

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 04 May 2022

Plans List Item Number: 2

Reason for bringing to committee

Major and County Matters Application

Application Details

Location: FRYERS ROAD HOUSEHOLD WASTE AND RECYCLING CENTRE, FRYERS ROAD, BLOXWICH, WALSALL, WS2 7LZ

Proposal: THE DEMOLITION OF THE EXISTING HOUSEHOLD WASTE RECYCLING CENTRE AND WASTE TRANSFER STATION AT FRYERS ROAD AND RE-DEVELOPMENT OF THE SITE TO PROVIDE A NEW HOUSEHOLD WASTE RECYCLING CENTRE, RE-USE WORKSHOP WITH PV PANEL ROOF, WELFARE OFFICE, WEIGHBRIDGE, VEHICLE HEIGHT BARRIER, PUBLIC ACCESS VEHICULAR CROSSOVER, PARKING, EV CHARGING POINTS, 2.4M PALISADE STEEL FENCING, PEDESTRIAN WALKWAY, LANDSCAPING, LIGHTING AND ANCILLARY WORKS.

Application Number: 22/0105

Case Officer: Leah Wright

Applicant: Mr Stephen Johnson

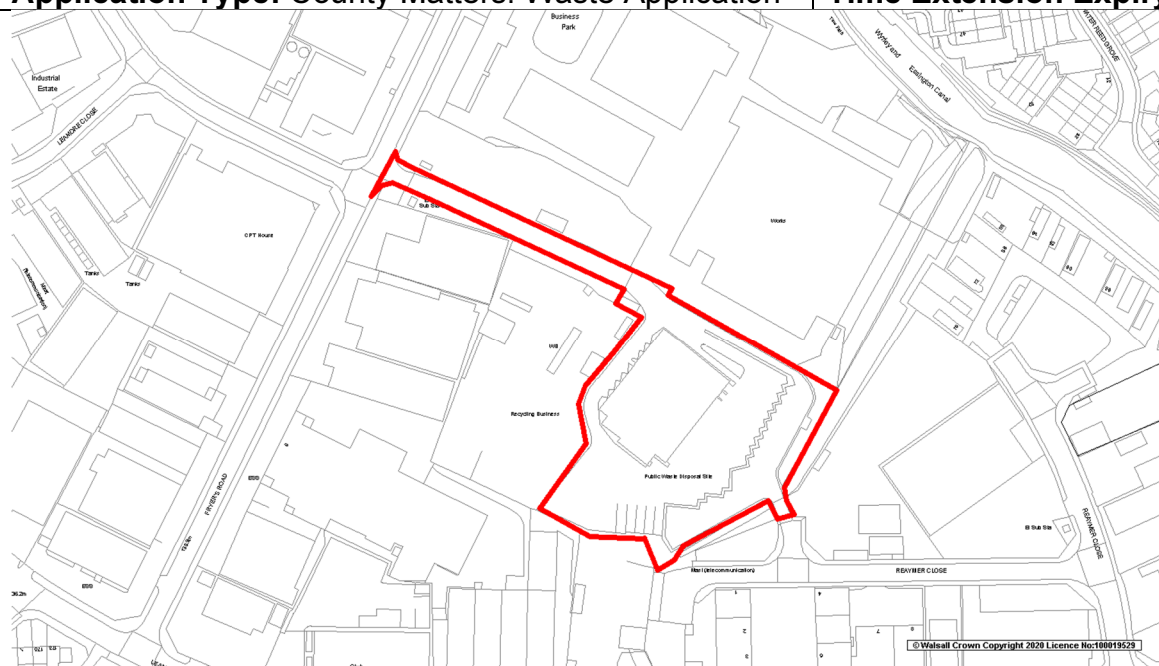
Ward: Birchills Leamore

Agent: Wardell Armstrong LLP

Expired Date: 27-Apr-2022

Application Type: County Matters: Waste Application

Time Extension Expiry:



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Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- Overcoming the outstanding objections raised by the Lead Local Flood Authority.

Proposal

This application proposes the demolition of the existing Household Waste Recycling Centre (HWRC) and Waste Transfer Station (WTS) at Fryers Road and re-development of the site to provide a new Household Waste Recycling Centre, Re-use workshop with PV panel roof, Welfare Office, Weighbridge, Vehicle height barrier, Public access vehicular crossover, Parking, EV charging points, 2.4m palisade steel fencing, Pedestrian walkway, Landscaping, Lighting and Ancillary works.

There is a need to redevelop the existing fire damaged site in to a large HWRC using the full extent of the existing site footprint. The redevelopment of Fryers Road means that the HWRC facilities can be improved and expanded, providing an increase in service provision. The proposals will help future proof Walsall services for long-term delivery of waste management needs. The new proposals will also include additional services and benefits including a re-use shop and solar PV area generating renewable electricity. The proposals form part of a wider strategy to modernise and enhance the provision of waste management services within Walsall and are integral to delivering the wider objectives in meeting the current and future demand within the authority. The proposals will assist in meeting local and national objectives associated with the waste hierarchy by reducing landfill waste and increasing the amount of recycling rates.

The main elements of the scheme are detailed as follows:

17 new 6.1 x 2.4 metre storage containers. The containers would be measure 2.5m from operational vehicle level and would have stairs for staff to access the tipping area level from operational vehicle level. From the public parking/tipping area and road level the containers measure 3.75m in height and are constructed from a steel column with a "Y" shaped steel canopy over containers. Additionally there are railings above the skip container and a retaining wall separating each container.

Welfare office located in the north-east corner of the site providing welfare facilities for staff members of the HWRC (staff room, office, female showers/wc and male showers/wc). It would measure 10m in maximum depth, 8m in maximum width, 6.5m in maximum height with a pitched roof with eaves of 4m and comprising 80sqm. To the east and west elevation there are single doors and windows of a similar style and to the south elevation there are various windows. There is a dedicated parking area for staff and electric vehicle charging point.

Workshop measuring 30m in maximum depth, 15m in maximum width and 6.5m in maximum height with a pitched roof with eaves of 4m and 450sqm. The workshop will have windows of a similar style to each elevation, in addition to a shutter, single door for staff entrance and a set of double doors for public entrance to the north-east elevation. Internally it will comprise of a re-use shop, workshop, lobby, 2 no female and male WCs and a disabled WC. The workshop will be accessed via a dedicated filter lane and will feature a dedicated car park to encourage users to stop and browse. This arrangement will also ensure that users of the containers area will not be held up by users of the re-use shop and will enable continued movement throughout the site. 2.5.2 The re-use shop will accept items which are re-useable and in a serviceable condition and will encourage the products to be kept in the circular economy model.

The roof of both the workshop and the welfare office will have Canadian Solar HiKu CS3W-MS Modules (435Wp) mounted and the panel dimensions will measure 1048mm x 2108mm x 35mm.

A proposed weighbridge office measuring 3m in width, 7m in depth and 4.125m in maximum height with a roof with eaves of 2.65m.

A single bi-directional weighbridge will be positioned against the northern boundary of the site and a designated walkway provided for operatives to access the weighbridge.

A new 2.4m high palisade fence in grey galvanised steel will be installed on the boundaries of the site along with entry and exit gates to keep the site secure. Details of the fencing are included on Drawing CA11906-212.

The site will have a maximum capacity to accept a total of 25,000 tonnes per annum (tpa) of waste however there will be no direct processing of waste on any part of the site and activities will be limited to basic sorting, storage and bulking of materials using an assortment of plant machinery, including loading shovels and compactors.

The HWRC will operate 7 days a week 8am to 7pm and will principally serve the existing catchment area served by the existing HWRC and WTS. The proposals will maximise the efficiency of the HWRC, offering increased recycling capabilities at the site, while the removal of the WTS will be compensated for as part of a separate proposal for a new larger WTS and HWRC at Middlemore Lane.

The application is accompanied by the following documents:

A Planning Supporting Statement, which outlines the overall need for, and demonstrable acceptability of the proposals from both a policy and technical perspective.

A Statement of Community Involvement, which sets out the consultation which has been undertaken prior to the submission of the application, the responses received during this process and how the application has sought to address the concerns raised by the local community, CCC and statutory and non-statutory consultees.

A Site Selection Assessment, which demonstrates the process which has been undertaken in concluding that the chosen site at Fryers Road is the most appropriate location for the proposals. The statement identifies other sites considered as part of the selection process, the areas of considerations applied to the selection process, and the overall reasoning for the discounting of alternative sites in favour of the application site.

A Visual Review Technical Note, setting out the existing context of the site, relevant policy context referenced within the pre-application response, the nature and extent of existing views, and identification of the visual receptors who may be subject to alterations to their views as a result of the development proposals.

Technical Reports which include the following:

Air Quality Qualitative Assessment;
Arboricultural Assessment;
Coal Mining Risk Assessment;

Flood Risk and Drainage Assessment;
Glint Assessment;
Ground Conditions Phase 1 Desk Study;
Noise Assessment;
Preliminary Ecological Appraisal;
Transport Assessment.

The application also includes a suite of plans to support the proposal.

Site and Surroundings

The Site currently houses the existing HWRC and WTS and measures approximately 1.0 hectare. It is located in Bloxwich Business Park in the Bloxwich area to the north of Walsall town centre within an industrial setting.

The site is located at National Grid Reference (NGR) SJ 994 009 and has a combined footprint of 10,000sqm, of which the shared access road accounts for 1250sqm.

The access road leads from Fryers Road in the west to the HWRC and WTS.

The WTS is the predominant land use, occupying the western portion of the main site. The WTS building has a footprint of 1900sqm which restricts operation of the facility in its current form. An up ramp for the HWRC follows the northern site boundary before servicing a line of container bays in an 'over-the-wall' HWRC configuration. A raised area to the south houses surface level recycling containers.

Access and egress to the WTS is via the three laned shared access road. Access to the HWRC is via the shared access road, with egress onto Reaymer Close to the south. In advance of the proposals, the existing fire damaged structures occupying the site will be demolished and the site prepared for re-development.

The site at Fryers Road is not located within or adjacent to any statutory or non-statutory environmental designations that would preclude the redevelopment of the HWRC in this location. The nearest notable designated site is Rough Wood Chase Local Nature Reserve (LNR), located approximately 700m to the west of the Site boundary at its nearest point. Further the site is not within a Conservation Area, nor does it comprise a listed building.

Relevant Planning History

Land adjacent, Civic Amenities Site, Fryers Road, Leamore, Walsall.

BC47758P- Vary Condition 2. of existing Planning Permission No. BC25692P to allow use for sorting of other non-biodegradable waste, and as a transfer station for non-biodegradable skip waste- GSC 23.05.1997

08/1590/FL – Change of use to non-hazardous waste transfer station. Granted subject to conditions 1/12/08.

09/0009/FL - Alteration to Condition 8 of planning permission 08/1590/FL to allow putrescible materials etc. Granted subject to conditions 2/4/09.

**BUILDING 3,BLOXWICH BUSINESS PARK,FRYERS ROAD,WALSALL,WEST
MIDLANDS,WS2 7LZ**

05/1300/FL/W7- Change Of use to waste transfer station, access from fryers road,
Installation of a bailer and access from waste transfer station into adjoining civic amenity
site, weighbridge- GSC 05.10.2005.

FORMER HANSON AGGREGATES LTD, LEAMORE LANE,WALSALL,WS2 7DE

13/0083/WA- Retrospective: Use as non-hazardous waste transfer station (renewal of
08/1590/FL), and proposed erection of building for sorting waste- Withdrawn.

VIKING SKIPS, OLD CONCRETE YARD, LEAMORE LANE, WALSALL, WS2 7DG

15/1332- Retrospective application: Change of use of site as waste transfer station and
erection of building for sorting of non-hazardous waste- GSC 04.03.2016

Fryers Road Household Waste Recycling Centre, Fryers Road, Bloxwich, WS2 7LZ

21/0737- Environmental Impact Assessment (EIA) Screening Opinion for the proposed
Household Waste Recycling Centre (HWRC)- Screening Opinion EIA not required-
29.06.2021

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 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

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

GP2: Environmental Protection

ENV10: Pollution

ENV11: Light Pollution

ENV14: Development of Derelict and Previously-Developed Sites

ENV17: New Planting

ENV23: Nature Conservation and New Development

ENV32: Design and Development Proposals

ENV35: Appearance of Commercial Buildings

JP8: Bad Neighbour Industrial Uses

T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

CSP4: Place Making

EMP1: Providing for Economic Growth

EMP2: Actual and Potential Strategic High Quality Employment Areas

EMP3: Local Quality Employment Areas

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

WM1: Sustainable Waste and Resource Management

WM2: Protecting and Enhancing Existing Waste Management Capacity

WM3: Strategic Waste Management Proposals

WM4: Locational Considerations for New Waste Management Facilities

WM5: Resource Management and New Development

Walsall Site Allocation Document 2019

IND3: Retained Local Quality Industry- Site reference IN 18.1- Leamore Lane/Commercial Road/Bloxwich Business Park, Bloxwich.

OS1: Open Space, Sport and Recreation

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk

EN4: Canals

W2: Existing Waste management Sites- (Site reference WS8- Fryers Road Transfer Station and HWRC).

W3: New Waste Management Development- Waste Treatment and Transfer

W4: New Waste management Development- Waste Disposal

T4: The Highway Network

T5: Highway Improvements

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

Other relevant Policy:

National Planning Policy Framework (NPPF) (2021)

Paragraph 7: Proposals for new or enhanced waste management facilities are not required to demonstrate a quantitative or market need for the proposal when in accordance with an up-to-date plan.

Paragraph 11: Presumption in favour of sustainable development

National Planning Policy for Waste (NPPW)

Appendix A: The Waste Hierarchy [prevention -> re-use -> recycling -> recovery -> disposal] – ‘the most effective environmental solution is to reduce the generation of waste, including the re-use of products’

Paragraph 7: WPAs should:

Require proposals not in accordance with an up-to-date plan to demonstrate an identified need

Not prejudice waste movement up the waste hierarchy

Consider environmental impact

Ensure facilities are well designed...

Consultation Replies

Asset Management

No comment

Building Control

No comment.

Cadent Gas Ltd

No comment.

Canal and River Trust

Note that proposals in the Phase 1 Desktop Assessment indicate that a site investigation should take place with sampling of areas likely to contain considerable contamination, but that the probability of connectivity to the canal from mobile contaminants in made ground is low- no objection.

Clean and Green

No comment.

Coal Authority

Recommend grant of planning permission subject to conditions.

Community Safety

Principle is supported. Concern with boundary fence as palisade fencing offers climbing facility and easy removal of rails. Issues can be mitigated using 358 weldmesh fencing.

Cycling and Pedestrian Officer

No comment

Drainage

No comment.

Ecology BBCWildlife

No comment.

Economic Regeneration

No comment.

Environment Agency

No objection subject to conditions regarding a remediation strategy. Notes to applicant recommended.

Environmental Health

No comment.

Environmental Protection

Applicant needs to undertake an intrusive contaminated land/geotechnical investigation to inform on need for mitigation measures. A Construction Management Plan will need to be agreed and implemented. The Applicant will need to comply with the Air Quality SPD, requiring for the installation of electric vehicle charging points and a Travel Plan.

Health and Safety Executive Hazardous Substances

Planning application does not involve a relevant building.

Limestone

No comment

Local Highways Authority

Support subject to conditions.

Local Lead Flood Authority

Recommend planning permission is not granted until outstanding issues regarding discharge point and method, hydraulic calculations, exceedance and maintenance.

Natural England

No objection

Network Rail

No comment

Public Health

No objection.

Severn Trent Water

No objections subject to a condition regarding submission of drainage plans for the disposal of foul and surface water flows. Notes recommended to applicant regarding public sewer.

South Staffs Water

No comment

Strategic Planning Policy

Supported with mitigative concerns, including the impact of the linked application on Middlemore Road.

Structures

No comment

Tree Preservation Officer

No comment.

Waste Management (Clean and Green)

No comment

West Midlands Fire Service

-Note to applicant regarding approved document B, Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England
Requirement B5: Access and facilities for the fire service.

West Midlands Police

No objection.

West Midlands Rail

No comment

West Midlands Trains Limited

No comment

Wester Power

No comment

Representations

None received.

Determining Issues

Principle of Development
Design, Layout and Character
Residential Amenity
Highways
Flooding and Drainage
Air Quality/Noise/EV Points
Contamination/Coal
Impact on Natural Environment
Trees/Protected Trees
Security

Assessment of the Proposal

Principle of Development

The site is designated in the Adopted Development Plan as part of a retained Local Quality Industry site under SAD Policy IND3 (site reference IN18.1 – Leamore Lane / Commercial Road / Bloxwich Business Park, Bloxwich) and is safeguarded for retained local quality employment uses (site reference IN18.1). Proposals for non-industrial uses will be permitted if allowed by BCCS Policy EMP3. The policy also notes that the provisions of saved UDP Policy JP8 will also apply.

The Fryers Road HWRC proposals are considered to be in accordance with policy IND3 given they are for an upgraded waste facility to replace the existing HWRC and currently located on the site, as well as the relocation of the WTS to the Middlemore Lane site, for which there is a separate application: 22/0100.

Under SAD Policy W2 proposals to upgrade, expand or modify the waste management operations at an existing waste management site can be supported where they would not have unacceptable effects on health, the environment, amenity or infrastructure. Concerns

raised by the relevant regulatory authorities, statutory consultation bodies and infrastructure providers are an important material consideration.

Impacts on health, the environment, amenity or infrastructure are addressed in the PSS. Para 4.3.2 makes provision for tree protection fencing and planting to replace lost, low amenity trees. 5.3.6 states “The application is supported by an Air Quality Screening Letter, a Noise Impact Assessment, a Flood Risk Assessment, a Phase 1 Contaminated Land Assessment and a Coal Mining Risk Assessment which all conclude that the proposal will not cause pollution or cause unacceptable adverse effects in terms of polluting emissions.” While any later found will be mitigated appropriately. 5.3.9 details that the site lighting plan (Drawing CA11906-207) shows that light spread will be largely contained within the site and not pollute outward.

Where proposals include extensive open storage or processing of waste, they will be expected to demonstrate the proposals will not present unacceptable risks from fire to occupiers and in the vicinity of the site. Open storage is considered in paragraph 2.3.3 of the PSS, which refers to a limited storage intention on-site and in 2.4.2 the closing of containers to the public when not in use and protection by canopy covers.

Policy WM4 sets out nine assessment criteria for New Waste Management Facilities which the accompanying documents appear to address, alongside the considerations listed in policy WM2. In many cases the proposal will satisfy and directly support the detailed considerations given they are to meet local waste management needs and are appropriately located on a local quality employment site.

The assessment criteria for Policy WM4 appear to be satisfied by:

- the proposal supports national and local waste strategies;
- the proposal is well-located in relation to the sources of waste it will be managing;
- the location is suitable for the type of facility and operations proposed and capable of adapting to changing circumstances (with the expansion of facilities evidencing this);
- the proposal provides opportunities for co-location of related uses and/ or generate other benefits, such as the reuse centre;
- the proposal involves re-use of previously-developed HWRC land;
- the proposal contributes towards the positive environmental transformation of the Black Country via the expansion of waste management and reuse services;
- the proposal is compatible with neighbouring uses given its existing location;
- the proposal supports wider economic and growth objectives for the Black Country;
- the address impacts on the highway/ transport network in the accompanying Transport Statement (Appendix M)

A key consideration is the need to maintain the Waste Transfer Station processing capacity of the Borough. The existing Fryers Road WTS has an identified estimated maximum annual through-put capacity of 100,000tpa (as referenced under SAD Policy W2). The accompanying Middlemore Lane application and proposal replaces this with an increased capacity of circa 125,000tpa in Aldridge to the East of the Borough. This increase in capacity is included in the accompanying PSS as justification for both proposals in response to BCCS policies WM2 and WM4. For instance, para 6.1.7 of the PSS assures that “The removal of the existing WTS will be compensated for by the construction of a new larger waster transfer station at Middlemore Lane”.

Highway and amenity impacts from the Fryers Road proposals are unlikely to give rise to impacts above the existing use, there could be detrimental impacts arising from new vehicle movements to/from the Middlemore Lane site. Paragraph 5.16 in the Transport Statement (Appendix M) refers to this redistributed routing and that mitigation measures are proposed in the accompanying assessment for that application, 22/0100.

The existing Fryers Road HWRC site is located in area of Nitrogen Dioxide exceedance (identified as a constraint under SAD Policy W2). BCCS Policy ENV8 advises that where development is proposed in areas where air quality does not meet (or is unlikely to meet) air quality objectives, an air quality assessment will be required. The accompanying Air Quality Screening Letter (Appendix F) concludes that “the closure of the existing WTS and replacement of the existing HWRC with the redeveloped HWRC will lead to an overall reduction in vehicle trips to and from the site” ... “As a result, in accordance with the EPUK/IAQM guidance, the impacts of the proposed development can be considered as having an insignificant effect.” ... “it is not therefore considered necessary to undertake a detailed air quality assessment for the proposed development.”.

The proposals for a large reconfigured HWRC should meet the environmental protection and design policies listed in the UDP. Saved UDP Policy JP8 advises that location of potentially bad neighbour uses will be given very careful consideration taking into account the particular environmental implications of individual proposals. Amongst other matters, the policy requires that proposals should not have a detrimental effect on the environmental quality of employment areas, adverse impact on sensitive land uses, and should be capable of providing satisfactory screening and landscaping. The proposed scale and layout of this proposal appears to be in keeping with the surrounding industrial area. The planting of hedgerows and beds along boundaries will provide a buffer between neighbouring uses, while the location of containers at the centre of the site maximises separation.

A small re-use shop is included in the proposal, this is an ancillary comparison retail use increasingly associated with waste management sites in England (for example, at the Tyseley Household Recycling Centre in Birmingham) in which residents can both deposit and purchase furniture, electrical goods and other items that have been diverted (for re-use) from waste processing (re-cycle). This supports the national and local strategy to move waste up the waste hierarchy and is offers a last-moment landfill diversion.

New waste management facilities are supported under BCCS Policy WM1 and encouraged to help meet targets toward landfill diversion, ensure equivalent self-sufficiency in waste management and meet identified capacity requirements.

It is considered a number of concerns associated with this location and use have been addressed by the inclusion of supporting evidence appended to the application, including matters of location of the site, transport impact, air quality, and noise and flood risk. This evidence is comprehensive and suggests that any associated impact can be mitigated with the recommended steps.

While waste uses are considered Locally Unwanted Land Uses in many respects, they offer benefit to the wider borough and support Walsall’s status as a net importer of waste and self-sufficiency in waste management (along with the wider Black Country), as identified in the Waste Study (2019) for the BCP. In addition, inclusion of a reuse shop offers further opportunities for landfill diversion. In addition, design considerations seek to create

separation and buffers between the expanded HWRC and the existing uses to all sides and open storage is reduced through container covers and demand-cycles.

As highway impact is expected to be reduced and redistributed to the Middlemore Lane site, the extent to which that application presents sufficient justification and mitigation will be a key concern.

As the proposal is for a new and upgraded HWRC at an existing local quality employment site it would be in accordance with BCCS Policies EMP3, WM2 and WM4.

Concerns over air quality impact and the requirement for an assessment are assuaged by the conclusions of the accompanying Air Quality Screening Letter and electric vehicle charging provision is contributory to the aims of BCCS Policy ENV7 for renewable and low carbon energy.

The assessment criteria outlined in local policy appears to be adhered to, namely providing 'fit for purpose' HWRC facilities close to existing local communities where waste is generated, together with the waste management processing capacity through alternative and continuing WTS provision at Middlemore Lane. As such, the proposal is supported in principle.

Design, Layout and Character

The design of the scheme maximises the operational capacity of the site utilising the full footprint of the site. The HWRC container area will be positioned centrally to the site to maximise the container provision and a two-lane one-way carriageway will circulate traffic around the site with service users entering the site off Fryers Road and exiting via Reaymer Close. The two-lane one-way carriageway will maximise capacity and allow service users to utilise both lanes, increase manoeuvrability, limiting the impact of lane blockages and easing exit from the site. Commercial vehicles will be routed out of the site onto Fryers Road to ensure the separation of commercial and public vehicles however it is important to ensure the proposal satisfies design requirements and does not overdevelop the site.

The carriageway would be routed around a horseshoe shaped service area including a low-level recycling area to the west of the site and the container area central to the site, providing capacity for up to 17 containers. This capacity allows the council the flexibility to increase material streams captured, repeat containers and open/close containers when demand dictates. All containers would be accessible from three sides through the introduction of piers to increase usability. The containers would be protected by Y shaped open sided canopy covers.

It is considered the design of the scheme is typical of this type of development and does not overdevelop the site. The surrounding area is industrial in nature and as such the works are considered to be in keeping. The proposed buildings and containers are simplistic and are of an appropriate scale to the surrounding area. A condition will be implemented on any approval requesting details of the external materials of the proposed development to ensure a high quality development ensues.

There are areas of landscaping in and around the site which help to soften the proposal whilst also adding an element of external security.

In terms of boundary treatments, a new 4m high palisade fence in grey galvanised steel is proposed to be installed on the boundaries of the site along with entry and exit gates to keep the site secure. Community safety consider that this type of boundary treatment offers a climbing facility and easy removal of rails. As such a condition will be imposed relating to boundary treatments to ensure the security of the site.

Residential Amenity

The proposed site has previously operated as a Household Waste and Recycling Centre and Waste Transfer Station and is located within a predominantly industrial area and as such it is considered that immediate occupiers would not be detrimentally affected by the use of the site.

The site is segregated from the nearest housing estate by other industrial premises and highway to the south and south-west and to the north and north-east by the Wyrley and Essington Canal. The Properties on Leamore lane are approximately 117.8m from the site whilst the properties along waster Reed Grove are approximately 169m.

The proposed development is well contained within the site and it's considered that the buildings are appropriate in scale.

Given the above mentioned distance to nearest residential occupiers, it is considered that any noise and disturbance would not be significant, especially given the site will now note comprise a waste transfer station. It should be noted that Environmental Protection support the proposal.

Conditions would be included to restrict the use of an external tannoy or similar system, to safeguard the amenity of nearby occupier, and for a working plan.

Overall, the proposal is considered acceptable subject to the conditions as set out and accords with Saved UDP Policies GP2 and ENV11 and the NPPF.

Highways

It is proposed that the vehicle access to the site will remain via Fryers Road but with an upgrade to the existing bellmouth access, which is to include tactile paving. The internal route will remain one way with the egress leaving the site via Reaymer Close for customers but two-way for service vehicles with a dedicated egress lane.

The proposed upgraded site access is shown by swept path analysis that all vehicles can access and egress the site safely.

The internal layout is designed to accommodate the various elements of customer recycling and refuse processes. The periphery of the site is mainly for customers and the internal area for service vehicles importing and exporting the deposited materials

A total of 62 onsite parking spaces will be provided, including 2 disabled bays and 7 EV charging points. Of the 62 spaces there will be 28 visitors' spaces in the form of rapid bays along the roadway which are for typical HWRC users to pull in for 5-10 minutes whilst unloading near the container bays.

The remaining 34 spaces within the parking area will be mostly for workshop users and the area of parking by the welfare office will be predominantly for staff.

A Transport Assessment has been submitted to support the application.

The proposed site will remove the existing WTS and provide a new 17 bay HWRC in place of the existing 17 bay HWRC. The proposed trip generation for the HWRC will therefore not alter from the existing trips.

The development is predicted to result in a minor increase in trips in the AM peak, PM peak, Saturday peak with a daily reduction in trips for the weekday and weekend. Paired with this through the removal of the WTS all HGV trips (110 daily) associated with this use will be removed off the network.

The WTS trips that currently route from Fryers Road will be redistributed to the proposed facility in Aldridge which is addressed within that application's Transport Assessment.

The Highway Authority agrees that the development will not have a significant detrimental impact on the operation of the local highway network.

Pedestrian access to the site will be provided via Fryers Road in the same location as the vehicle access.

The site will provide sheltered cycle parking spaces for employees in the form of 6 Sheffield cycle stands.

The existing bellmouth access on Fryers Road will be modified and upgraded to improve access and pedestrian accessibility.

The Highway Authority considers 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 2021 paragraph 111.

Therefore in light of the comments above, the Highway Authority Supports the proposal, subject to conditions relating to the upgrade of the existing access, implementation of parking, implementation of the proposed cycle shelter and for the measures and incentives within the submitted employee travel plan statement shall be implemented.

Flooding and Drainage

As shown on the Environment Agency's published flood risk map, the application site is located within Flood Zone 1, the lowest area of potential flooding from sea and rivers. Furthermore, the proposed type of development is considered to be 'less vulnerable' than other forms of development i.e. housing.

The Lead Local Flood Authority and Environment Agency were consulted as per statutory requirement.

The Environment Agency have no objections to the proposals as submitted, however they have commented on the following points.

The proposed development site is located on solid geology of the Pennine Middle Coal Measures, designated as a Secondary A Aquifer by the Environment Agency. Superficial deposits are indicated to be absent. The nearest surface water feature is the Wyrley and Essington Canal located approximately 130m North East. There are no groundwater abstractions within 500m and site is not within a groundwater Source Protection Zone.

The desk study report identifies that former uses include that of a refuse heap with 'tipping of material', this activity was undertaken extensively throughout the 20th century until 1988, where the site then became a Waste Recycling Centre.

It is considered that the previous extensive use of the site as a refuse heap as potentially contaminative. It is possible that demolition and redevelopment could present potential pollutant linkages to controlled waters (namely the underlying Secondary A Aquifer) and it's noted the Desk Study report concludes that an intrusive site investigation should be undertaken to further assess the prevailing ground conditions, which should include a contaminated land assessment.

Whilst the controlled waters in this environmental setting maybe considered of relatively low sensitivity, we agree to these recommendations that an appropriate intrusive investigation should be undertaken. An assessment of the risk to controlled waters should be included if any significant contamination becomes apparent.

A condition requiring a remediation strategy is recommended to be included if planning permission is granted in order to ensure controlled waters receptors are appropriately protected. This should be carried out by a competent person in line with paragraph 184 of the National Planning Policy Framework.

In terms of the comments from the LLFA, they have considered that there is insufficient detail to fully demonstrate that an acceptable drainage strategy is proposed and recommend that planning permission is not granted until this is resolved.

It is requested that members of this Planning Committee resolve to delegate the determination of this application to the Head of Planning and Building Control to finalise and amend planning conditions as necessary, and subject to overcoming the objection from the LLFA.

Air Quality/Noise/EV Points

The 'Noise Assessment Report', by Wardell Armstrong, Ref. CA11906/001, December 2021, identifies that no sensitive receptors (households) will be affected by noise from the proposed activities on the site, therefore, no mitigation measures are required.

Given that some current activities (associated with the Waste Transfer Station) are proposed to move to the Aldridge Site, the consultant is predicting that there will eventually be an improvement in acoustic impacts. Environmental Protection agree with the findings of the report that no specific mitigation measures are warranted.

The 'Fryers Road, Walsall – Air Quality Assessment', by Wardell Armstrong, Ref. PS/MTW/VE/CA11906/RPT-0002a, Dec 2021 advises about communications that have already been undertaken with Environmental Protection, and an agreement reached that as a result of the continuing activities and removal of the Waste Transfer Station an Air Quality assessment was not required.

The Air Quality Supplementary Planning Document (AQ SPD) remains relevant and will require for the installation of electric vehicle charging points. The proposed site plan (Fryers Road General Arrangement Plan) indicates at least 7 charging points, which should comply with the requirements of the SPD.

The AQ SPD can be located via the following link:

https://go.walsall.gov.uk/Portals/0/images/importeddocuments/black_country_air_quality_spd.pdf

Conditions are to agree measures to comply with the Air Quality SPD. Subject to these measures the proposals will comply with policy ENV8 of the BCCS, policies GP2, ENV10, ENV32 and JP8 of the UDP and the Air Quality SPD.

Contamination/Coal

The Phase I Desk Study, by Wardell Armstrong, March 2021, Ref. CA11906-004 identifies that the site is likely to have made ground deposits underneath it and recommends that for completeness the Applicant undertake an intrusive contaminated land investigation.

Although the proposal is for a similar activity to be undertaken to what is there currently, Environmental Protection agrees that an intrusive investigation should be undertaken to consider geological and contaminated land concerns (note – separate consultation will be required with our Engineers Section for input on the geological investigation) to ensure future building/structure are adequately constructed.

Planning conditions have been provided for contaminated land investigation, however, subject to consultation with our Engineers, Planning Officers should consider modifying them to include geological investigations.

The need for contaminated land and geological investigation will depend upon the building types to be constructed and whether there is much foundation type works involved with the

structures. This should be something that the architect and/or the design engineer or Building Control may be able to advise upon.

A Coal Mining Risk Assessment was submitted to support the application. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. Conditions are therefore recommended regarding a scheme of intrusive investigations and for a signed statement or declaration to be prepared confirming that the site is, or has been made safe and stable for the approved development.

Impact on natural environment

The landscape design shows new landscaping in an around the site in the form of proposed hedgerows, planting beds and structural planting in addition to retaining existing boundary vegetation. This landscaping is welcomed and will enhance the landscape value of the site.

A Preliminary Ecological Appraisal has been submitted to support the application. It considers that no direct or indirect significant effects on the statutory and non-statutory nature conservation sites within 2km of the site are anticipated. It is recommended that existing scrub and tree habitats on site are retained, where possible. No further protected species surveys are considered necessary at Fryers Road. To protect breeding birds, it is recommended that building demolition or vegetation clearance should be undertaken outside bird breeding season (March to August inclusive). It is also recommended that measures to prevent harm and disturbance to local wildlife (especially within the scrub located along the south-east boundary) are implemented during site clearance and construction works following a Precautionary Working Method Statement. There are opportunities to enhance the development for biodiversity to deliver a biodiversity net gain in accordance with the requirements of the NPPF. These include appropriate management of existing valuable habitat within the site, creation of new habitats through a landscape scheme for the site and the provision of homes for wildlife.

Trees/Protected Trees

There are no protected trees on site and it is considered there are no objections on Arboricultural grounds.

Security

Principles of secure by design are recommended and would be secured by condition. There is no objection from West Midlands Police.

Conclusions and Reasons for Decision

FOR Grant

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 spoken with the applicant's agent and have raised concerns regarding the LLFA comments in regard to insufficient information. The LPA and agent are working together to overcome this outstanding objection and request that members of this Planning Committee resolve to delegate the determination of this application to the Head of Planning and Building Control to finalise and amend planning conditions as necessary, and subject to overcoming the objection from the LLFA.

Recommendation

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 approved plans:

CA11906-200 REV A Site Location Plan, dated 07/07/2021, received on 31/01/2022.

CA11906-209 REV A- Re-use Shop and workshop layout and elevations- dated 19/10/2021, received on 31/01/2022.

CA11906-214- REV A- Weighbridge Office Layout dated 13/01/2022, received on 31/01/2022.

CA11906-208 Rev A- Welfare Office layout and elevations dated 19/10/2021, received on 31/01/2022.

CA11906-201 REV P0- Topographical Survey dated 10/06/2021, received on 31/01/2022.

CA11906-206 REV A- Surface Water Management Plan, dated 11/11/2021, received on 31/01/2022.

CA11906-213 Indicative Solar PV details, dated 01/11/2021, received on 31/01/2022.

CA11906-207 REV A Operational site lighting plan- dated 05/07/2021 received on 31/01/2022.

CA11906-215 REV A- Meet and Greet Operative Station dated 18/01/2022, received on 31/01/2022.

CA11906-211 REV A – Landscape Proposals detailed design, dated 08/10/2021, received on 31/01/2022.

CA11906-210 REV A HWRC Containers elevation, dated 13/09/2021, received on 31/01/2022.

CA11906-203 REC A-General arrangement, dated 04/10/2021, received on 31/01/2022.

CA11906-212- Fence Boundary Details, dated 09/09/2021, received on 31/01/2022.
Planning Supporting Statement by Wardell Armstrong dated January 2022.
Cover Letter by Wardell Armstrong dated January 2022.
Glint Statement by Wardell Armstrong dated 22nd November 2021.
Visual Review Technical Note by Wardell Armstrong dated December 2021.
Transport Statement by Vectos dated December 2021.
Coal Mining Risk Assessment by Wardell Armstrong received 31/01/2022.
Phase I Desk Study by Wardell Armstrong dated March 2021.
Noise Assessment Report by Wardell Armstrong dated December 2021.
PWMS for Hedgehog, Reptiles, Amphibians and Otter dated 27-01-2022.
Preliminary Ecological Appraisal dated 27-01-2022.
Arboricultural Impact Assessment dated November 2021.
Air Quality Assessment dated 14th December 2021.
Flood Risk Assessment dated January 2022.
Site Selection Assessment dated January 2022.
Statement of Community Involvement dated December 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 scheme of intrusive investigations to establish the risks posed to the development by past shallow coal mining activity and remedial stabilisation works to address land instability arising from shallow coal mining legacy shall be carried out in full in order to ensure that the site is made safe and stable for the development proposed. The works shall be submitted in writing to and approved in writing by the local planning authority.

3b. Prior to the occupation of the development hereby permitted a signed statement or declaration prepared by a suitably competent person confirming the site has been made safe and stable for the permitted development shall be submitted in writing to and approved in writing by the Local Planning Authority. This document shall confirm the completion of the remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

3c. The development shall not be carried out otherwise than in accordance with the agreed details and shall thereafter be retained for the lifetime of the development.

Reason: To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and migratory measures to be identified and carried out before building works commence on site, in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

4a. Prior to commencement of 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 in writing to and approved in writing by the local planning authority. This strategy will include the following components:

i. A site investigation scheme in areas of the site where new structures are proposed to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

ii. The results of the site investigation and the detailed risk assessment referred to in (ii) 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.

iii. 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 (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority.

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved remediation strategy.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 177 of the National Planning Policy Framework.

5a. Prior to the commencement of development hereby permitted, including any engineering, site clearance/preparation, and/or construction works a Construction Environmental Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. The Plan shall set out how the works will be undertaken and give details of arrangements for the control of noise, vibration, dust and debris (including site drag-out), and the management of any materials arising from the works.

5b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Management Plan and the approved management plan shall be maintained throughout the construction period.

Reason: to protect the local amenities, the local infrastructure and environment.

6a. Prior to the commencement of development hereby approved a site investigation, ground contamination survey and assessment of ground gas having regard to current best practice shall be undertaken. (see Note for Applicant CL1).

6b. Prior to the commencement of development hereby approved a copy of the findings of the site investigation, ground contamination survey and ground gas assessment as stipulated in part a of this condition, 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)

6c. Prior to the commencement of 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).

6d. 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.

6e. 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.

6f. 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)

6g. The development hereby permitted 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.

7a. Prior to the commencement of the development hereby permitted details on how the requirements of the Black Country Air Quality Supplementary Planning Document shall be implemented shall be submitted in writing to and agreed in writing with the Local Planning Authority.

7b. 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.

7c. Prior to the occupancy of the development hereby permitted, a written validation statement that demonstrates the agreed measures have been implemented shall be submitted in writing to and agreed in writing by the Local Planning Authority.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

8a. Prior to the commencement of the development hereby permitted, a Construction Methodology Statement shall be submitted in writing to and agreed by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

8b. 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 preparation and construction period.

Reason: In order to minimise potential disruption to the free flow of traffic and in the interests of highway safety.

9a. Prior to the commencement of the development hereby permitted drainage plans for the disposal of foul and surface water flows shall be submitted in writing to and approved in writing by the Local Planning Authority

9b. 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: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

10a. Prior to the commencement of the development hereby permitted, all access ways, manoeuvring areas and parking spaces shall be implemented being clearly demarcated on the ground and thereafter be retained and used for no other purpose.

10b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the parking spaces shall thereafter be retained for the purposes of parking vehicles and for no other purpose for the lifetime of the development.

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

11. Notwithstanding the details submitted on drawing CA11906-212- Fence Boundary Details, dated 09/09/2021, received on 31/01/2022 and prior to the commencement of development hereby permitted, details regarding the proposed boundary treatments shall be submitted to and approved in writing to the Local Planning Authority.

Reason: To safeguard and ensure the security of the site.

12a. Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits) shall be submitted in writing to and approved in writing by the Local Planning Authority.

12b. The development shall not be carried out otherwise than in accordance with the approved details and the approved materials 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 Walsall's Unitary Development Plan.

13. Prior to the development hereby permitted first coming into use, the existing bellmouth access on Fryers Road shall be upgraded to include a tactile pedestrian crossing point to the satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory completion and operation of the access, to improve pedestrian accessibility and in accordance with UDP Policy GP2 and in the interests of highway safety.

14a. Prior to the development hereby permitted first coming into use, the proposed cycle shelter, which shall be covered and illuminated, shall be fully implemented in accordance with the approved details.

14b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

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

15. Prior to the development hereby permitted first coming into operation, the measures and incentives to promote the facilities sustainability credentials and encourage non car borne travel modes shall be implemented in accordance with the submitted Employee Travel Plan Statement dated January 2022.

Reason: To encourage sustainable travel modes, in accordance with BCCS policy TRAN2 and UDP Policy T10.

16a: The development hereby permitted shall not be carried out otherwise in accordance with the approved Landscape proposals as detailed on drawing CA11906-211 REV A dated 08/10/2021 and received on 31/01/2022 and the approved details shall thereafter be retained for the lifetime of the development.

16b: If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

17: All site clearance shall take place outside the bird breeding season (February to August) unless carried out under the supervision of a qualified and experienced ecologist.

Reason: To ensure proper regard is taken to the impact of development on protected and important species.

18a. The following types of materials shall not be imported onto or deposited within the site:

- a) Any waste comprising liquids, sludges or slurries.
- b) Any waste classified as hazardous within the European Waste Catalogue.

19b. Where wastes of a type not permitted for acceptance at the facility are inadvertently delivered they shall be segregated and kept in enclosed containers prior to removal to a suitable alternative facility.

Reason: To minimise the potential for any adverse environmental impact arising from the type of waste material imported.

20. Materials shall only be imported, deposited or stored within the storage areas shown on the approved plans. All parking and vehicle manoeuvring areas shown on the approved plan shall thereafter be retained and used for no other purpose.

Reason: To ensure adequate parking and manoeuvring space is available and retained at all times, to ensure the satisfactory operation of the development and in accordance with UDP Policy GP2, T7 and T13 and in the interests of the free flow of traffic on the public highway and to highway safety and to safeguard the amenities of the occupiers of adjoining premises.

21. The site shall not be operated so as to permit the escape of any litter or visible dust emissions outside the confines of the site. In the event of any such emissions despite then the operations that cause dust emissions shall cease until such time as conditions change and dust suppression becomes effective.

Reason: To prevent any dust emissions or escape of litter arising.

22. The total quantity of waste imported onto the site as measured over any 52 week period shall not exceed 25,000 tonnes.

Reason: To minimise the potential for any adverse impact arising from the development.

23. No operations or activities associated with this permission shall take place on any Bank Holiday or Public Holiday, and such operations or activities shall otherwise only take place between the hours 08:00 – 19:00 Mondays to Sundays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To ensure that there is no adverse impact on adjacent and nearby uses arising from the duration of operations.

24. There shall be no burning of waste on the site.

Reason: In the interests of amenity.

25. No public address facility, tannoy, radio or similar device to the external areas of the site shall be used between the hours of 22:00pm and 06:00am.

Reason: To safeguard the amenities of nearby occupiers and in accordance with Saved UDP Policy GP2 and the NPPF.

26. Structure-borne vibration transmitted to occupied buildings from ground stabilisation/piling works shall not exceed the specified criteria for 'low probability of adverse comment' levels, as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting' as may be amended or replaced from time to time.

Reason: to protect the local amenities, the local infrastructure and environment.

Notes for Applicant

Note to Applicant Air Quality SPD

The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points:

The electric vehicle charging point parking provision for commercial premises is 5% of points to comply with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw, with appropriate cable provision in place for a further 5% to meet any future increase in demand.

Wherever possible the power supply and charging point should both be phase 3 compatible. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded.

The charging unit is to be supplied by its own independent radial circuit.

Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following:

West Midlands Low Emissions Towns and Cities Programme, Good Practice - Air Quality Planning Guidance,

Black Country Air Quality Supplementary Planning Document (SPD),
General Procurement Guidance for Electric Vehicle Charging Points, UK Electric Vehicle
Supply Equipment Association (April 2015),
Institute of Engineering and Technology (IET) Code of Practice for Electric Vehicle Charging
Equipment Installation.

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.

NOTE for groundworkers – The area of this proposed development has been utilised as a works and whilst subsequent remediation has taken place there may be hotspots of contaminated soil which could present Health and Safety implications. This information should be brought to the attention of the builder(s) or contractor(s) undertaking the

development and/or any site investigations in order that they may implement any Health and Safety at Work appropriate when undertaking work at the site of the proposed development.

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 remains with these parties.

Environment Agency

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 remains with these parties.

We recommend that developers should:

- Follow the risk management framework provided in LCRM - Land Contamination Risk Management 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

Environmental Permitting

The demolition of the existing Household Waste Recycling Centre and Waste Transfer Station and redevelopment on the existing site will likely require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12. To add, the existing facility permit ref. number BB3202MJ/V002 may benefit from a permit variation.

The applicant is advised to find out more information about the permit application process online and to send a pre-application enquiry form via the gov.uk

website: <https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>.

Severn Trent Water

Severn Trent Water advise that there is a public 375mm combined water sewer and a public 150mm surface water sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact 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, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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 our 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. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. 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.

- 100mm to 299mm diameter – 3m either side of the pipe, measured from the centreline of the sewer.
- 300mm to 999mm diameter – 5m either side of the pipe, measured from the centreline of the sewer.

West Midlands Fire Service

Approved Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

- a. External access enabling fire appliances to be used near the building.
- b. Access into and within the building for firefighting personnel to both:
 - i. search for and rescue people
 - ii. fight fire.
- c. Provision for internal fire facilities for firefighters to complete their tasks.

d. Ventilation of heat and smoke from a fire in a basement.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult)

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)

Buildings fitted with fire mains

15.4 For buildings fitted with dry fire mains, both of the following apply.

- a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.
- b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 16.10.

15.5 For buildings fitted with wet fire mains, access for a pumping appliance should comply with both of the following.

- a. Within 18m, and within sight of, an entrance giving access to the fire main.
- b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency.

15.6 Where fire mains are provided in buildings for which Sections 16 and 17 make no provision, vehicle access may be as described in paragraphs 15.4 and 15.5, rather than Table 15.1.

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)

Dead Ends including cul-de sacs

Dead ends including cul-de sacs should be avoided but where not possible the following should be applied.

The main problem with dead ends and cul-de sacs is access in an emergency and the issue of obstructions such as parking. In these circumstances fire service personnel are committed to approach on foot carrying equipment to deal with the situation. 225 to 250 metres carrying equipment is considered a maximum for efficient fire-fighting operations.

Dead ends/cul-de sacs roadways should be a minimum of 5.5 metres in width.

Industrial Estates

- a) In order to accommodate very long articulated vehicles carriageways should be 9 metres wide but certainly not less than 7.3 metres.
- b) The estate should be designed so that there is adequate off-street parking and there is no loading, unloading or long-term parking on the carriageway.
- c) Dead end access routes must not exceed 180 metres in length from a junction which provides two alternative routes out of the industrial estate, unless an emergency vehicle access is provided from the dead end, as described in 3.8.2.

Section 16: Fire mains and hydrants

Provision of fire mains

16.2 Buildings with firefighting shafts should have fire mains in both of the following.

- a. The firefighting shafts.
- b. Where necessary, in protected escape stairs. The criteria for providing firefighting shafts and fire mains are given in Section 17.

16.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with Table 15.1. In these cases, outlets from fire mains should be located as described in paragraph

16.4, with a maximum hose distance of 45m from the fire main outlet to the furthest point, measured on a route suitable for laying a hose. Stairs do not need to be designed as firefighting shafts.

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 Supplies

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-ffq-final.pdf>

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

Section 17: Access to buildings for firefighting personnel

Provision of firefighting shafts

17.2 A building with a storey more than 18m above the fire and rescue service vehicle access level should have one or more firefighting shafts containing a firefighting lift. The number and location of firefighting shafts should comply with paragraphs 17.4 to 17.7.

Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 17.3 and Diagram 17.2).

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)

Working Hours

Construction and engineering works (including land reclamation, stabilisation, preparation, remediation or investigation), shall not take place outside the hours of 08:00 to 18.00 weekdays and 08.00 to 14.00 Saturdays and no such works shall take place on Sundays, Bank Holidays or Public Holidays*. 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).

END OF OFFICERS REPORT