



Planning Committee

Report of Head of Planning and Building Control on 10 February 2022

Plans List Item Number: 3

Reason for bringing to committee

Major Application

Application Details

Location: LAND BETWEEN WOOD STREET AND LOWER LICHFIELD STREET, WILLENHALL

Proposal: FULL APPLICATION FOR A SELF-STORAGE WAREHOUSE (B8) WITH START-UP BUSINESS SUITES (E(G)(I)), EXTERNAL DRIVE-UP STORAGE UNITS, ASSOCIATED PARKING AND LANDSCAPING.

Application Number: 21/0023

Case Officer: Ann Scott

Applicant: Storage Giant Ltd

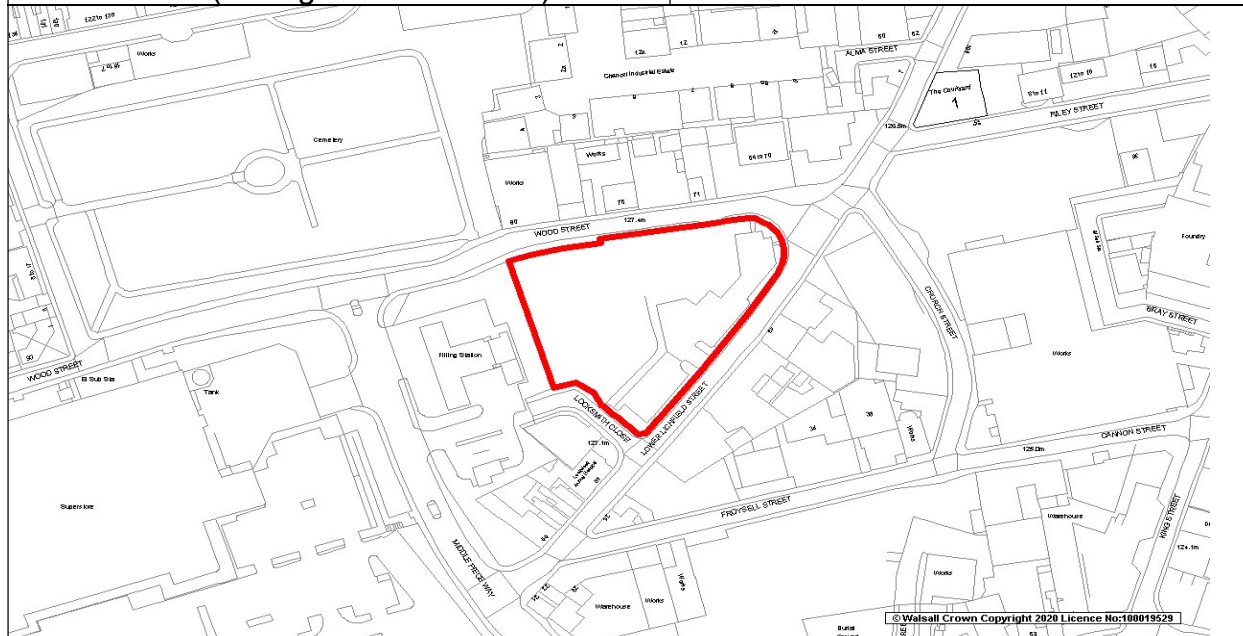
Ward: Willenhall South

Agent: Oxford Architects LLP

Expired Date: 08-Apr-2021

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

Time Extension Expiry:



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Recommendation

Delegate to Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and the amendment and finalising of conditions.

Proposal

Full Application for a self-storage warehouse (B8) 1761m², with start-up business suites E(g)(i) 152.6m², external drive-up storage units, associated parking and landscaping. The proposed main storage building will measure approximately 41.15 long, by 28 wide, by 15.2 high to the ridge and the site area is approximately 0.47 hectares in total.

The smaller storage building wraps around the perimeter of the site and measures approximately, 36 metres long to the North Boundary, 17.2 meters long to the East Boundary and 41.3 metres long to the South boundary. The building is relatively low level at approximately. 2.5 metres high. Within the courtyard of the smaller storage building is another smaller storage building measuring 14.6 metres by 10.8 metres, by 14.2 metres by 2.5 metres high. This building has a triangular shape and will not be readily seen from the street scene. The materials are similar to the main building.

The proposal for the storage B8 use is proposed 24 hours, 7 days a week including bank and public holidays. In addition the proposed business office use Class E - E(g)(i) previously B1 Offices, is proposed to be operated between the hours of 08:00 hours to 18:00 hours Mondays to Saturdays, Sundays, Bank and Public Holidays.

There are 15 parking spaces, 2 disabled spaces, 12 cycle parking spaces, and 2 Light goods vehicles spaces/public carrier vehicles parking spaces.

The number of jobs being created with this application is 26 full time jobs and 1 part time job.

Site and Surroundings

The application site is presently 0.47 hectares of vacant land which has been previously used for industrial purposes but has been vacant since approximately 2010.

The site is partly self-seeded scrub with areas of tarmac from the previous industrial use formerly Yale Locks. A chain link fence forms the boundary of the site and the site has an existing vehicular access. There are existing silver birch trees situated mainly around the perimeter of the site with a few self-seeded specimens in the middle of the site that will be removed. The site is not covered by a tree preservation order.

The local area is historically known as an industrial area for lock making.

The surrounding area comprises a mix of commercial, leisure and industrial uses.

The site is located in flood zone 1 as defined on the Environment Agency Flood Map for Planning.

Relevant Planning History

09/0163/FL – variation of condition 9 of o/l planning permission 07/0639/FL/W2 relating to part of site included in o/l application for residential development. Alteration of condition to remove the word “residential” from the condition. – Land South of Wood Street Willenhall, approved 23 July 2009.

08/1415/FL – Removal of condition 26 of Planning application 07/0639/FLW2 Retention and reuse of façade of Yale Works. – Land between wood street, Upper Litchfield Street, and Lower Litchfield Street, extending to Walsall Street Willenhall. Approved 21 October 2008.

17/1482 Full application major use class C3 (dwelling houses) 43A Lower Litchfield Street Willenhall Refused 20-July 2018– Appeal Dismissed 19 August 2019.

18/1215 – Demolition of existing buildings and erection of residential development providing 7 x 1 bed and 8 x 2 bed apartments, including parking and amenity –Land adjacent to 43 Lower Litchfield Street Willenhall Refused 30 August 2019. Appeal dismissed 28 July 2020.

Relevant Planning History – 19/1472 – 80 Wood Street Demolition of existing buildings and erection of 2 pairs of semi detached dwellings. Refused 13-1-2020.

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 7 – Ensuring the vitality of town centres**
- **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**

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. 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

- 3.6 to 3.8 Environmental Improvement
- 3.9 Derelict Land Reclamation
- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV23: Nature Conservation and New Development
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas-
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- 4.6 The Service Sector
- JP8: Bad Neighbour Industrial Uses
- 5.3 to 5.11 Strategic Policy Statement
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- 7.4 Strategic Policy Statement
- 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

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP4: Place Making
- EMP1: Providing for Economic Growth
- EMP5: Improving Access to the Labour Market
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy

- CEN2: Hierarchy of Centres
- CEN4: Regeneration of Town Centres
- CEN5: District and Local Centres
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality

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
- 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

Coal Authority – no objections subject to conditions to investigations being carried out in relation to the risks posed by past shallow coal mining activity.

Lead Local Flood Authority – no objections subject to conditions in relation to the provision of SUDS Sustainable Drainage.

Police Architectural Liaison officer - recommend security measures using the principles of Secured By Design.

Local Highways Authority - the Highway Authority supports the application in principle. Subject to conditions in relation to adoptable highway works, parking and turning within the site, cycle parking and construction method statement.

Natural England – no comments to make on this application.

Archaeology - there are no archaeological implications for this proposal.

Pollution Control - requires conditions for the Applicant to investigate potential for ground contamination and ground gas, and remediate if necessary, implement a management plan to minimise environmental impact during the course of building works, and for the installation of an electric-vehicle charging point.

Public Health - no direct Public Health objections to this planning application.

Severn Trent Water- No objections subject to the inclusion of drainage conditions and a note to applicant regarding public sewers.

Strategic Planning Policy – Support on the grounds that the site will provide additional employment land to support investment for the site for employment purposes.

Historic England – No comments to make.

Fire Service – No objections and makes a number of recommendations which can be added as notes to applicant.

Representations

Representations received from nearby occupiers:

- Our property is directly across in Wood Street from the larger of the units proposed and would directly impose on our light & view. We would also be concerned about the additional traffic & parking involved with this application. Therefore, we would object to the application in its current form.
- Just to point out the existing access is for car and light commercial vehicles and not heavy goods vehicles which would cause problems if they park up in the side roads while waiting to unload.

Determining Issues

- Principle of Development
- Design, Layout and Character

- Trees / Landscape / Biodiversity
- Amenity of Neighbours / Occupiers
- Highways
- Heritage Assets
- Flood Risk / Drainage
- Ground Conditions and Environment

Assessment of the Proposal

Principle of Development

The application site lies within the development limits for Willenhall Part of the Walsall Urban area. This site lies within Willenhall District Centre so is covered by the inset map of the UDP rather than the SAD. However, it has no current allocation. It lies within the area of the outline planning permission for the Morrisons store which included residential development on this part of the site for 103 apartments, so has been considered as a potential residential site. However, it is surrounded by land that is allocated as 'consider for release' employment land under SAD Policy IND4.

The strategic policies in the Black Country Core Strategy, including policy DEL2, apply both to areas inside and outside the district centre. It was originally envisaged when the BCCS and subsequently the Site Allocation Document were prepared that CFR land would eventually be redeveloped for housing, subject to the requirements of BCCS policy DEL2 being met (relating to there being an adequate supply of employment land available, arrangements being made to relocate industrial occupiers and a comprehensive approach being taken). Emerging evidence for the BCP is that there is a need to increase and retain as much employment land as possible to safeguard the economy and retain employment.

BCCS Policy DEL2 relates to Managing the balance between employment land and housing and seeks to ensure that the delivery of special objectives 2 and 3 are supported by objectives 5, 6 and 7 by providing a clear framework for continuous housing and employment land to meet the needs of the Black Country to 2026.

The proposal will not result in a loss of employment land but will provide for the use for storage 1761m² and start up business suites with associated parking and landscaping. The proposed start up business use is to enable an ancillary use for class E(g)(i) **Offices** to carry out any operational or administrative functions to operate on the site and is approximately 152.6 m². The use would be controlled by a suitable planning condition and would remain ancillary to the main use for class B8.

Taking account of the above mentioned policies and guidance the proposal is considered to be acceptable in principle and accords with the aims and objectives of BCCS Policy DEL2, SAD Policy IND4, subject to other plan policies and development control criteria.

Design, Layout and Character

The proposed main storage building will measure approximately 41.15 long, by 28 wide, by 15.2 high to the ridge and the site area is approximately 0.47 hectares. The proposed materials are aluminium powder coated doors/cladding and windows. Roller Shutter doors to the self-storage facility are proposed in corporate orange. The external Drive up storage is proposed with Aluminium powder coated roller shutter doors in orange. The proposed external storage units are low level and wrap around the perimeter to the East side of the application site.

The site layout is proposed with hardstanding areas in tarmacadam for the parking

and turning facilities with a belt of landscaping around the perimeter of the site with lawned areas incorporating the existing Silver Birch Trees around the perimeter of the site. The proposal is considered to accord with Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) and SPD Policies DW1, Sustainability, DW2 Safe and welcoming places, DW3 Character, and DW5 Ease of movement of the Designing Walsall urban design document.

Trees/Landscape/Biodiversity

A condition to secure additional landscape measures to augment the proposed landscape scheme is considered necessary. In addition the proposed landscape drawing 20108 submitted with the application proposes a proposed hedge with hazel and laurel hedge. It is considered more native hedge species such as hawthorn, wild privet, buckthorn and Holly may be more appropriate than Laurel which is not a native species. Hazel as set out on the landscape drawing is a native species but mixed hedging of the type suggested will help to enhance the biodiversity of the site as most provide food for foraging birds and insects. The number of plants are not shown on the submitted plan and therefore a landscape planting schedule would need to be submitted and agreed in writing with the LPA together with a timescale for implementation of the landscaping measures and replanting should any plants fail. The species mentioned above also couple with security aims and objectives as they are primarily species which include thorns and give protection from intruders around the perimeter together with the proposed perimeter fencing. The proposal is considered to accord with the Unitary Development Plan Policies ENV14 (Development of Derelict and previously developed sites), ENV18 (Existing Woodlands, Trees and Hedgerows) and ENV23 (Nature conservation and new development).

Amenity of Neighbours / Occupiers

The site is primarily surrounded by commercial premises and the proposed use is appropriate to the character of the area.

In terms of the impact on existing and future occupiers some comments have been received from third parties opposite the site in relation to light and view. Loss of light is a material consideration, but a loss of view is not a material consideration. It is considered that buildings opposite the site are of a sufficient distance so as not to impact on light due to the orientation of those buildings which are to the North of the application site. The approximate distance between the proposed storage building and the nearest neighbouring property is 15 metres between the proposed North East corner of the building and the property nearest at 75 Wood Street. The external storage buildings are much lower in height at approximately 3 metres high. A central external storage building is situated within the courtyard created by the low level external storage building which is 14.2 metres wide at the widest point. This is not considered to adversely affect the amenities of nearby present and future occupiers.

The proposal is considered to accord with the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW6 (Legibility). Of the Designing Walsall SPD.

Highways

The Highway Authority generally supports the proposal and would be looking for the highway footways along Lower Lichfield Street and Wood Street frontages of the site, to be widened to 2 metres where they fall below this width, and the additional width to

be offered for adoption under a S38 agreement.

Willenhall is an historic industrial town and as such many of the roads and footways are what are considered today to be of a sub-standard design. In order to make modest improvements to the highway infrastructure to the benefit not only of the site users but also the wider public, where redevelopment opportunities arise as in this case, the Highway Authority would look to seek reasonable and modest improvements as and where necessary. The footways fronting this site are mostly around 1.5m in width and are considered presently below current standards particularly for a town centre location. Manual for Streets 1 guidance recommends footways should be 2 metres in width.

The Highway Authority considers that widening of the footway to 2 metres would have a minimal impact on the development layout and a marginal impact of the proposed landscaping. A suitable condition to secure a revised site layout will be required showing the footway widening and annotated on the drawing. The condition would be a pre commencement "Grampian" condition to secure the details in accordance with the requirements of the Highway Authority as the footway lies outside the limits of the development of the site but is appropriate and can be secured as the footway is within the control of the Local Highway Authority.

There have been comments from third parties with regard to the potential for an increase in traffic generation from vehicles using the site and on street parking and turning. These matters can however be controlled by suitable conditions and there are no reasons to refuse the application on highway grounds.

The application is considered to accord with "saved policies" T7 - Car Parking T13: Parking Provision for Cars, Cycles and Taxis, and the Black Country Core Strategy Policy TRAN2: Managing Transport Impacts of New Development.

Heritage Assets

The NPPF makes it clear at Paragraphs 194 and 195 that great weight should be given to safeguarding designated heritage assets, and that clear and convincing justification should be provided where harm arises. This approach is echoed within the Council's adopted Development Plan Policies, in particular Black Country Core Strategy Policy ENV2 which seeks to protect the historic environment, and Site Allocation Document Policy EN5 which makes it clear that development will not be permitted where it erodes the important character of a Conservation Area.

When considering a development proposal within a conservation area or within the setting of a listed building, sections 66 and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the asset and Paragraphs 199-202 of the NPPF 2021 states that when considering the impact of a proposed development on the significance or setting of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 201 of the NPPF seeks to ensure that where a development proposal will lead to less than substantial harm to the significance of a heritage asset. The harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Within the vicinity of the application site there are a number of locally listed heritage assets. These are located at the following locations.

- 71 Wood Street C19 Excelsior works (J Banks and Co).
- 75 Wood Street C19 2 storey brick building, Gate piers to side with works buildings to side and rear.
- Municipal cemetery, mid/late C19. Gate piers to Cemetery Road dated 1904. Orange brick with inscribed slabs and stone finials. Wrought ironwork of further gate on corner with Wood Street. [Symmetrical cemetery layout. Many memorials of historic significance in connection with the leading local families.
- Froysell Street – Mid C19 Wesleyan Chapel now used as a store.

The Willenhall Conservation Area is located at its nearest point to the application site at the end of Wood Street behind the Morrison's Supermarket.

It is considered that the proposal would lead to "less than substantial harm" to the character and appearance of the Willenhall Conservation Area and also the Locally Listed Heritage Assets closest to the application site. Weight has been given as advised by Paragraph 201 of the NPPF when weighing the harm against the public benefits of the proposal by bringing and securing this derelict site back into its optimum viable use. The proposal is therefore considered to comply with Policy ENV2: Historic Character and Local Distinctiveness of the Black Country Core Strategy, and policies DW3 Character, DW9 High Quality Public Realm, and "saved" Unitary Development Plan policy ENV27 Buildings of Historic or Architectural Interest and the National Planning Policy Framework 2021.

Flood Risk / Drainage

The application site lies in Flood Zone 1 at the lowest risk of flooding as defined on the Environment Agency Flood Map for Planning. The development is considered subject to suitable conditions to secure means of sustainable drainage not be likely to increase flood risk or surface water flood risk to adjacent sites.

Severn Trent Water Authority has no objections but suggest conditions in relation to the disposal of foul and surface water, and that the approved details shall be implemented in accordance with the agreed details prior to the development being first brought into use.

The proposal subject to conditions in respect of the above is considered to accord with Black Country Core Strategy ENV5: Flood Risk, Sustainable Drainage Systems, Urban Heat Island and NPPF Paragraph 14.

Ground Conditions and Environment

The application is accompanied by a coal mining report and a Phase One Geo-environmental Desk Study. The Coal Authority has no objections subject to conditions to investigations being carried out in relation to the risks posed by past shallow coal mining activity.

The application site is a former industrial site and the Pollution Control Officer advises that a condition is required to investigate potential for ground contamination and ground gas, and remediate if necessary, implement a management plan to minimise environmental impact during the course of building works, and for the installation of an electric-vehicle charging point. The Public Health Officer has no objections to the proposal.

Subject to a condition to secure the above scheme of investigation for contamination potential the proposal is considered to accord with "Saved" Unitary Development Plan

Conclusions and Reasons for Decision

Given that there are no material planning considerations to not support the proposals it is concluded that 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. In accordance with paragraph 38 of the National Planning Policy Framework 2021.

Recommendation

Delegate to Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and the amendment and finalising of conditions.

Recommendation

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:
 - 20108 3000 Rev P2 Proposed site location plan. Received on the 7th January 2021
 - 20108 3001 Rev P1 Proposed Ground floor plan. Received on the 7th January 2021
 - 20108 3002 Rev P1 Proposed First floor plan. Received on the 7th January 2021
 - 20108 5002 Rev P1 Proposed East and West Elevations. Received on the 7th January 2021
 - 20108 5001 Rev P1 Proposed South and North elevations. Received on the 7th January 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).

3. The hereby permitted ancillary offices of Class E(g)(i), to carry out any operational or administrative functions, shall not be open other than between the hours of 08:00 hours to 18:00 hours Mondays to Saturdays Sundays, Bank and Public Holidays.

Reason: To protect the amenities of nearby residential occupiers in accordance

with saved UDP policies GP2 and ENV32.

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes Order) 1987 (as amended) or any Order revising, revoking or succeeding that Order with or without modification, the hereby permitted development shall not be used for any purpose other than for Use Class B8 and E(c)(i) Financial services, E(c)(ii) Professional services (other than health or medical services), E(g)(i) Offices to carry out any operational or administrative functions.

Reason: To define the permission and ensure the proposals are compliant with Saved UDP Policies GP2 and ENV32.

4. The hereby permitted E(g)(i) **Offices** to carry out any operational or administrative functions uses, shall remain ancillary to the main use of the site for storage and distribution purposes and shall not exceed a total of 152.6sq.m floorspace for the lifetime of the development.

Reason: To define the permission and ensure the proposals are compliant with Saved UDP Policies UDP policies GP2 and ENV32.

5. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water 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.

b. The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

c. The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

6. a. Prior to commencement of the development hereby permitted a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement detailing actions to be taken and timescales for the taking of such action to prevent localised contamination shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Method Statement.

c. Following demolition of the building hereby permitted and removal of the demolition material but prior to any building or engineering operations a validation report shall be submitted in writing to the Local Planning Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building and to verify that the

approved Method Statement has been carried out.

Reason: To prevent potential contamination of the ground due to any potentially hazardous materials associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

7. a). Prior to the commencement of the development hereby permitted, details of the adoptable highway works and works within the existing public highway shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the footway widening along Lower Lichfield Street and Wood Street and the removal of the redundant access in Wood Street. The works shall be implemented in accordance with the approved details.

Reason: To improve pedestrian accessibility to the site and to the wider public, to ensure the safe and satisfactory operation of the development in accordance with UDP Policy GP2, T1, T5, T8 and in the interests of highway safety.

8. Prior to the development hereby permitted first coming into use, the parking and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, together with the demarcation and retention of parking bays. These areas shall thereafter be retained and used for no other purpose for the lifetime of the development.

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

9. Prior to the commencement of the hereby permitted development details of the measures for tree protection and planting plans shall be submitted and agreed in writing with the Local Planning Authority. These details shall include;

- a) details of protective fencing and ground protection to be installed around all retained trees shall be submitted in writing to and approved in writing by the
Local Planning Authority

- b) The approved protective fencing and ground protection shall be installed

- c) One month's written notice of the intention to commence development shall be given to the Local Planning Authority to allow the Council's Arboriculture Officer to fully inspect the installation of the protective fencing and ground protection.

- d) Species and number of additional hedge and tree planting (please note that native species should be included in the planting plans to secure the provision for appropriate planting and to enhance biodiversity within the site.

- e). The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details 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.

- f. 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.

g). The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

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.

10. Prior to the development hereby permitted first coming into use, full details of the cycle shelter, which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details and thereafter be retained and used for no other purpose for the lifetime of the development.

Reason: To encourage sustainable modes of travel and in accordance with UDP policy T13 and Black Country Core Strategy TRAN4.

11.a. Prior to commencement of the development hereby permitted an air quality assessment shall be submitted in writing to and approved in writing by the Local Planning Authority. The assessment shall include details of recommendations for mitigation measures.

b. Prior to occupation the approved mitigation measures shall be carried out to the satisfaction of the Local Planning Authority.

c. The development hereby permitted shall not be carried out otherwise than in accordance with the agreed mitigation measures and such measures shall thereafter be retained for the lifetime of the development.

Reason: To reduce potential negative health impact upon future occupants in compliance with the saved policy ENV10 of Walsall's Unitary Development Plan.

Notes for Applicant

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 adoptable highway works and works within the existing public highway. For further advice please contact Highway Development Control Team at Stephen.Pittaway@Walsall.gov.uk
3. Severn Trent Water advise that there may be a public sewer located within the application site. Although statutory sewer records do not show any public sewers within the area specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact should be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near

to or divert assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. You should therefore contact Severn Trent Water at the earliest opportunity. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

END OF OFFICERS REPORT