

Planning Committee

Report of Head of Planning and Building Control on 21 July 2022

Plans List Item Number: 1

Reason for bringing to committee

County Matters Application

Application Details

Location: IBSTOCK BRICK ALDRIDGE LTD, BRICKYARD ROAD, ALDRIDGE, WALSALL, WS9 8TB

Proposal: FULL APPLICATION FOR DEMOLITION OF FORMER DRYER BUILDING AND CONSTRUCTION OF NEW REPLACEMENT DRYER BUILDING. FURTHER DEMOLITION OF REDUNDANT DRYER BUILDING AND FORMATION OF EXTERNAL STOCK YARD.

Application Number: 21/1234

Case Officer: Leah Wright

Applicant: Ibstock Brick Limited

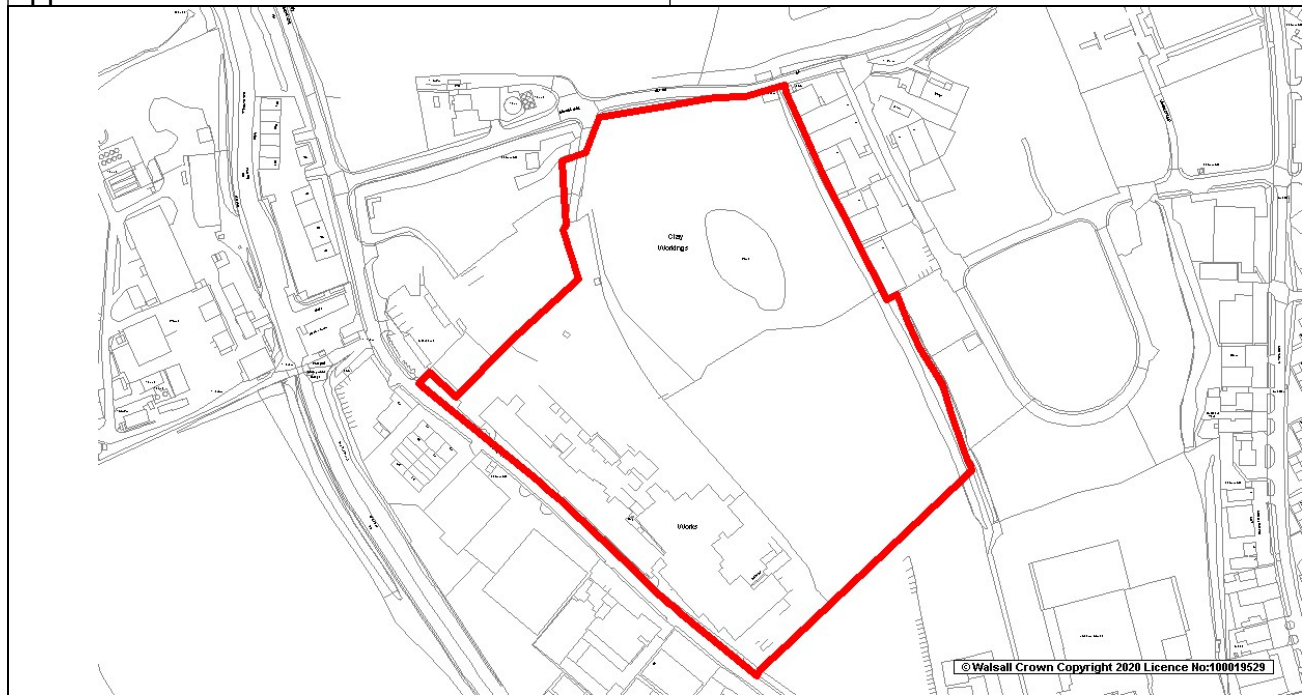
Ward: Rushall-Shelfield, Aldridge Central And South

Agent: Wood Goldstraw Yorath LLP

Expired Date: 07-Dec-2021

Application Type: County Matters: Minerals Application

Time Extension Expiry:



Crown Copyright and database rights 2021 Ordnance Survey 100019529

Recommendation:

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to
 - The amendment and finalising of conditions.

Proposal

Full application for Demolition of former dryer building and construction of new replacement dryer building. Further demolition of redundant dryer building and formation of external stock yard.

Site and Surroundings

The site is located to the west of Aldridge and can be found on Brickyard Road in the Industrial Estate. The site sits within a heavily developed and established industrial area.

Aldridge works runs predominately parallel with Brickyard Road with various additions to the southeast and north east of the site. Southern access to the site is via Stubbers Green Road and to the north via Boatman's Lane. The proposed cannot be seen from a public highway.

Ibstock Brick Ltd are the site owner and applicant. Ibstock Brick Ltd are the key manufacturer of clay bricks and concrete products and are currently engaging in many new building projects to their current sites to increase productivity to meet ever changing demands. Brick Manufacturing has taken place on this site for some 150 years.

The current site holds brick production, external storage, office, and staff/visitor parking. The quarry can be located north/east of the proposal. The existing buildings are predominantly brick construction/asbestos roof sheeting with some later additions being steel clad.

The boundary of the West Midlands Green Belt runs adjacent to the site. The site is not within a Conservation Area, nor does it comprise a listed building.

Relevant Planning History

IBSTOCK BRICK CO LTD, BRICKYARD ROAD, ALDRIDGE, WALSALL WS9 8TB

08/0302/FL- Re-submission of 07/1404/FL/E9 - Construction of new access leading from Brickyard Road to administrative offices- **GSC 17.04.2008**

11/0799/FL- Construction of a new access leading from Brickyard Road to the Ibstock Administrative Offices- **GSC 19-08-2011**

IBSTOCK BRICK LTD, ATLAS FACTORY, STUBBERS GREEN ROAD, ALDRIDGE, WALSALL, WS9 8BL

20/1589- Environmental Impact Assessment (EIA) Screening Opinion for widening of site access, rearrangement of employee and visitor car park, extensions to the existing Brickworks building to accommodate new plant and offices, new exhaust stack, an extension to the existing brick stockyard, new box feeder building and overhead conveyor, investigation of and works to the existing anchor culvert if necessary and new planting and landscaping works. **EIA Not Required, 2021-03-02**

20/0184 - Environmental Impact Assessment Scoping Opinion for an extension to the existing clay preparation building, new box feeder and enclosed overhead conveyor, new exhaust stack and scrubber for the production building, extension to the production building, widening of the existing stockyard access from Stubbers Green Road for exit and egress, extension to the quarry clay stack, extension to the existing brick stocking area, amendments to existing consented quarry phasing area and revised restoration scheme, new surface water drainage scheme.
Scoping Opinion Response Issued - 2020-03-31

13/1380/SCOP - Environmental Impact Assessment Scoping Opinion for extension to Atlas Quarry, export brick making clays and creation of compensatory habitat for loss of Stubbers Green Site of Importance for Nature Conservation (SINC). **Scoping Opinion Response Issued - 2014-02-11**

04/1603/MI/M1 - New Condition for Existing Mineral Working Permission, 2004-07-26. **GSC 2004-12-08**

BC54933P- Provision of concrete yard slab for the storage of bricks/materials, including access ramp. **GSC 15-12-1998**

BC27424P- reserved matters to BC24328P for Siting, Design and External Appearance for Brickworks, Offices (in part) Stockyard, Ancillary Works and Landscaping. **Granted 18-08-1989.**

BC24328P - the erection of brickworks, ancillary offices and stockyard, extraction of Etruria Marl and restoration by infill to open space and or woodland at Dumblederry Farm, Stubbers Green Road, Aldridge, Walsall. **GSC 27-07-1989**

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 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **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**
- **NPPF 16 – Conserving and enhancing the historic environment**
- **NPPF 17 – Facilitating the sustainable use of minerals**

On **planning conditions** the NPPF (para 56) 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 in the process and can speed up decision making. 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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV25: Archaeology
- ENV26: Industrial Archaeology
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- JP8- Bad Neighbour Industrial Uses
- T1 - Helping People to Get Around
- T2 - Bus Services
- T4 - The Highway Network
- T5 - Highway Improvements
- 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

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network

- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- 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
- ENV7: Renewable Energy
- ENV8: Air Quality
- MIN 1 Managing and Safeguarding Mineral Resources
- MIN3 Maintaining Supplies of Brick Clay
- EMP3 Local Quality Employment Areas
- WM5: Resource Management and New Development

Walsall Site Allocation Document 2019

Policy IND3: Retained Local Quality Industry
 EN1: Natural Environment Protection, Management and Enhancement
 EN3: Flood Risk
 M1: Safeguarding of Mineral Resources
 M2: Safeguarding of Minerals Infrastructure
 M6: Brickworks- Future Supply Requirements
 M7: Brick Clay Extraction- Stubbers Green
 T2: Bus Services
 T3: The Rail Network
 T4: The Highway Network

Supplementary Planning Document

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

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

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

Area Partnership Aldridge/Streetly/Pheasy

- No response

Area Partnership Brownhills/Pelsall/Rushall

- No response

Archaeology

- No archaeological implications

Canal and River Trust

- No response

Coal Authority

- Area where the built development is proposed is not within the defined Development High Risk Area. No objection.

Drainage

- No response

Ecology Officer

- No response

Environment Agency

- No objection subject to imposition of conditions.

Environmental Protection

- No significant issues/concerns with the Air Quality Assessment and/or the Noise Assessment and are of the opinion that no specific planning conditions are required.

- The ground investigation work has discovered unknown obstructions, including metallic objects below the surface of the site where development is to be undertaken and has also encountered some hydrocarbon contamination. Conditions recommended to address further investigations and remediation.

Health and Safety Executive

- No comment.

Lead Local Flood Authority

- No objection to the application subject to imposition of pre-commencement conditions.

Local Highways Authority

-Support; note to applicant regarding the need to keep the highway free from mud and debris.

Natural England

- No response

Regeneration and Development

- No response

Severn Trent Water

- No objection subject to a condition requiring the submission of drainage plans for the disposal of foul and surface water flows.

Strategic Planning Policy

- Broadley supported in principle.

Tree Preservation Officer

- No response

West Midlands Fire Service

- Note to applicant regarding compliance with building regulations.

Representations

None received.

Determining Issues

- Principle of Development
- Design, Layout and Character
- Noise and Air Quality
- Contaminated Land
- Ecology Trees and Landscape
- Flood Risk / Drainage
- Highways

Assessment of the Proposal

Principle of Development

This scheme proposes the demolition of the existing dryer building and erection of a larger, replacement building with associated walling, along with the demolition of another redundant dryer building. Drying is understood to be the process of storing brick clay moulded bricks for 24-

48 hours before firing in a kiln.

The wider area is allocated in the Walsall Local Plan Policies Map (2019) as an Occupied Local Quality Industrial Site IN9.9 under Policy IND3 and the site specifically is identified as MB1 Aldridge Brickworks.

The National Planning Policy Framework at paragraph 214 states that Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment.

The Black Country Core Strategy states that the Black Country will aim to provide a supply of Etruria Marl to each operational local brick and tile works in the Black Country for as long as possible and will aim to provide a 25-year supply to each works where feasible.

The Brick manufacturing has a long history in the Black Country, and it still has a presence within the area. The proposals within growth network are likely to generate a continuing demand for bricks and tiles for house building and commercial building projects. The Core Strategy should therefore support the local industry as much as possible subject to not compromising other important objectives, in the interests of minimising the distance that materials need to travel.

Policy EMP3 (Local Quality Employment Areas) of the Black Country Core Strategy states that by 2026, we will provide 1,294 ha of local quality employment land. 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. These areas will provide for the needs of locally based investment and will be safeguarded for uses including Industry, warehousing and trade wholesale retailing and builder's merchants.

The Design and Access Statement submitted along with the proposal states that

- The works will not affect or increase brick production levels of 30 million bricks per annum.
- There will be no change in vehicle movements or staff numbers will occur.

It is considered that the proposal on this site is broadly supported in local and national policy as detailed above, which seeks to support the efficient improvement of minerals production facilities. The site is also allocated for this use and other Local Quality Industrial Uses are expressly supported in the vicinity.

It should be noted that although the site sits within the predominantly industrial area of Stubbers Green, the nearby (and downwind) residential community of Leighswood may be impacted by the expanded building and associated works. UDP Policy JP8 provides provisions in this regard under section (b) to mitigate against bad neighbour industrial uses.

In this instance, appropriate conditions would be imposed on the decision notice to ensure the new building would not have a negative effect on the existing community of Leighswood.

Strategic Planning Policy also noted that consultation with environmental health colleagues would be recommended. There is an active consultation with Environmental Health; if any conditions are considered necessary to mitigate against any negative effects the development may bring about they will be included on any decision notice.

In conclusion, the principle of the site for re-development in this instance would be acceptable.

Design, Layout and Character

The development seeks approval for a replacement Dryer Building. The proposed building would measure 45m in depth, 24.8m in width, with a dual pitch roof reaching a maximum height of 13m with eaves of 9m. The total floor area of the building would be 1189sqm. There will be 6 no air vents incorporated within the building that would terminate 3m above the ridge line, bringing the total height of the proposal to 16m.

The building is proposed to be a steel partial frame building in order to have the specialist plant and machinery. Due to the process, traditional steel cannot be used it is therefore proposed to

galvanise all steel components and clad the building in fibre cement sheets, coloured grey. It is proposed to omit traditional gutters and downpipes and include a 'curved' eaves detail to enable rainwater run off the building which will be collected via a perimeter drainage channel.

Due to the current topography of the site, the proposed floor level will sit lower than the existing ground level. This will be protected by a perimeter 'bund' retaining wall and will also act as fire escape protected route. A small link building is to be formed between the existing building connecting to the proposal.

A new external wall is to be constructed together with additional open storage; this will be surfaced in well compacted crusher run limestone.

The proposed development is designed to be functional and to allow the operational requirements of the brickworks to be fulfilled. The design and character of the proposed building is typical of its use and would assimilate well within the surrounding industrial area. It is considered that whilst the building would represent a new, larger building within the site, the existing building would be demolished and the proposed building is not significantly taller or larger in mass to cause a negative visual impact. On balance it is considered the development is practical, functional and in accordance with the established character of the site.

Noise and Air Quality

The Applicant has included a number of relevant documents, including an Air Quality Screening Assessment and Noise assessment. Environmental Protection have no significant issues/concerns with the Air Quality Assessment and/or the noise assessment and are of the opinion that no specific planning conditions are required.

Contaminated Land

The Applicant has submitted a Ground Investigation Report, by Strata Renewables Ltd, Report No. SRL1090, dated November 2019 to support the application. The ground investigation work has discovered unknown obstructions, including metallic objects below the surface of the site where development is to be undertaken and has also encountered some hydrocarbon contamination.

The Consultant has recommended that further intrusive assessment be undertaken to determine the nature of the unknown objects and the extent of the hydrocarbon contaminants. Environmental Protection agree with this conclusion and a set of planning conditions to address such an investigation and subsequent remediation is being provided and will be included on any decision notice.

Ecology, Trees and Landscaping

A Preliminary Ecological Appraisal by Elite Ecology, dated July 2021, was submitted to support the application. The proposed works will result in the temporary loss and/or alteration of some of the habitats located on the proposed re-development site. No designated sites or protected species revealed from the ecological data set provided by EcoRecord fall on or adjacent to the proposed re-development site. Therefore, the proposed redevelopment will have no impact upon any designated sites as the works are due to remain within the site boundary. Based upon the results from the desktop survey, field survey and using a degree of academic supposition, the uncompensated re-development impacts have deemed to be of a negligible impact to all species groups.

It is considered that due to the negligible potential of the two buildings, no activity surveys for bats will be required. No artificial lighting is to be shone on any linear features, scattered trees, shrubs,

waterbodies, or woodland. For the site itself, an artificial lighting plan is required. All lighting must avoid the features of interest for the local bat populations. This is required due to the habitats within the local landscape meaning there is likely to be foraging and commuting bats within the local landscape

It is recommended as a precautionary measure that provisions are incorporated during the construction phase. This will be to create provisions for hedgehogs to escape in the form of creating slopes or the inclusion of ramps at the end of each working day from all trenches dug into the ground. Additionally, any pipework left on site that is greater than 150mm in diameter will need to be planked off. Should this information be strictly adhered to, then the development works will not negatively impact on the local mammal populations.

Site enhancements have also been recommended within the PEA; these include the incorporation of a Bumblebee Box , Bug Hotel and two Eco Hedgehog Nest Boxes in the scheme.

In order to ensure that the mitigation takes place it is recommended that conditions to secure them, will be included on the decision notice.

There are no protected trees within the boundary of the application site or within 20m of this proposal and as such an arboritucultural report was not required to support the proposal. In terms of landscaping, due to the existing nature of the site and location of the proposal it is not considered a landscaping scheme would be necessary in this instance.

Flood Risk / Drainage

The property is within Flood Risk Zone 1. The Local Lead Flood Authority have no objection to the application, subject to pre-commencement conditions to ensure that the full detailed drainage design is submitted for review and that sufficient measures will be put in place to ensure no increase in flood risk during the construction phase.

The Environment Agency were consulted on the application and have made reference to the 1:50,000 scale geological map that indicates the site is located on the Etruria Formation which is designated a Secondary A Aquifer by the Environment Agency. These are permeable strata capable of supporting water supplies at a local rather than strategic scale and in some cases forming an important source of base flow to rivers. Superficial Glacial Till deposits are also indicated which are designated Secondary Aquifer (Undifferentiated). The site is not located within a groundwater Source Protection Zone and there are no licensed abstractions within 500m of the site. The Daw End Branch Canal is located approximately 80m to the West of the development site.

The site is currently occupied comprising a brick manufacturer with a concrete yard consisting of two buildings with drier sheds. A limited intrusive site investigation has been undertaken of which a small number of soil and groundwater samples were obtained and subject to analysis for organic and inorganic contamination. It is understood that obstructions were encountered during site investigation that may indicate the presence of subsurface structures such as pipes and tanks. Along with visual and olfactory evidence, the limited sampling exercise undertaken has revealed elevated levels of hydrocarbon contamination within soils and groundwater.

Further targeted intrusive investigation is required to delineate the extent of the contamination and to determine the presence of any underground infrastructure and if this is providing an ongoing source of contamination. The results of such investigations should inform a suitably robust risk assessment to determine if or what remediation works are required to protect controlled waters receptors.

As such conditions to deal with any significant contamination that may represent a risk to

controlled waters are recommended.

Highways

The current access for HGV's will remain unaffected, this is located on the southern corner of the site direct access off Brickyard Road. Staff and visitor access is currently a separate entrance off Brickyard Road located on the eastern boundary. Exit from the site is via the northern exist on to Coppice Lane.

The site currently holds 30 staff/visitor parking and a separate staff parking area within the isolated areas of the site. The current car parking provision will remain unaffected by the proposal.

The Local Highways Authority have been consulted on the proposal and do not have any comments to make nor do they recommend any conditions; they offer their support on the proposal and have recommended a note to applicant be provided on the decision notice in regard to keeping the highway free of mud and debris.

It is considered that the development 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 paragraph 111.

Conclusions and Reasons for Decision

The proposal would allow for the redevelopment of the redundant dryer buildings at the Ibstock Brick Factory. There is no increase in production envisaged nor would there be a change in parking, staff numbers or vehicle movements.

The principle of development is supported in principle and is considered to align with National and Local Policy. The design, character and scale of the replacement building is considered to be acceptable and would assimilate well with the existing site and local surroundings. Appropriate conditions will be included on the decision notice to ensure the development is acceptable.

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

Grant Permission Subject to Conditions

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. The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- 4579-02-01 EXISTING SURVEY SITE PLAN received on 23/08/2021
- 4579-02-02 EXISTING SURVEY PLAN AND ELEVATIONS received on 23/08/2021
- 4579-02- 03 EXISTING FLOOR PLAN received on 23/08/2021
- 4579-02-07A NEW BUILD SITE PLAN received on 23/08/2021
- 4579-02-08B NEW DRYER BUILDING REV C received on 05/11/2021
- 4579-02-09 LOCATION PLAN received on 23/08/2021
- 4579-02-10 BLOCK PLAN received on 23/08/2021
- Drainage Design – COUCH CONSULTING ENGINEERS DOC RAF 7992 received on 23/08/2021
- Elite Ecology Report received on 23/08/2021
- Wardell Armstrong NIA received on 23/08/2021
- SRL TECHNICAL NOTE received on 23/08/2021
- SRL GROUND INVESTIGATION REPORT NO 1090 received on 23/08/2021
- WARDELL ARMSTRONG AQU received on 23/08/2021
- REDBOX FLOOR PLANS received on 23/08/2021
- KINGFISHER LIGHTING DESIGN DRAWING NO 41554/RD/D received on 23/08/2021
- GHG PHASE 1 CONTAMINATED LAND RISK ASSESSMENT REPORT NO 19-1120 PART 1 AND PART 2 received on 23/08/2021

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3a. Prior to the commencement of the development hereby permitted a surface water drainage scheme for the site and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).
- SuDS design to provide sufficient water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria. Mitigation indices are to exceed pollution indices for all sources of runoff. All SuDS measures are to be demonstrated on the drainage plan.
- Limiting the discharge rate generated by all rainfall events up to 100 year plus climate change in accordance with the guidance in the SCC SUDS Handbook. Provision of surface water runoff attenuation storage to achieve the limited discharge.
- Detailed design (plans, network details and full hydraulic calculations) in support of any surface water drainage scheme, including details on any attenuation system, SuDS features and the outfall arrangements.
- Calculations should demonstrate the performance of the designed system and attenuation storage for a range of return periods and storm durations, to include as a minimum the 1:1 year, 1:30 year and the 1:100-year plus climate change return periods.
- Evidence of infiltration testing in accordance with BRE digest 365 should be provided.

- Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system. Finished floor levels to be set higher than ground levels to mitigate the risk from exceedance flows.
- Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development. To include the name and contact details of the body(-ies) responsible.

3b. The development shall not be implemented otherwise than in accordance with the approved details.

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development in accordance with NPPF14, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

4a. Prior to the commencement of each phase of the development hereby approved, a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, shall be submitted to and approved in writing by the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- i. all previous uses
- ii. potential contaminants associated with those uses
- iii. a conceptual model of the site indicating sources, pathways and receptors
- iv. potentially unacceptable risks arising from contamination at the site

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

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4b. The development shall not be implemented otherwise than in accordance with the approved details.

4c. If, during further proposed works or development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority.

4d. The development shall not be implemented otherwise than in accordance with the remediation strategy as per part C of this condition.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site, in line with paragraph 174 of the

National Planning Policy Framework.

5a. Prior to the commencement of the development hereby approved, a further site investigation, ground contamination survey and assessment of ground gas having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

5b. Prior to the commencement of the development hereby approved, a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of identified and/or potential hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

5c. Prior to the commencement of the development hereby approved a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted in writing to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

5d. The remedial measures as set out in the 'Remediation Statement' required by part c) of this condition shall be implemented in accordance with the agreed timetable.

5e. If during the undertaking of the approved remedial works or during the construction of the approved development unexpected ground contamination not identified by the site investigation required by part a) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part c) of this condition has been amended to address any additional remedial or mitigation works required and has been submitted in writing to and agreed in writing by the Local Planning Authority.

5f. A validation report setting out and confirming the details of the remedial measures implemented, cross referencing those measures with the approved Remediation Statement, together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted in writing to and agreed in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

5g. The development shall not be carried out otherwise than in accordance with the approved Remediation Statement.

Reason: To ensure safe development of the site and to protect human health and the environment. In addition, to meet the requirements of the National Planning Policy Framework (2019) 170 and 178.

6a. Prior to commencement of the development hereby approved, a scheme showing the proposed location and specification including materials method of erection, heights and dimensions of a Bumblebee Box, Bug Hotel and two Eco Hedgehog shall be submitted in writing to and approved in writing by the Local Planning Authority.

6b. The development shall not be carried out otherwise than in accordance with the approved details and the approved details shall be implemented prior to the development first coming into use and thereafter retained for the life time of the development.

Reason: To conserve local insect and small mammal populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 and policies NE1 to NE6 of the Natural Environment SPD.

7. The development hereby permitted shall be constructed from red brick and grey cement fibre sheets to the walls, grey cement fibre sheets to the roof, White PVC windows and powder coated blue doors and shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

Notes for Applicant

Construction Working Hours

No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday, and such works shall only take place between the hours of 08:00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

Highways

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.

Environmental Protection

Notes for Applicant – Contaminated Land

CL1

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2018; British Standard BS10175: 2011 +A2:2017 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); Land contamination risk management (LCRM) or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2

When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

Validation reports will need to contain details of the 'as installed' remediation or mitigation works agreed with the Local Planning Authority. For example, photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported 'clean cover' materials, manufacturer's specification sheets for any

materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate, records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

Local Lead Flood Authority

Developer to ensure that satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.

Environment Agency

It should be noted that in accordance with Government policy detailed in the National Planning Policy Framework (paragraph 183), 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Therefore should any significant contamination subsequently become apparent then responsibility will remain with these parties.

It should be noted that the Environment Agency has not had any influence or control over the selection of site investigation locations or any aspect of the sampling and analysis undertaken. Therefore we must assume that the information submitted is both genuine and representative of site conditions and treat it in good faith. Advice for the Applicant We recommend that developers should:

- Follow the risk management framework provided in Land Contamination Risk Assessment when dealing with land affected by contamination.
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site. The local authority can advise on risk to other receptors, such as human health.
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
- Refer to the contaminated land pages on GOV.UK for more information.

We would like to refer the applicant/enquirer to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heat pumps
- Drainage

Should you wish us to review any technical documents or want further advice to meet the requirements of the conditions recommended, we may do this as part of our charged for planning advice service.

Further engagement will provide you with the opportunity to discuss and gain our views on potential options to discharge these conditions before formally submitting further information as part of your application to discharge conditions. It should also result in a better quality and more environmentally sensitive development.

As part of our charged for service we will provide a dedicated project manager to act as a single point of contact to help resolve any problems. We currently charge £100 per hour, plus VAT. We will provide you with an estimated cost for any further discussions or review of documents. The standard terms of our charged for service are available [here](#).

If you would like more information on our planning advice service, including a cost estimate, please contact us on the details below.

West Midlands Fire Service

Approved Document B, Volume 2, Buildings other than Dwellings, 2019.

Requirement B5: Access and facilities for the fire service

Section 15: Vehicle access

Buildings not fitted with fire mains

15.1 For small buildings (up to 2000m², with a top occupied storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.

- a. 15% of the perimeter.
- b. Within 45m of every point of the footprint of the building (see Diagram 15.1).

15.2 For all other buildings, provide vehicle access in accordance with Table 15.1.

15.3 Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m (e.g. a 150m elevation would need a minimum of two doors) .

Design of access routes and hard-standings

15.7 Access routes and hard-standings should comply with the guidance in Table 15.2.

Requirements can only apply to the site of the works. It may not be reasonable to upgrade the route across a site to a small building. The building control body, in consultation with the fire and rescue service, should consider options from doing no work to upgrading certain features, such as sharp bends.

15.8 Where access to an elevation is provided in accordance with Table 15.1, the following requirements should be met, depending on the building height. a. Buildings up to 11m, excluding small buildings (paragraph 15.1): pump appliance access should be provided adjacent to the building for the specified percentage of the total perimeter. b. Buildings over 11m: access routes should comply with the guidance in Diagram 15.2.

15.9 Where access is provided for high reach appliances in accordance with Table 15.1, overhead obstructions (such as cables and branches) should be avoided in the zone shown in Diagram 15.2.

15.10 Dead-end access routes longer than 20m require turning facilities, as in Diagram 15.3. Turning facilities should comply with the guidance in Table 15.2.

Overall

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)

Section 16: Fire mains and hydrants

Provision of private hydrants

16.8 A building requires additional fire hydrants if both of the following apply.

- a. It has a compartment with an area more than 280m².
- b. It is being erected more than 100m from an existing fire hydrant.

16.9 If additional hydrants are required, these should be provided in accordance with the

following.

- a. For buildings provided with fire mains – within 90m of dry fire main inlets.
- b. For buildings not provided with fire mains – hydrants should be both of the following.
 - i. Within 90m of an entrance to the building.
 - ii. A maximum of 90m apart.

16.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251.

16.11 Guidance on aspects of provision and siting of private fire hydrants is given in BS 9990.

Water

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

The approval of Building Control will be required to Part B of the Building Regulations 2010. Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 8)

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

END OF OFFICERS REPORT