

## Economy, Environment and Communities, Development Management

### Planning Committee

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

Plans List Item Number: 1

#### Reason for bringing to committee

County Matters/Major Application and Significant Community Interest

#### Application Details

**Location:** FORMER MCKECHNIE BRASS LTD, MIDDLEMORE LANE, ALDRIDGE, WALSALL, WS9 8SP

**Proposal:** CONSTRUCTION OF A NEW HOUSEHOLD WASTE RECYCLING CENTRE, WASTE TRANSFER STATION WITH PV SOLAR PANEL ROOF, RE-USE SHOP AND WORKSHOP, WELFARE OFFICES, WEIGHBRIDGES, GROUND MOUNTED SOLAR PV INSTALLATION, CREATING OF 2NO VEHICULAR ACCESS POINTS OFF MIDDLEMORE LANE, PARKING, EV CHARGING POINTS, REFUSE COLLECTION VEHICLE PARKING, STEEL PALISADE FENCING WITH ENTRANCE AND EXIT GATES, LANDSCAPING, PEDESTRIAN CROSSING POINTS, LIGHTING AND ANCILLARY WORKS.

**Application Number:** 22/0100

**Case Officer:** Leah Wright

**Applicant:** Mr Stephen Johnson

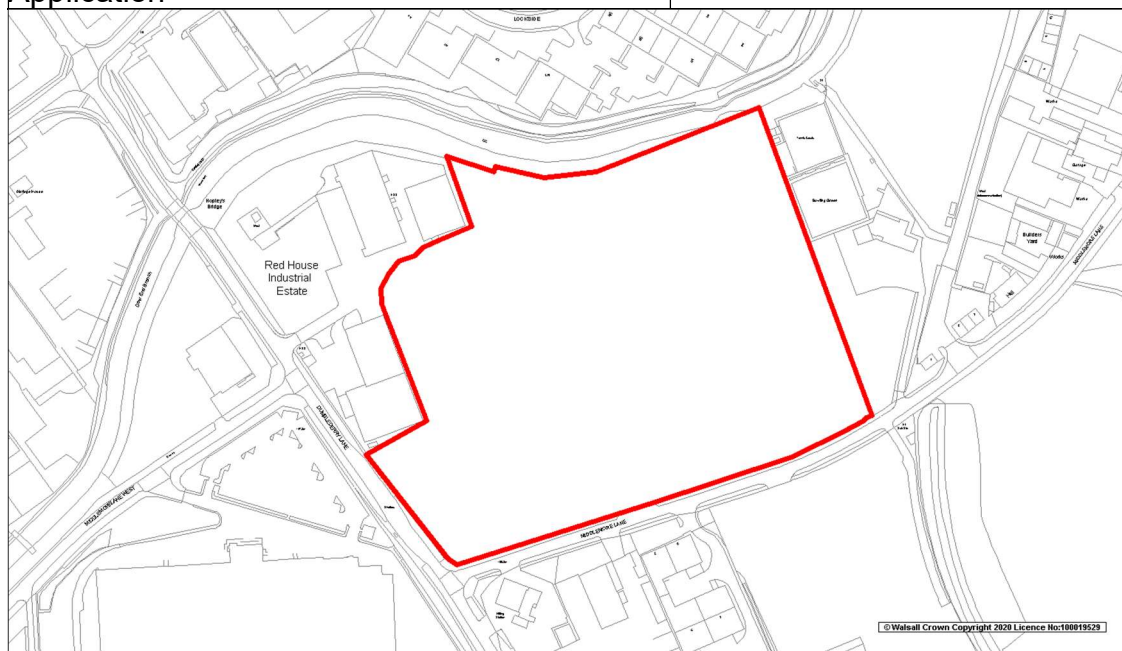
**Ward:** Aldridge Central And South

**Agent:** Wardell Armstrong LLP

**Expired Date:** 27-Apr-2022

**Application Type:** County Matters: Waste Application

**Time Extension Expiry:**



Crown Copyright and database rights 2021 Ordnance Survey 100019529

## **Recommendation:**

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:
  - No new material considerations being received within the consultation period;
  - The amendment and finalising of conditions;
  - No further comments from a statutory consultee raising material planning considerations not previously addressed;
  - Overcoming the outstanding objections raised by Inland Waterways Association (Lichfield Branch), The Lead Local Flood Authority, Canal and River Trust and Environmental Protection.

## Proposal

This application proposes the construction of a new Household Waste Recycling Centre, Waste Transfer Station with PV Solar Panel Roof, Re-use Shop and Workshop, Welfare Offices, Weighbridges, Ground Mounted Solar PV installation, Creating of 2no vehicular access points off Middlemore Lane, Parking, EV charging points, Refuse Collection Vehicle Parking, Steel Palisade fencing with entrance and exit gates, Landscaping, Pedestrian crossing points, lighting and ancillary works.

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:

- A new HWRC located on the eastern section of the site and will be accessed via a dedicated access point from Middlemore Lane. The containers would be measure 2m 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.
- 
- 130 double parking spaces will also be provided on either side of the carriageway for users of the HWRC to reduce waiting time for service users and maintain traffic flow. The carriageway would be routed around a horseshoe shaped service area which would feature three banks of containers providing capacity for up to 39 containers. This capacity allows the council the flexibility to increase material streams captured, repeat containers and open/close containers when demand dictates.
- The HWRC will have a total capacity of 40,000tpa and will accept an array of municipal waste exclusively from the residents of Walsall which will be sorted on site into separate waste streams, for example glass, paper and card, steel and cans, aluminium, mixed plastic packaging, tyres, scrap metal, wood, rubble and plasterboard, carpets, book, textiles and garden and residual waste. A small portion of Construction and Demolition (C&D) Waste will be accepted at the HWRC from domestic sources, with approximately 10% of all of the waste accepted expected to comprise C&D Waste (i.e 4,000tpa). Once sorted and bulked, waste will be sent for onward processing to relevant facilities primarily within the UK but sometimes within the EU where local markets are not available. A low-level recycling area, staff welfare office, re-use shop and parking bays for staff and public would also be incorporated into the HWRC element of the proposals.
- 
- The new WTS will occupy a total footprint of approximately 6,630m<sup>2</sup> and will be used for the delivery, temporary storage, bulking, loading and transfer of local authority municipal collected waste streams. In terms of measurements, it will be approximately 107m in maximum depth, 62m in maximum width and 12.5m in maximum height. The WTS will have a maximum capacity of 125,000tpa with 12

internal bays and 4 external bays providing an additional capacity of 16,000tpa to futureproof the operations against future waste growth, whilst simultaneously providing room to expand separately collected material streams. The building has 5 principal Refuse and Waste Collection Vehicles (RCV) access routes, circulating vehicles through a one-way system which provides entry and exit via a dedicated WTS access onto Middlemore Lane. An area has also been allocated for the storage of plant vehicles to the rear of the WTS building.

- The WTS is intended to be used for the bulking of a number of different waste streams, prior to them being collected for onward processing and recycling. The WTS therefore optimises the efficiency of the waste collection operations by providing a local facility for the refuse collection vehicles (RCVs) to deliver the kerbside waste from households in the Council area to. All waste sent to the WTS will be municipal waste.
- The WTS is divided into a number of different bays, sized and located to suit the specific materials streams they are intended to be filled with. RCV's will drive in to one of the two entrances in the WTS and will deposit their load of waste close to the appropriate bay. Smaller mobile plant will then move this waste, as required, to optimise the use of the space in that bay. Once a bay is nearing capacity, following a number of RCV loads deliveries, it will be arranged for a larger bulk haulage / articulated vehicle to visit site. That vehicle will be loaded up with the bulked material stream and taken off-site for further processing / recycling.
- The WTS at Middlemore Lane has been designed in two halves, and so it is effectively two WTS in one. RCV's delivering waste to the WTS will be directed to one of the two WTS entrances and to the appropriate bay for depositing the material. When a bay, for say, residual waste, becomes full in one half of the WTS, that bay will be closed, and the next delivery vehicle directed to the equivalent bay in the other side of the WTS. The design therefore provides significant capacity and also contingency. The small operating mobile plant vehicles are able to move between the two halves of the WTS easily, aiding effective management of the waste and optimising the storage capacity.
- The vehicles move through either side of the WTS in a one-way system from south to north, to minimise the amount of manoeuvring required inside the building and reduce the risk of vehicles clogging up the flow of traffic. Both the entrances and exits to the WTS have fast acting roller shutter doors so that when vehicles are not entering or exiting the building, these are closed. This is to prevent the risk of environmental considerations such as odour, litter and vermin and enables the waste to be stored in a more controlled environment, minimising the degradation in the material quality, and therefore maximising the value of those materials when transferred for onward processing / recycling. There will be an Environmental Permit in place for the operation of the site and it is anticipated that waste will not be stored on site for more than three days.
- A small trader scheme will be located adjacent to the WTS which will accept small amounts of commercial waste in 7 dedicated containers up to a capacity of 20,000tpa. 2.5.2 Access to the small traders' scheme and WTS is separately allocated to the west of the site to ensure no conflict between commercial vehicles and domestic vehicles utilising the adjacent HWRC.
- The small trader scheme has been allocated 7 storage containers and will be for the collection and transfer of Construction and Demolition (C&D) Waste and Commercial and Industrial (C&I) Waste, including common commercial waste

streams such as residual waste, dry mixed recycling, green waste, rubble, plasterboard, scrap metal and wood. It is anticipated that the majority of waste accepted at the small trader scheme will comprise C&D waste, with 10% of the total capacity expected to comprise C&I waste (i.e 2,000tpa). Some of the material streams will be processed through the adjacent WTS (e.g residual, recycling) whilst others will be transferred off site as necessary to a suitable processor.

- There will be four single bi-directional weighbridges will be positioned within the internal carriageways within the WTS element of the site to facilitate service vehicles entering and exiting the site from Middlemore Lane and those collecting the containers within the HWRC element of the site. One of the weighbridges will also serve the Small Traders Scheme. There is also a proposed weighbridge office measuring 7m in depth, 3m in width and 3.97m in maximum height.
- There will be pedestrian access to the re-use shop which will be directly accessible from Middlemore Lane. The re-use shop will feature a dedicated car park to encourage users to stop and browse. The re-use shop will accept items which are re-useable and in a serviceable condition and will encourage products to be kept in the circular economy model. It would measure 15m in width, 40m in depth and 6.5m in maximum height with a pitched roof with eaves of 4m. There are windows and doors proposed
- The staff welfare office is centrally located on the site to enable easy access to/from the small traders' scheme, WTS and HWRC and will provide welfare facilities for staff members of the HWRC and WTS. It would measure 15m in width, 25m in depth and 6.5m in maximum height with a pitched roof with eaves of 4m. There would be various windows and doors of a similar style on the elevations of the building.
- The site is expected to meet a portion of its energy demand using solar energy with Solar PV Panels installed in the following areas:
  - 132 Solar PV Panels on the roof of the welfare office;
  - 108 Solar PV Panels on the roof of the re-use shop and workshop;
  - 2744 Solar PV Panels on the roof of the WTS;
  - 838 Solar PV Panels within a separate 6,000m<sup>2</sup> ground mounted Solar PV Array in the south-eastern corner of the site.
- A new 2.4m high palisade perimeter 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 CA11906-265.

The site will have a maximum capacity to accept a total of 201,000 tonnes of waste per annum 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 the WTS will operate 7 days a week 7am to 6pm.

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 Middlemore Lane 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 Impact Appraisal**, setting out the existing context of the site, the nature and extend of potential views of the proposed development, and the quantification of the predicted effects upon views as experienced by identified visual receptors.

**Technical Reports** which include the following:

- Air Quality;
- Arboricultural Assessment;
- Flood Risk Assessment and Sustainable Drainage Strategy;
- Glint Assessment;
- Minerals Resource Assessment;
- Noise Assessment;
- Phase 1 Contaminated Land Report;
- Preliminary Ecological Appraisal including: Spring, Summer and Autumn Bat Activity Surveys;
- Otter and Water Vole Surveys;
- Transport Assessment.

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

## Site and Surroundings

The site is approximately 6ha and fronts onto Middlemore Lane to the south, with sports fields abutting the site to the east, the Daw End Branch Canal to the north and industrial units fronting Dumblederry Lane to the west.

The site comprises the former McKechnie Brass Ltd site which consisted predominantly of abandoned large scale industrial buildings in the Redhouse Industrial Estate. Planning permission was granted in 2018 for the redevelopment of the site including the demolition of the abandoned buildings and change of use from general industrial to a mixed industrial and storage and distribution use (planning reference 17/0485). The buildings on site have therefore now been demolished and the site has been remediated under the provisions of this planning permission. The site is currently accessed via one point of access/egress on Middlemore Lane. There are several businesses which abut the boundary of the proposed site, including 'Geddes Packing' on the western boundary and 'Amplify Talent UK' on the eastern boundary.



The site is well contained and in an established industrial location, located approximately 230m from the nearest residential dwelling on Westfield Drive to the east of the site.

The site at Middlemore Lane is not located within any statutory or non-statutory environmental designations. The northern boundary of the site abuts the Daw End Branch Canal which is identified as a 'Site of Local Importance for Nature Conservation' (SAD Policy EN1). The site is also located within 'Impact Risk Zones' of several Sites of Special Scientific Interest (SSSI's), the nearest being Stubbers Green Bog (approximately 700m north) and Daw End Railway Cutting (approximately 1km west). 1.5.2 In addition to the SSSI's, there are several Local Nature Reserves (LNR's) within the broader vicinity of the site. The nearest LNR is Park Lime Pits (approximately 1.3km south-west of the site), followed by 'Hay Head Wood' and 'The Cuckoo's Nook and the Dingle' LNR's (both located approximately 1.8km to the south).

The site is not within a Conservation area, nor does it comprise a listed building.

## **Relevant Planning History**

### **MCKECHNIE BRASS LTD, MIDDLEMORE LANE, ALDRIDGE, WALSALL, WS9 8SP**

16/0133- Screening Opinion as to whether an environmental statement is required for B1(c), B2, B8 Industrial development- Screening Opinion EIA not required- 16-Feb-2016.

17/0485- A hybrid application for the redevelopment of this site:

- a full planning application for demolition of all buildings and change of use of the land from general industrial (Class B2) to a mixed use of light industrial (Class B1), general industrial (Class B2) and storage or distribution (Class B8) and for the access of Middlemore Lane, the internal road layout and the drainage infrastructure.

- an outline application for construction of up to 22,703sq.m. of new buildings, the provision of associated car parking, servicing and circulation areas, landscaping of the site, SUDs ponds and all other associated works (other than those detailed within the full planning application)- GSC 24-Oct-2017.

21/0718- Environmental Impact Assessment (EIA) Screening Opinion for the proposed Household Waste Recycling Centre (HWRC) and Waste Transfer Station (WTS)- Screening Opinion EIA not required- 29-Jun-2021.

## **Relevant Policies**

### **National Planning Policy Framework (NPPF)**

[www.gov.uk/guidance/national-planning-policy-framework](https://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](http://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
- ENV18: Trees
- 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**

IN2: Potential High Quality Industry- Site reference IN12.8 Former Mckechnie Brass, Middlemore Lane, and Aldridge.

OS1: Open Space, Sport and Recreation

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk

EN4: Canals

W3: New Waste Management Development- Waste Treatment and Transfer

W4: New Waste management Development- Waste Disposal

Policy M1: Safeguarding of Mineral Resources.

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:

### **1.1. 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

### **1.2. 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

### **Archaeology**

- No archaeological implications.

### **Building Control**

- No comment.

## **Cadent Gas Ltd**

- No comment.

## **Canal and River Trust**

- Request additional information to be submitted on various points and conditions to mitigate against harm of development.

## **Clean and Green**

- No comment.

## **Coal Authority**

- Application site does not fall within the defined development high risk area- if permission is granted The Coal Authority's Standing Advice will be included as a note to applicant.

## **Community Safety**

- No comment.

## **Cycling and Pedestrian Officer**

- No comment

## **Drainage**

- No comment.

## **Ecology BBCWildlife**

- No comment.

## **Economic Regeneration**

- No comment.

## **Environment Agency**

- No objection. Notes to applicant provided.

## **Environmental Health**

- No comment.

## **Environmental Protection**

- Insufficient information in regard to air quality. The Applicant is required to agree (and thereafter implement) ground gas mitigation measures in writing with the Local Planning Authority. Furthermore, a Construction Management Plan must be agreed and implemented. The Applicant is also required to comply with the Air Quality SPD, necessitating the installation of electric vehicle charging points and provision of a Travel Plan.

## **Historic England**

- No comment.

## **Highways England**

- No comment.

## **Health and Safety Executive Hazardous Substances**

- No comment.

## **Inland Waterways Association (Lichfield)-**

- Heritage Assessment fails to consider the Daw End Branch Canal, concern with the design of the development.

## **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**

- Queried whether a Health Impact Assessment has, or is required to be carried out.

## **Public Rights of Way**

- No objections or requirements.

## **RSPB**

- No comment.

## **Regeneration and Development**

- No comment.

## **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**

- Overall support with some mitigatable concerns over traffic impact.

## **Structures**

- No comment

## **Tree Preservation Officer**

- Recommend consent subject to a condition relating to implementation of recommendations, guidelines, location and specification of the tree protection fencing as detailed in the Arboricultural Impact Assessment.

## **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

## **Western Power**

- No comment

## **Representations**



19 representations were received objecting to the proposal, whilst one objection was received in support of the proposal. The comments are summarised as follows (officers' comments are in italics).

- Excellent well thought out proposal.
- No mention of trees on planning permission- *see tree section of the report.*
- Traffic issues and highway safety- *No objection from the highways authority.*
- Dust and dirt
- Noise pollution
- Leighswood road dangerous for pedestrians
- Odours from development.
- Destruction in Aldridge.
- Air Quality report should cover the potential operational impact on the community- *See Air quality section of this report.*
- HGVs would be disastrous to the road and Anchor Meadow.
- Site is close to residential areas- *The site is approximately 190-200m to the nearest residential properties.*
- Will affect house prices- *Not a material planning consideration.*
- Increase in litter.
- Will bring pests to the area.
- Overdevelopment of Aldridge- *The proposal is considered to be well contained within the site and does not represent overdevelopment.*

## Determining Issues

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

## Assessment of the Proposal

### Principle of Development

The site is allocated IN12.8 (Policy IND2) as Existing High Quality Industry and sits 400m outside Aldridge District Centre, as illustrated in the Walsall Local Plan Policies Map (2019) for the SAD.

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.

The main policy concern is the location of the proposal in an area designated primarily under SAD Policy IND2 as high quality industry. It is considered other uses are acceptable 'where they can be shown not to impinge adversely on the overall quality of the area'. The use of buffer zones, the orientation of the site, transport plan and supporting evidence

show consideration has been given to avoid adversely affecting the quality of the area, both from the site itself and its associated transport movements. 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.

Supporting evidence and justification is necessary to demonstrate compatibility with nearby existing uses and future aspirations for the area, including potential high quality employment land allocated at adjoining sites (SAD site references IN12.1, IN12.5, and IN12.6 refer). The Site Selection Report (Appendix E) s included 'an initial call for sites, location assessment, policy compatibility, viability considerations, and development and operating expenditure and evidentially that the chosen site is the most appropriate location'.

A Mineral Resource Assessment (Appendix K) has been submitted which identifies two superficial sand and gravel deposits, concluding that their 'extraction is either commercially unviable' or 'will already have been significantly sterilised by previous development' and are 'not of sufficient economic value to outweigh the merits of the proposed non-mineral development'.

A Transport Assessment has been submitted which provides the net proposed trip generation for the site, taking into account the 'approved vehicle movements of the existing approved use of the site, and the removal of the existing vehicle generation associated with the Merchants Way HWRC and Fryers Road WTS, following their closure. The conclusions of the TA indicate that the forecast demand can be accommodated within the existing highway network and can operate without detriment to the surrounding network.' (Paragraph 4.11.1)

It is a requirement to demonstrate no significant harm on natural, historic or built environment or significant adverse effect on the amenity of those living or working nearby for the renewable energy installation and deliver off-set capacity in accordance with BCCS policy ENV7. Paragraph 4.7.35 states: 'the proposed development by virtue of its location within the existing urban setting of the conservation area and the distance between the conservation area and the site is anticipated to cause no harm to its significance and significance would be preserved.' Further the proposals demonstrate that any potentially adverse amenity impacts can be appropriately mitigated and the use of the site as a modern and efficient facility' (Paragraph 6.9.9)

Justification should be provided for the proposals to demonstrate how they minimise adverse amenity impacts and compatibility with existing and proposed high quality employment uses in order to address the requirements of SAD Policy IND2 and BCCS Policy EMP2.6. It should also be demonstrated that no unacceptable effects on health, the environment, amenity or infrastructure, and that any potentially harmful effects or land use conflicts likely to arise will be effectively managed, or for open air storage/processing, evidence that the development will not present unacceptable risks from fire, and that due consideration has been given towards environmental constraints and otherwise demonstrate that enclosure of the operations within a building is not feasible (SAD Policy WM3 & 4).

Paragraph 5.3.6 states that 'The application is supported by an Air Quality Assessment, a Noise Impact Assessment, a Flood Risk Assessment and a review of the remediation which has been undertaken on site has been carried out which all conclude that the proposal will not cause pollution or cause unacceptable adverse impacts in terms of polluting emissions'.

Section 4.6 addresses ground conditions specifically, The previously approved development (17/0485) has partly been implemented insofar that the conditions relating to ground conditions and remediation of the WA ground engineers reviewed the previous Remediation Validation report to establish the suitability of the remediation for the use hereby proposed and concluded that no further remediation works are deemed necessary site have been discharged and was handed over in a 'developable' condition.

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.

The Black Country Plan contains housing allocations units in a number of large scale sites in proximity to the proposal to the East of the borough, which is likely to further increase future demand following the plan's scheduled adoption in 2024. The Waste Study prepared for this plan highlights a need for waste transfer and HWRC capacity in Walsall alongside the contribution of extended opening hours to mitigating against fly tipping or waste crime (Wood, 2019).

It is considered that 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 minerals sterilisation, location of the site, transport impact, air quality, noise, flood risk, ecology, ground conditions and visual impact on the adjacent sports ground and canal. This evidence is comprehensive and suggests that any associated impact can be mitigated with the recommended steps. As such, the proposal is supported in principle.

## **Design, Layout and Character**

The design and layout of the scheme maximises operational and public safety with separate site entrances for commercial and household functions. Both site entrances are accessed off Middlemore Lane, with the commercial functions, namely the WTS and Small Traders Scheme concentrated to the west of the site (neighbouring other large commercial buildings on adjacent land) and accessed from the most westerly entrance. This entrance will be a two-way carriageway, with a filter lane for incoming users of the small traders' scheme area. The HWRC is positioned to the east of the site, and a separate access for the HWRC, re-use shop and staff welfare facilities is located further east along Middlemore Lane. A shared car park for re-use customers and staff is located immediately upon entrance to the site. An area approximately 1ha in size in the southeast corner of the site is intended for a solar photovoltaic installation.

It is considered the design of the scheme is typical of this type of development and the layout is efficient and maximises use of the site. The surrounding area is industrial in

nature and as such the works and proposed use would assimilate well. The proposed buildings and containers are simplistic, built for purpose 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 2.4m 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. It is considered that this type of boundary treatment offers a climbing facility and easy removal of rails and there is also concern from the Canal and River Trust on the impact of the canal due to the boundary treatment. As such a condition will be imposed relating to boundary treatments to ensure the security of the site.

## **Residential Amenity**

The site forms part of the Redhouse Industrial Estate and the site's setting is primarily industrial/commercial, particularly to the south, west and the north. There are residential properties and the town centre of Aldridge to the east.

The site is segregated from the nearest housing estate by other industrial premises, The Daw End Branch Canal and highway to the south and west of the site. The nearest residential properties range from approximately 190-200m from the site located at The Briars and Gretton Crescent.

The Visual Impact Appraisal noted that the visual envelope would be restricted to receptors at immediate to short distance of the site and the site is typically well contained by surrounding commercial and industrial unites on the estate but also by existing tree belts along the canal to the north, and further scattered tree cover in many other directions.

As above, it's considered that 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. It should be noted that Environmental Protection support the proposal subject to conditions.

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

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**

The proposals involve revisions to the access, which is currently off Middlemore Lane. The site will provide two new accesses for the WTS and HWRC both off Middlemore

Lane. The western site access will be for the WTS and will predominantly accommodate HGVs as well as light vans. The eastern site access will be for the HWRC and will only accommodate standard design vehicles.

The appropriate visibility splays can be achieved for both site access based on the speed limit of Middlemore Lane. The internal routes from both the HWRC and WTS along with the accesses have been designed to accommodate the intended vehicles (that will use them) safely. Swept path analysis of both accesses along with the internal routes have been provided.

A total of 130 parking spaces will be provided for the HWRC on the site and 66 spaces will be provided for the WTS, staff and re-use workshop, including 3 disabled spaces and 7 EV charging points. In addition a total of 12 Sheffield style cycle parking stands located in sheltered cycle storage will be provided for the employees.

The site was granted planning permission in 2017 (Ref: 17/0485) for a hybrid application for the redevelopment of the site which consisted of: a full planning application for demolition of all buildings and change of use of the land from general industrial (Class B2) to a mixed use of light industrial (Class B1), general industrial (Class B2) and storage or distribution (Class B8) and for the access off Middlemore Lane, the internal road layout and the drainage infrastructure and an outline application for construction of up to 22,703sq.m. of new buildings, the provision of associated car parking, servicing and circulation areas, landscaping of the site, SUDs ponds and all other associated works.

Using Trics data it is predicted that the extant use would generate 119 two-way vehicle trips within the AM peak hour, 84 two-way movements in the PM peak hour and 1,272 daily two-way daily movements.

The proposed strategy for meeting future needs will involve the removal of the WTS at Fryers Road and introduction of a larger WTS at Middlemore Lane.

The HWRC currently at Merchants Way will be replaced by a larger more modern HWRC at Middlemore Lane, which will sit alongside the new WTS. The Merchants Way site will remain operational during the construction of the Middlemore Lane HWRC however once operational the intention will be to remove the HWRC provision at Merchants Way entirely.

The Waste Management Team for Walsall have provided the projected tonnage of the proposed WTS, which was used to calculate the projected vehicle movements per day. The proposed WTS will operate 7 days a week 07:00-18:00. It has been detailed that the proposed WTS will handle up to 125,000 tonnes per annum, with additional external storage bays which can accept approximately 16,000 tonnes per annum. The load data vehicle movements per day were devised from this figure for the proposed WTS at the site

## **WTS Trips**

Based upon the tonnage figures it is predicted that there will be an average of 145 WTS stream movements associated with the proposed WTS per day. The vehicles to the WTS will be predominantly refuse collection vehicles or similar, with an average payload of 5-6 tonnes. It is therefore assumed for worst case assessment that all of these trips will be via HGVs.

## **HWRC Trips**

It is predicted the proposed HWRC will generate 107 two-way vehicle trips within the AM peak hour, 79 two-way movements in the PM peak hour, 377 two-way movements in the



Saturday peak hour, 2,935 daily two-way movements in the Weekday and 3,356 daily two-way movements in the Weekend.

## **Net Trips**

Taking off the extant use trips the proposed site is predicted to result in a net increase in the AM peak of 14 two-way movements, an increase in the PM peak of 22 two-way movements, an increase in the Saturday Peak of 404 two-way movements, an increase in the weekday daily of 1,953 two-way movements and an increase in the weekend daily of 3,646 two-way movements.

## **Net Trip Generation with Merchants Way Removed**

As it is the intention to close the Merchants Way HWRC once the proposed Middlemore Lane HWRC is operational, the anticipated net trip generation when the Merchants Way HWRC vehicle trips are removed from the highway network. The weekday AM peak and PM peak, Saturday Peak, total weekday and weekend daily trips for the proposed HWRC and WTS site if deducted from both the existing consent and existing Merchants Way HWRC trips will result in a net decrease in the AM peak of 57 two-way movements, a decrease in the PM peak of 102 two-way movements, an increase in the Saturday Peak of 152 two-way movements, a decrease in the weekday daily of 4 two-way movements and an increase in the weekend daily of 1409 two-way movements.

## **Net Trip Generation with Merchants Way and Fryers Road Removed**

Similarly, as the Fryers Road WTS will no longer be operational (should the proposed WTS be granted permission), the anticipated net trip generation when the Merchants Way HWRC vehicle trips are removed from the highway network, and when the existing Fryers Road WTS vehicle trips are removed from the highway network. The weekday AM peak and PM peak, Saturday Peak, total weekday and weekend daily trips for the proposed HWRC and WTS site if deducted from both the existing consent, existing Merchants Way HWRC trips and existing Fryers Road WTS trips will result in a net decrease in the AM peak of 77 two-way movements, a decrease in the PM peak of 122 two-way movements, an increase in the Saturday Peak of 132 two-way movements, a decrease in the weekday daily of 224 two-way movements and an increase in the weekend daily of 1189 two-way movements.

## **HGV Trips**

It has been assumed that all 145 WTS trips will be undertaken via HGVs with no existing Fryers Road HGVs trips netting off the network. Given the WTS will be operate 7 days a week 07:00-18:00 the 145 trips (290 two-way trips) have been divided by the opening hours meaning the site will generate a total of 26 two-way HGV trips in the AM Peak, PM Peak and Saturday Peak.

For the HWRC the TRICS data provided predicting the site will generate 4 two-way HGV trips in the AM Peak, 0 two-way HGV trips in the PM Peak and 3 two-way HGV trips in the Saturday Peak. These will be assigned on the highway network accordingly.

It is worth noting that whilst the consented TA for the application does not detail the extant consent HGV trips but TRICS predicts that the extant consent for the site could generate up to 200 daily HGV trips. Therefore, by not netting these trips off a worst case assessment is assumed.



## **Trip Distribution**

The HWRC will be distributed on the basis of trips routing from the surrounding areas. Therefore 25% of the trips have been distributed via Leighswood Road (N), 25% via Leighswood Road (S), 25% via Red House Lane (W) and 25% via Paddock Lane.

Given there is a weight restriction of 7.5 tonnes on Dumblederry Lane and in light of the public consultation undertaken where local residents requested that all HGVs avoid Leighswood Road all WTS trips will be routed from the site access to the west along Middlemore Lane. At the Middlemore Lane / Dumblederry Lane junction the WTS trips will all then be routed north. From here 15% of HGV trips will route west out of Middlemore Lane West with 42.5% of HGV trips routed west further north out of Westgate and the remaining trips routed north out of Stubbers Green Road.

## **Junction Impact**

On the basis of the volume of vehicle trips the transport assessment focuses on the following junctions:

Site Access / Middlemore Lane;  
Middlemore Lane / Leighswood Road;  
Middlemore Lane / Dumblederry Lane;  
Redhouse Lane / Dumblederry Lane / Station Road / Paddock Lane Crossroads;  
Dumblederry Lane / Middlemore Lane West;  
Dumblederry Lane / Westgate / Wharf Approach;  
Wharf Approach / Stubbers Green Road.

The following two committed developments have been included within the assessment scenarios: Land North East of Shaylor Anchor Brook Industrial Park (19/1543) and Former Jack Allen Holdings Ltd (21/0572).

It is predicted that the proposed development will have a marginal increase in percentage impact on all six junctions in the AM and PM peak periods. During the network peak the development will have a negligible impact on the road network.

For the Saturday Peak the impact ranges from 2% to 88% however this is due to the low baseline flows at the junctions. The impact can be easily accommodated within the junction's capacity as detailed within the traffic impact assessment. Traffic flows during the Saturday peak hour are notably lower than the weekday AM and PM peak hours.

The junctions have been tested and all junctions surrounding the site does not alter significantly as a result of the proposed development. The results for all of the assessed junctions including the site access junction demonstrate the forecast demand can be accommodated within the existing network and that the junctions would operate with a significant level of reserve capacity with minimal queuing and delay.

The Highway Authority accepts the findings of the Transport Assessment that the operation of all junctions surrounding the site does not alter significantly as a result of the proposed development.

The results for all of the assessed junctions including the site access junction demonstrate the forecast demand can be accommodated within the existing network

A Staff Travel Plan has been provided to encourage the use of non-car modes of travel and ensure the sustainability of the development.

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 and support the proposal subject to conditions.

### **Impact on the Canal**

The Canal and River Trust have advised that the main issues relevant to the trust are, the impact of the proposal on the structural stability of the adjacent canal, the enabling of inspection and maintenance access to the neighbouring Sluice, Aldridge Wharf Valve, The protection and enhancement of the canal corridor County Wildlife Site, the visual impact of the boundary treatment on the canal corridor and the protection of water quality in the canal and that they require further information to clarify points in addition to recommending conditions.

IWA is concerned that the Heritage Assessment fails to consider the Daw End Branch Canal as an Undesignated Heritage Asset. They have also stated that the Noise Assessment takes no account of the residential use of canal boats which are permitted to moor adjacent to the site for periods of up to 14 days and have inherently less sound insulation properties than residential buildings. They have also expressed concern with the design of the proposal.

In response to the above, the agent has supplied with the LPA with a comprehensive response to the various points which includes an updated heritage assessment to address the Daw End Branch Canal. This additional information is currently out for consultation and as such 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 objections from the Canal and River Trust and the Inland Waterways Association.

### **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 and do not require the implementation of conditions.

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/Ground conditions**

### **Air Quality**

The 'Air Quality Assessment', by Wardell Armstrong, Ref. CA11906/0002/FINAL, Jan 2022 has compared existing (baseline) air quality levels against predicted air quality levels at nearby sensitive receptors.

The predicted air quality levels at the nearby sensitive receptors will continue to meet current air quality objective levels and it is predicted that levels will only be fractionally above the current levels once the site is operational. Furthermore, Officers need to note that vehicles that are going to the existing nearby Amenity Site on Merchants Way (approximately 700 metres away), will now come the Middlesmore Lane site, therefore within the slightly wider locality, the air quality impacts from vehicles will only be slightly different.

Notwithstanding, the Air Quality assessments/appraisals were undertaken prior to the World Health Organisation publishing their updated Air Quality Guidelines (AQGs) in September 2021. Environmental Protection has updated its requirements for Air Quality Surveys/Appraisals to reflect these changes, therefore, it is necessary that the Air Quality Consultants review and update their assessment having regard to this, with commensurate consideration of AQGs.

As such, 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 Environmental Protection.

### **Construction Management Plan**

Due to the location of the site near to the canal and the highways network, the Applicant will be required to agree and implement a Construction Management Plan to control local impacts such as noise, dust, and debris drag-out. This should be dealt with as a formal planning condition.

### **Contaminated Land**

The site has undergone extensive contaminated land remediation, however there remains a possibility that previously undiscovered contaminants remain within the soils; additionally, there are areas of the site that are known to still contain contaminants, which due to their location and nature, have remained untouched.

The Applicant has included a supporting statement in regards to the contaminated land works undertaken – '*Technical Note CA11906-REM: Review of Remediation Works at Middlesmore Lane*', by Wardell Armstrong, ref: SF/CA11906/TN001, October 2021. This contains recommendations for ground cover for landscaped areas.

The Applicant should note that previous ground gas investigations have recommended the need for basic ground gas protection measures (e.g. gas-impermeable membrane) within

buildings due to elevated methane and carbon dioxide levels. Alternatively, the Applicant may opt to undertake further gas monitoring to the satisfaction of the LPA and, dependent upon the findings, re-evaluate whether mitigation measures are warranted or not. A further consideration in this context is that the Applicant may need to seek agreement to proceed in this manner with the landowner.

On the basis that ground gas is present, if there are to be enclosed buildings and/or structure or enclosures, then it is imperative the Applicant advances a scheme of mitigation measures to be undertaken which are thereafter maintained prior to the development being brought into use. If buildings/structures are to be well ventilated, e.g. some facades being open to the elements, then (subject to a risk assessment) the need for gas protection may be negated. This may feasibly include the Waste Transfer Station Building that by design is ventilated for health and safety reasons due to the nature of materials to be processed therein.

On a point of note, since gas protection measures are usually incorporated within the foundation elements of buildings and structures, a definitive statement on the part of the Applicant as to the intentions to redress ground gas issues must also be forthcoming in advance any construction/development work commencing.

Conditions to address the above have been recommended.

### **Noise impact**

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. Environmental Protection agree with the findings of the report.

### **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. The northern boundary of the site at Middlemore Lane is located adjacent to Daw End Branch canal which is a Site of Local Importance for Nature Conservation (SLINC) and S.41 habitat. It is considered that several nature conservation designations could potentially be affected through an increase in dust and potential pollution during construction. It is recommended that best construction practices are adopted and are undertaken in accordance with a dust mitigation plan if necessary and that appropriate pollution prevention measures are implemented.

The buildings and trees within the site have negligible suitability for bat roosts. Due to the site's proximity to the canal, the site has been classified as having low suitability for foraging and commuting bats. The site is likely to support breeding birds. It is recommended that any building demolition or vegetation clearance should be undertaken outside of the bird breeding season (March to August inclusive). The adjacent canal provides suitable habitat for otter and water vole and the limited mosaic of habitats within

the site could support amphibians (including great crested newt (GCN), common reptiles, hedgehog and invertebrates). It is recommended that existing habitats on the peripheries of the site are retained, protected and enhanced where possible and that measures are undertaken during construction to prevent harm to local wildlife which could include limiting night-time working, providing means of escape from excavations left open overnight and adhering to good construction practices.

A single non-native cotoneaster shrub is present within the site. This plant is listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which makes it illegal to cause its spread in the wild. It is recommended that this plant is removed from the site and appropriately disposed of.

The PEA has indicated that a number of further protected species surveys are recommended at the site and these will be implemented as a condition on any approval.

Lastly, there are opportunities to enhance the development for biodiversity to deliver a biodiversity net gain. These include appropriate management of existing valuable habitat within the site, creation of new habitats through a landscape scheme for each site and the provision of homes for wildlife. As above additional surveys will be undertaken and the landscape scheme will be conditioned to be implemented as part of any planning approval.

## **Trees**

The majority of the trees (none of which are protected by TPO) are situated around the periphery of the site and outside of and adjacent to the boundaries.

The proposal will necessitate the removal of 2 groups of trees (G1 and G2 on the tree schedule) totalling approximately 300 square metres, the groups are of mixed species trees comprising mainly of young to early mature Birch, Sycamore and Goat Willow.

The trees in G1 are proposed for removal to accommodate an area of hardstanding and the removal of the trees in G2 to accommodate an internal road. In addition, some pruning would likely need to be undertaken to some of the retained trees in G1. 2 Birch trees T2 and T5 are recommended for removal for arboricultural reasons along with a small group of Birch G4 and a small group of Elm G7.

The removal of groups G1 and G2 to accommodate the proposed development is considered to be acceptable as their removal would have little detrimental widespread impact on the landscape character of the area and the detailed landscape plan drg. no. CA11906-264 Rev. 0 submitted with the application which includes some replacement tree planting would mitigate for their loss.

There are trees on site proposed for retention which can be adequately protected throughout any construction phase ensuring their long term health, continued establishment and future amenity. The tree protection plan drg. no CA11906-018 Rev. D and Arboricultural Impact Assessment by Wardell Armstrong dated 14 January 2022 details the specification of the tree protection fencing (in accordance with BS 5837: 2012) and its location.

A condition in regard to compliance to the recommendations and guidelines as detailed in the above documents will be implemented on any planning permission to safeguard the retained trees on and adjacent to the site.

### **Other Matters**

Public Health queried whether a Health Impact Assessment was required to be carried out- in the case of this proposal it was not considered to be a requirement.

In terms of security of the site, there is no objection from West Midlands Police and it is considered that the landscaping and appropriate security measures through condition will ensure the security of the site.

It is noted that there has been significant interest from neighbouring properties ,however through the extensive surveys submitted to support this application and as a detailed in this report, it has been evidenced that the proposal can be made acceptable through use of condition and that the proposal would not be detrimental on the highway network, to the natural environment, residential properties, to trees, ground conditions or the environment.

## **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 Canal and River Trust, Inland Waterways Association, Environmental Protection and LLFA comments in regard to insufficient information. The LPA and agent are working together to overcome these outstanding objections 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 objections from the above consultees.

## **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:



- CA11906-250 REV A Site Location Plan, dated 05/07/2021, received on 31/01/2022.
- CA11906-270- REV A typical shipping container elevations, dated 17/01/2022, received on 31/01/2022.
- CA11906-261 REV A- Re-use Shop and workshop layout and elevations- dated 19/10/2021, received on 31/01/2022.
- CA11906-268- REV A- Weighbridge Office Layout dated 13/01/2022, received on 31/01/2022.
- CA11906-260 Rev A- Welfare Office layout and elevations dated 19/10/2021, received on 31/01/2022.
- CA11906-254- Waste Transfer Station General Arrangement REV A, dated 1/09/2021, received on 31/01/2022.
- CA11906-201 REV P0- Topographical Survey dated 10/06/2021, received on 31/01/2022.
- CA11906-258 REV A- Surface Water Management Plan, dated 21/09/2021, received on 31/01/2022.
- CA11906-266 Indicative Solar PV details, dated 02/11/2021, received on 31/01/2022.
- CA11906-267 REV A, Ground array solar PV details- dated 04/11/2021, received on 31/01/2022.
- CA11906-259 REV A Operational site lighting plan- dated 06/09/2021 received on 31/01/2022.
- CA11906-271 REV A- Meet and Greet Operative Station dated 18/01/2022, received on 31/01/2022.
- CA11906-264 REV A – Landscape Proposals detailed design, dated 11/01/2022 received on 31/01/2022.
- CA11906-262 REV A HWRC Containers elevation, dated 13/09/2021, received on 31/01/2022.
- CA11906-253 REC A-General arrangement, dated 04/10/2021, received on 31/01/2022.
- CA11906-255- WTS General elevations REV A dated 04/10/2021, received on 31/01/2022.
- CA11906-265- Fence Boundary Details, dated 09/09/2021, received on 31/01/2022.
- CA11906-251 Rev A Topographic survey, dated 21/06/2021, received on 31/01/2022.
- CA11906-263 REV A Fire suppression water tank elevations dated 20/10/2021, received on 31/01/2022.
- CA11906-269 REV A, Drivers Welfare building dated 13/01/2022, received on 31/01/2022.
- Planning Supporting Statement by Wardell Armstrong received on 31/01/2022.
- Cover Letter by Wardell Armstrong received on 31/01/2022.
- Glint Statement by Wardell Armstrong received on 31/01/2022.
- Visual Impact Appraisal by Wardell Armstrong received on 31/01/2022.
- Transport Statement received on 31/01/2022.
- Noise Assessment Report by Wardell Armstrong received on 31/01/2022.
- PWMS for Hedgehog, Reptiles, Amphibians and Otter received on 31/01/2022.
- Preliminary Ecological Appraisal received on 31/01/2022.
- Otter and Water Vole Assessment received on 31/01/2022.
- Bat activity report received on 31/01/2022.
- Arboricultural Impact Assessment received on 31/01/2022.
- Air Quality Assessment received on 31/01/2022. AIA technical note received on 31/01/2022.
- Remediation Appraisal received on 31/01/2022.

- Heritage Plates received on 31/01/2022.
- Mineral Resource Assessment received on 31/01/2022.
- Flood Risk Assessment received on 31/01/2022.
- Site Selection Assessment received on 31/01/2022.
- Statement of Community Involvement received on 31/01/2022.

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 development hereby permitted, a condition survey of the canal bank/washwall should be undertaken alongside the northern boundary of the application site and submitted to in writing and approved in writing by the Local Planning Authority. The condition survey shall identify the current condition of the canal bank/washwall, the risks posed by the proposed development and the mitigated measures necessary to ensure that the canal structure will remain, or can be made, stable both during and after construction operations.

3b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved condition survey.

Reason: In the interests of avoiding the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which could adversely affect the stability of the Daw End Canal bank/washwall or the structural integrity of the canal itself, in accordance with the advice and guidance on land stability contained in paragraphs 174 and 183 of the National Planning Policy Framework and in the National Planning Practice Guidance. It is necessary to survey the canal wall before development commences in order to secure an appropriate approach to all site development and construction operations from the outset.

4a. Prior to the commencement of development hereby permitted, a monitoring regime for identifying and reporting any damage to the adjacent Daw End Canal embankment during construction shall be submitted to in writing and approved in writing by the Local Planning Authority. The Regime shall include clearly identified working parameters and arrangements for immediately ceasing work and reporting. In the event of parameters being exceeded together with details of vibration monitoring identifying the impact of vibration (for example from piling operations of operation of plant, machinery, vehicles etc. in proximity to the embankment) on the adjacent canal embankment together with vibration cut-off parameters and clearly defined procedures in the event of the cut-off parameters being exceeded.

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

Reason: In the interests of minimising the risk of creating land instability arising from any adverse impacts from earthmoving, excavations or other construction works upon the stability of the adjacent Daw End Canal and the canal embankment along the application site northern boundary, in accordance with the advice and guidance on land stability contained in paragraphs 174 and 183- 184 of the National Planning Policy Framework and in the National Planning Practice Guidance

5a. Prior to the commencement of the development hereby approved the recommendations, guidelines, location and specification of the tree protection fencing as detailed in the Arboricultural Impact Assessment by Wardell Armstrong dated 14 January 2022 shall be implemented.

5b. The development hereby permitted shall not be carried out otherwise than in accordance with tree protection fencing and shall be maintained throughout the construction period until the completion of the development..

*Reason: To safeguard the retained trees on and adjacent to the site*

6a. 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 development 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. It should also include baseline water quality sampling of the Daw End Branch canal. Construction/operational phase sampling should be undertaken for contaminants of concern highlighted in previous investigations to ensure no exceedances in Environmental Quality Standards for canal water quality.

6b. The agreed Construction Environmental Management Plan shall be implemented upon the commencement of development and shall be maintained throughout the period of construction and development.

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

7a. Prior to the commencement of development hereby permitted assessment of ground gas(es) shall be undertaken, having regard to current best practice. (see Note for Applicant CL1).

7b. A copy of the findings of the ground gas investigation together with an assessment of identified and/or potential hazards arising shall be submitted to in writing and approved in writing by the Local Planning Authority. (see Note for Applicant CL2).

7c. A 'Remediation Statement' shall be submitted to in writing and agreed in writing by the Local Planning Authority, setting out details of measures to deal with the identified and potential hazards of any land contamination and/or ground gas(es) present on the site, along with a timetable for their implementation that has similarly been agreed in writing by the Local Planning Authority. (see Note for Applicant CL2 and CL3). The Applicant shall also prepare a Plan that identifies the location of land and ground contamination that has been left in-situ for reasons identified in previous investigations and ensure that a Copy is provided to any Contractors involved with any groundworks.

7d. Measures set out in the 'Remediation Statement' required by part c) of this condition shall be implemented in accordance with the agreed timetable and the

Applicant or persons acting on behalf of the same shall maintain the evidential items listed in Note CL3 for validation purposes.

7e.If during the undertaking of approved remedial measures or during the implementation 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 a) of this condition has been amended to address any additional remedial or mitigation measures required and has been submitted in writing to, and agreed in writing by, the Local Planning Authority.

7f.A Validation Report confirming the details of the remedial measures implemented and cross referencing those measures to 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)

7g.The development shall not be carried out otherwise than in accordance with the approved Remediation Statement.

Reason: To ensure safe development of the site, protect human health and the environment and to accord with NPPF Paragraph 109.

8a.Notwithstanding the Air Quality Assessment submitted to support this proposal and prior to the commencement of the development hereby approved, the applicant shall submit an updated 'Air Quality Assessment' to incorporate the World Health Organisation Air Quality Guidelines and Interim Targets 2021.

8b.Based on the updated Air Quality Assessment, the Applicant shall agree air quality mitigation and these shall be submitted to and approved in writing by the Local Planning Authority.

8c.The development hereby permitted shall not be carried out otherwise than in accordance with the approved Air Quality Assessment.

Reason: in the interests of creating a sustainable form of development and to encourage the meeting of Air Quality Guideline values in accordance with Policies ENV8 (Air Quality).

9a. 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.

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.

9c. 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.

10a. 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.

10b. 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.

11a. 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

11b. 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.

12a. 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.

12b. 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.

13. Notwithstanding the details submitted on drawing CA11906-265- 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 and to protect the visual amenity of the Daw End Branch Canal.

14a. 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.

14b. 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.

15. Prior to the development hereby permitted first coming into use, the two proposed bellmouth accesses on Middlemore Lane, *together with the removal and reinstatement of any redundant existing accesses to back to full kerb height, shall be implemented to the satisfaction of the Highway Authority. The new accesses to include a tactile pedestrian crossing points.*

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.

15a. 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.

15b. 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.

16. 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.

17. The development hereby permitted shall not be carried out otherwise than in accordance with the agreed mitigation measures as detailed in the Preliminary Ecological Appraisal by Warell Armstrong received on 31/01/2022 and such measures shall thereafter be retained for the lifetime of the development.

Reason: To conserve local protected species and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

18a: The development hereby permitted shall not be carried out otherwise in accordance with the approved Landscape proposals as detailed on drawing CA11906-264 REV A – Landscape Proposals detailed design, dated 11/01/2022 received on 31/01/2022 and the approved details shall thereafter be retained for the lifetime of the development.

18b: 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.

19: 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.

20a. 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.

20b. 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.

21. 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.

22. 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.

23. The total quantity of waste imported onto the site as measured over any 52 week period shall not exceed 201,000 tonnes.

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

24. 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 78:00 – 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.

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

Reason: In the interests of amenity.

26: 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.

27. 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**

#### **HIGHWAY AUTHORITY - NOTES TO 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. For the access alterations to existing highway the developer must enter into an Agreement with the Highway Authority under S38/278 of the Highways Act 1980 or obtain a Road Opening Permit, whichever is most appropriate. For further advice please contact Highway Development Control Team at [Stephen.Pittaway@walsall.gov.uk](mailto:Stephen.Pittaway@walsall.gov.uk)
3. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.

### **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 Regulations**

This development may require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

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 2000m<sup>2</sup>, 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 280m<sup>2</sup>.
- 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-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by email on [Water.Officer@wmfs.net](mailto: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**