://www.nsi.org.uk/> and <https://ssaib.org/>

I would recommend security using the principles of Secured By Design.

Providing reassurance to customers and staff.

Below is a link to secured by design guides, including Commercial, police approved crime reduction information.

<https://www.securedbydesign.com/guidance/design-guides>

Below is a link to secured by design commercial, police approved crime reduction information guidance.

https://www.securedbydesign.com/images/downloads/SBD_Commercial_2015_V2.pdf

West Midlands Fire Service's Note: -Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 2, Table 15.2)

Consideration should be given to accommodate provision for fire service access out of normal business hours.

END OF OFFICERS REPORT