



Planning Committee

Report of Head of Planning and Building Control on 02 December 2021

Plans List Item Number: 2

Reason for bringing to committee

Major Development

Application Details

Location: Land West of Walsall Retail Park, Reedswood Way, Walsall, WS2 8XA

Proposal: RESERVED MATTERS FROM OUTLINE APPLICATION 17/0992 SEEKING CONSENT FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR THE DEVELOPMENT OF 2 NO. 2 NO. COMMERCIAL UNITS FALLING INTO B2, B8 & E USE CATEGORIES (WITH ANCILLARY OFFICES), ASSOCIATED CAR AND CYCLE PARKING, SERVICE YARDS, DRAINAGE AND INFRASTRUCTURE, EXTERNAL LIGHTING, BOUNDARY TREATMENTS, HARD SURFACING & LANDSCAPING (ADJACENT TO PUBLIC RIGHT OF WAY WAL44).

Application Number: 21/0646

Case Officer: Leah Wright

Applicant: Brackley Property Developments

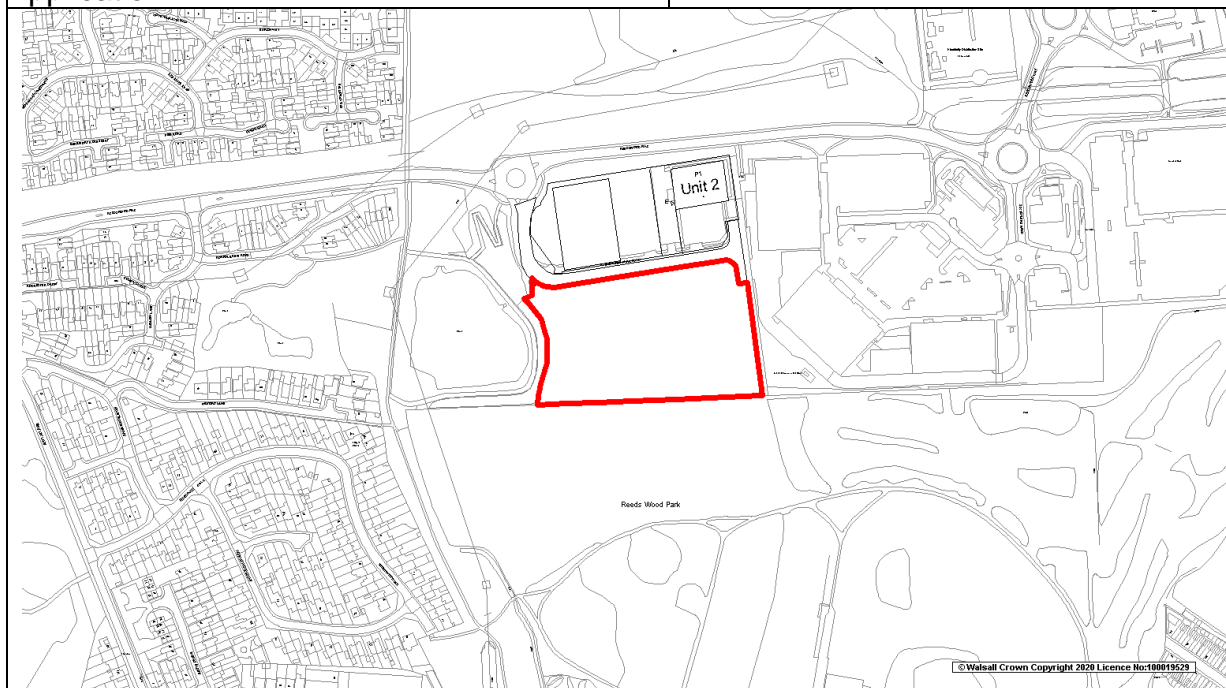
Ward: Birchills Leamore

Agent: Andy James

Expired Date: 15-Aug-2021

Application Type: Reserved Matters: Major Application

Time Extension Expiry:



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Recommendation:

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:
 - The amendment and finalising of conditions; and subject to final comments from the Council's Arboricultural Officer, Local Lead Flood Authority and Environment Agency.

Proposal

This reserved matters application follows a previous outline approval on the 2/5/18 for commercial development under application 17/0992 for 2 no. 2 no. commercial units falling into B2, B8 & E use categories (with ancillary offices), Associated Car and Cycle Parking, Service Yards, Drainage and Infrastructure, External Lighting, Boundary Treatments, Hard Surfacing & Landscaping (adjacent to Public Right of Way Wal44) at Land West of Walsall Retail Park, Reedswood Way.

The reserved matters to be considered as part of this proposal are as follows:

- Appearance
- Landscaping
- Layout
- Scale

The submission includes the following documents:

Design and Access Statement

Remediation Report Parts 1 and 2

Framework Travel Plan

Hydraulic Calculations

Landscape Masterplan

Letter- Historic Mineshafts

Letter- Ground Gas Protection

Air Quality Assessment

Boundary Treatment Details

Noise Impact Assessment

EV charging point details

Proposed Cycle Shelter details

Surface Water Hydraulic Network Plan

Units 3 and 4 Drainage Layout

The buildings will combine manufacturing/assembly with associated ancillary office based functions and the elements of storage.

Unit 3 measures 12.5m in maximum height with a dual pitch roof with eaves of 11.1m. It would measure approximately 57m in maximum width and 55m in depth. To the north elevation there would be a steel face composite sectional overhead door system with clear glazed vision panels and a steel fabricated entrance canopy with planar glass roof. To the south elevation there would be 2no steel faced door frames coloured mid-grey. To the west elevation there is extensive glazing and windows with 1no door and to the east elevation are 2no doors.

The unit would measure 3,251 sq.m GIA single volume including 244 sq.m of single office accommodation at first floor level. A 40m deep service area provides access to 2 level and 2 dock sectional overhead doors. There is space allocated for the parking of small vans and cars to the north of the unit. There are 41 staff and visitor parking spaces of which 3 are allocated for use by the less abled and 2 allocated for electric vehicle charging. A Covered cycle shelter is included close to the building entrance.

The unit would be constructed from a steel cladding system with profiled outer sheet and roof both coloured light grey. It would have pressed metal flashings coloured red. The front entrance would have a composite cladding system with micro-rib outer surface coloured white, a canopy with glass roof coloured white and a mettaline feature beam profiled edge trim coloured red and this would wrap around to the west elevation.

Unit 4 measures 14.96m in maximum height with a dual pitch roof with eaves of 13.1m. It would measure 106.7m in maximum depth and 65.5m in maximum width. To the north elevation there would be a steel faced composite sectional overhead door system with clear glazed vision panels, glazed windows, a composite cladding system with micro-rib outer surface coloured white, a steel fabricated entrance canopy coloured white and a mettaline feature beam profiled edge trim coloured yellow. To the south elevation are 3no steel doors, to the east elevation 2no doors and to the west elevation the canopy, beam and glazing would wrap around; there would also be 2no steel doors.

The unit would be constructed from a steel cladding system with profiled outer sheet and roof both coloured light grey. It would have pressed metal flashings coloured yellow. The front entrance would have a composite cladding system with micro-rib outer surface coloured white, a canopy with glass roof coloured white and a mettaline feature beam profiled edge trim coloured yellow and this would wrap around to the west elevation.

Unit 4 provides 6,968 sq.m GIA of which 522 sq.m forms two storey office accommodation. A 40m deep service area provides access to 2 level and 7 dock type sectional overhead doors. There are 84 staff and visitor parking spaces of which 5no. are allocated for use by the less abled and 4 allocated for electric vehicle charging. A covered cycle shelter is included close to the building entrance.

Site and Surroundings

The site is located off Reedswood Way, approximately 2km north -west of Walsall Centre. It is bound by Reedswood Way to the north, Reedswood Retail Park to the east, Reedswood Park to the south, and residential areas to the west. A newly constructed access road into the site has been taken from a recently improved and realigned roundabout along Reedswood Way.

The site is identified in the Site Allocation Document under Policy IND2 as Potential High Quality Industry as a vacant potential high quality industrial site over 0.4ha, reference IN58.

The overall site extends to some 4.037 hectares (9.98 Acres) although this application relates to 2 individual buildings referred to as Unit 3 and Unit 4 sitting within an application site area of 2.0 Hectares (4.94 Acres). The application land is currently undeveloped although benefitting from Outline Approval for commercial usage within categories B1, B2 & B8 under consent ref : 17/0992 granted in May 2018.

The proposed units are bounded to the north by the newly formed service road, the aforementioned Unit 1 and vacant land set aside for the future construction of Unit 2. To the immediate east is Reedswood Retail Park which is currently occupied by businesses such as Matalan, Carphone Warehouse and Dunelm. Also situated here is a drive thru McDonalds restaurant and a petrol station.

To the west, a landscaped area and more westerly, outside of the ownership boundary, the aforementioned balancing pond sits within land under the control of Walsall Metropolitan Borough Council. A Public Right of Way (Wal44) is situated to the west of the pond, running north / south with a new footpath/cycleway link connecting this to the new access along Reedswood Way. A new sub station, built as part of the previous phase and serving the whole development is situated at the top of the bank immediately west of this applications red line boundary. To the south a belt of mature trees and planting runs along the site boundary which abuts an open landscaped area known as Reedswood Park.

The application site is not within a conservation area, nor is it a listed building.

Relevant Planning History

BC25178P – Outline: Leisure Park (Waterpark, Health Centre, Cineplex, Hotel, P.H. Restaurants, Multi-Purpose Hall, Petrol Filling Station, Retail Park & Housing) Associated Car Parking, Access, Landscaping & Nature Park GSC 31/03/89.

BC35792P - Vary Condition No.1 of BC25178P (Large Scale Redevelopment) to Extend Period for the Submission of Details by 1 Year to Expire 31/3/93 – Granted 24/06/92.

09/0092/OL - Outline application for residential development (all matters reserved) – Withdrawn July 2009.

10/0610/OL Outline application (all matters reserved) for residential development – Resubmission of 09/0092/OL also affecting public footpath Wal44 – Refused for 2 reasons broadly relating to (1) loss of Best Quality Employment land and (2) failure to undertake adequate marketing to demonstrate why the site cannot be brought forward for employment uses. 03/12/10. Appeal dismissed 28/10/11.

17/0245 - Mounted free-standing marketing sign 4.048m (H) x 2.438m (W) within site – Approved advert for 5 years 08/08/17.

17/0992- Outline application for commercial development of the site for B1, B2 & B8 uses (approx. 18,500 sq.m floor space), with access only for determination (adjacent to Public Right of Way Wal44)- Approve reserved matters subject to conditions- 02.05.2018

18/1556- Proposed Development comprising of 2 no. commercial units falling into B1, B2 and B8 use categories (with ancillary B1 offices), Associated Car and Cycle Parking, Service Yards, Associated Electricity Sub Station, Drainage and Infrastructure, External Lighting, Boundary Treatments, Hard Surfacing and Landscaping- Approve reserved matters with conditions- 05.02.2019

19/0810- Variation of condition 24 on PA 18/1556 to vary the specifications of the security measures- GSC- 02.12.2019.

21/0859- Non material amendment to planning permission 18/1556 to allow for infill at ground floor level and additional 67sqm floor space at first floor level to accommodate increase ancillary office space (class E). Additional glazing at both ground and first floor level to new floor space. Minor changes to car parking configuration (positioning only) and built up vertical laid cladding introduced in lieu of composite- Grant 08.09.2021.

National Planning Policy Framework (NPPF)

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

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "presumption in favour of sustainable development".

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

On planning conditions the NPPF says:

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

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

On consultation the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

Reducing Inequalities

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- EMP1: Providing for Economic Growth
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- EMP3: Local Quality Employment Areas
- EMP4: Maintaining a Supply of Readily Available Employment Land
- EMP5: Improving Access to the Labour Market
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality
- WM5: Resource Management and New Development

Walsall Site Allocation Document (SAD)

IND2: Potential High Quality Industry. The application site is identified in the SAD as a Vacant Potential high Quality Industrial Site over 0.4ha: IN58 Reedswood Way, Walsall.

IND4: Local Industry Consider for Release

IND5: New Employment Opportunities

OS1: Open Space, Sport and Recreation

LC5: Greenways

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk

T2: Bus Services
T4: The Highway Network
T5: Highway Improvements

Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV11: Light Pollution
- ENV12: Hazardous Installations
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- JP8: Bad Neighbour Industrial Uses
- T1 - Helping People to Get Around
- T6 - Traffic Calming
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Air Quality SPD

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

Consultation Replies (Officer comments in italics)

Coal Authority: We note the imposition of Condition 7 on the outline permission, which requires submission of a layout plan with appropriate zones of influence identified for the mine entries on site and the surface mining high wall, albeit that this is a prior to commencement submission requirement.

In order for us to comment on the reserved matters in respect of layout of the development it would be helpful if a plan could be provided which shows how the layout relates to, and has taken account of, the recorded mine entries and their zones of influence and the surface mining high wall (if present).

Clean and Green: No comments received.

Environment Agency: No comments received.

Environmental Health: No comments received

BBC wildlife: No comments received

Fire Authority: No objection subject to a note to applicant regarding approved document b, volume 2.

Local Highway Authority:

- Support the application subject to conditions regarding access ways, vehicle hardstanding, manoeuvring and parking areas being consolidated, the

proposed cycle unit being fully implemented and for the travel plan to be delivered.

Public Rights of Way Officer:

- No objection and no requirements.

Public Health:

- No comments received

Local Access Forum:

- Wal 44 or local pavements will not be affected and edge of the site will be screened by existing trees. No objection.

Lead Local Flood Authority: No comments received.

Pollution Control: Recommendations as per previous outline should be extended. Require a working plan to be implemented, agree and install ground- gas protection measures, comply with the Black Country Air Quality SPD and noise limits for external machinery/plant. Conditions have been recommended and will be included on any permission.

Ramblers Association: No comments received.

Strategic Planning Policy: This is a key employment site and one of the highest quality sites in the Black Country. As the application is for reserved matters approval, it raises no new strategic planning policy issues and can be strongly supported.

Severn Trent: No objections subject to the inclusion of a condition regarding drainage plans for the disposal of fouls and surface water flows to be approved by the LPA. I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

Tree Officer: No comments received.

Western Power: No comments received.

West Midlands Police: No objection to this application; recommend principles of secure by design.

Representations

2 representations were received (one in support and one against the application) which can be summarised as follows:

- Hope the application will be approved.
- Site is inappropriate for commercial use.
- Fishing pool next to it- impact on nature.
- Noise pollution
- Increase in traffic.
- Detrimental impact to value of properties and on the lifestyle of the estate I live on.
- Application for adjacent warehouse has cause increase in traffic.
- Decrease green area in Walsall.
- Building work will increase stress.

Determining Issues

- Principle of Development
- Appearance
- Landscaping
- Layout and Scale
- Public Right of Way
- Residential Amenity
- Highways
- Flooding and Drainage
- Air Quality/Noise/EV charging points
- Contamination/Coal
- Impact on Natural Environment
- Security
- Other Matters
- Conditions

Assessment of the Proposal

Principle of development

The outline permission established the principle of the development, however this now needs further consideration in the context of the now adopted Site Allocation Document.

The site is identified in the Site Allocation Document under Policy IND2 as Potential High Quality Industry as a vacant potential high quality industrial site over 0.4ha, reference IN58. This is a key employment site and one of the highest quality sites in the Black Country. As the application is for reserved matters approval, no new strategic planning policy issues were raised.

It is therefore considered that the proposed development for Classes B1(b), B1(c), B2 and B8 purposes accords with both adopted and emerging policies as the site is allocated employment land to be used for high quality employment uses. Policies EMP1 and EMP2 of the BCCS, JP5 and JP6 of the UDP and IND2 of the emerging SAD allocate the site as employment land. The proposed development will also assist in the regeneration of this vacant site to support the local economy and provide jobs.

Appearance

Outline application 17/0992 approved 2no commercial units. The design of the scheme is typical of this type of development. It is considered the character of the area is mixed having a nearby residential estate and retail park. The design has more in common with the retail area being of a similar colour, scale and massing. The proposed canopies to the north elevation would be the most active frontage and is the most prominent facing onto the road. The detailing on the buildings is considered to

be robust and simplistic, constructed from high quality materials and representing a modern development. The proposed boundary treatments consist of a 2.4m high plastic coated metal paladin fencing which is typical of a unit of this type and would provide external security.

Landscaping

The outline application (17/0992) included general landscaping connect details for the overall site including the provision of an indicative landscape buffer to the north to provide screening from Reedswood Way.

The proposed landscaping is similar to the masterplan submitted with the outline application. The landscape buffer proposed to Reedswood Way would minimise any visual impact the development would have to users of the highway.

The Council's tree officer have been consulted and we are chasing final comments. It is therefore 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 final Arboricultural comments.

Layout and Scale

The layout of the development is similar to the indicative masterplan submitted. The proposal is considered to make the best use of land.

The proposed scale is similar with the outline approval. Condition 15 of the outline approval stated that the total external gross floor area of the entire development should not exceed 18,500sqm and should only be used for Class B1 (C) Business, B2 General Industry and B8 Storage and Distribution use classes only. The proposed units have a combined GFA of 10,219 which is acceptable. The height of the buildings (Unit 3-12.5m in maximum height and Unit 4- 14.96m in maximum height) is acceptable and would ensure flexibility for future potential occupiers and the operational needs of heavy goods vehicle delivery and it is considered that the distance between the buildings and residential properties is sufficient to not result in any significant loss of light or overbearing impact.

Public Right of Way

Definitive public footpath 44 Walsall, also known as the Ash Track, runs alongside the site's western boundary outline. However the area of the proposed development does not encroach onto, or directly adjoin this shared public footpath and cycle path. In addition, a new ramped access has been provided to connect Reedswood Lane and this public footpath during earlier planning approvals and this is shown to be retained and unaffected by the new development.

Residential Amenity

The proposed site is adjacent to Reedswood Retail Park where commercial occupiers are considered to be less sensitive to the proposed employment uses. The layout shows proposed units and parking nearest the boundary with the rear of the retail units so will not be obtrusive.

The site is segregated from the nearest housing by the open space and Reedswood Pool. The nearest housing in Norfolk New Road is over 100m away from the nearest part of the site (the new access from the roundabout). Given the intervening landscaping and distance separation it is considered that the proposals will not significantly harm the outlook from these properties. Retention of landscaping along Reedswood Way and boundaries to the open space and Reedswood Pool will help screen the site and reduce any potential visual impact.

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

Given the above mentioned distance to nearest residential occupiers, it is considered that any additional noise and disturbance would not be significant. It should be noted that Pollution Control do not object to the proposal, and have not requested a restriction on operating hours.

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

Together with the GFA of the Units 1 and 2 already built out, this equates to a total GFA on the whole site of 14,864 sqm of E(g)111/B2/B8 use which is well within the GFA limit of 18,500sqm set under Outline 17/0992.

Unit 3 proposed up to 42 parking spaces and Unit 4 up to 84 spaces. This is line with UDP T13 parking policy for B2/B8 uses. Although it is about 30 to 50% of the T13 parking policy requirement for E(g)111 use, it is considered the likely users of the development will be more akin to B2/B8 users rather than purely office users which has the same parking requirement as E(g)111 use.

There is also a Travel Plan to encourage sustainable travel modes. On balance the Highway Authority considers the level of parking acceptable. The access road named Reedswood Park Road is to remain private.

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 2019 paragraph 109.

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.

Outline application 17/0992 recommended detailed drainage to be secured via conditions to ensure adequate drainage is provided to cater for the proposed development in order to protect the surrounding environment from flooding and pollution. This included appropriate mitigation highlighted in the Flood Risk Assessment and Drainage Strategy submitted under outline application 17/0992 and would prevent run off impact on Reedswood pond.

The Lead Local Flood Authority and Environment Agency were consulted as per statutory requirement and the LPA have chased comments on this reserved matters application. 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 final LLFA and EA comments.

Air Quality/Noise/EV points

Air Quality and Noise Impact Assessments have been provided.

The Air Quality Assessment concludes that concentrations from operational impacts of increased traffic emissions will remain below objectives at sensitive receptors including nearby housing and are negligible. Concentrations of particulate matter and nitrogen dioxide also remain below objectives whether the site is developed or not taking account of worst-case sensitivity. On this basis further mitigation measures are not proposed. Despite the neighbour concerns the report demonstrates that air quality and air pollution are addressed.

The Noise Impact Assessment concludes that background noise levels are solely attributable to traffic noise but that night time noise limit for open windows would be achieved from the nearest properties on Norfolk New Road and Victory Lane. The noise impact of the proposed development is unlikely to give rise to noise disturbance. Noise limit criteria is recommended for plant installations associated with the new development. This should address neighbour concerns regarding traffic noise at night, noise levels and noise pollution.

Pollution Control officers recommend conditions to agree measures to comply with the Air Quality SPD and determine noise limits for external machinery and plant to further protect amenities. Subject to these measures the proposals will comply with policy ENV8 of the BCCS, policies GP2, ENV10, ENV32 and JP8 of the UDP and the Air Quality SPD.

Conditions can be attached to ensure that electric charging points and low NOx boilers are installed.

Contamination/Coal

In terms of contamination, remediation reports as per outline application 17/0992 were submitted. The reports considered made ground and proposals for buried concrete design, ground chemistry and ground gas. They recommended buried concrete design is suitable, ground chemistry falls below soils assessment criteria for industrial uses so no mitigation is required, no protective measures regarding naturally occurring Radon are necessary in the structural design of the proposed buildings and ground gas monitoring has recorded low concentrations of Methane and Carbon Dioxide. Appropriate mitigation measures are to be installed in the form of a geo-composite dispersal layer or strips under the slab.

Pollution Control officers recommend conditions to secure installation of ground gas protection measures and observe diligence in treating unknown contaminated land. On this basis contamination will be appropriately dealt with and the proposals comply with policies GP2 and ENV10 of the UDP.

A Coal Mining Risk Assessment was submitted under outline application 17/0992. The Coal Authority have commented on the application and note the imposition of condition 7 of the outline permission which requires the submission of a layout plan with appropriate zones of influence identified for mine entries on site and the surface mining wall. The Coal Authority have raised concern and stated that a plan should be provided showing how the layout relates to and has taken account of the recorded mine entries, zone of influence and surface mining wall however it should be noted that condition 7 was discharged on 31/12/2018 and therefore the requirements of this condition have already been met.

Impact on natural environment

The landscape masterplan shows new landscaping along Reedswood Way and along the boundary with the adjoining open space and pool which is welcomed. This will enhance the greenway and continue to provide habitat for wildlife and connectivity for wildlife with these other areas as well as enhancing the landscape value of the site.

An Ecological Assessment was submitted under outline application 17/0992 that stated the site has been colonised over the last 15 years by scattered scrub and young trees. The remaining grassland habitat includes a range of common species that support a small colony of dingy skipper butterfly, which is of regional significance. Habitats also support a range of birds and poplar trees may support nesting birds or roosting bats. The Reedswood pool is unsuitable for breeding habitat for Great Crested Newts. Whilst the individual habitats are low ecological value the site acts as a corridor for wildlife connectivity between other sites of ecological interest. Mitigation works were recommended to minimise impacts and create opportunity for habitat

improvements and this will be a condition of any approval.

On the basis that replacement habitats will be created to support the natural environment the proposals are considered to comply with policies CSP3 of the BCCS, ENV23 & ENV24 of the UDP and EN1 of the emerging SAD plus SPD Conserving Walsall's Natural Environment.

Security

The application layout and proposal now provides clarity for security measures.

It is recommended that a monitored alarm system and CCTV is installed and should be approved by NSI, SSAIB or both. Principles of secure by design are recommended and would be secured by condition.

Other Matters

1 objection was received. It should be noted that the principle of the development was established under 17/0992. Sufficient surveys were carried out in regard to Ecology, Noise Impact and Highways. Further there have been no objections from Pollution Control or the Local Highways Authority.

The recommendations of the Fire Authority regarding emergency vehicle access and equipment, and Severn Trent Water notes regarding sewer connections would be added as notes to applicant

Conditions

Many of the outline permission conditions relate to this reserved matters application so are repeated for this permission and there are updates to certain conditions as recommended below. as set out below.

Conclusions and Reasons for Decision

As set out above, it has been demonstrated that the proposal would bring forward the development of an allocated employment site and would provide 2no commercial facilities. The development would not result in harm to the character of the area, to nearby occupiers' amenity, to highways safety or operation of the highway network, or to other environmental factors as considered in the report.

The proposal is therefore considered acceptable subject to the conditions set out in this report, and subject to resolution from members to delegate the decision to the Head of Planning and Building Control to amend and finalise planning conditions, and subject to final Arboricultural, Local Lead Flood Authority and Environment Authority comments.

Taking into account the above factors it is considered that the application accords with the local and national planning policies and guidance set out in this report, and should be recommended for approval.

Positive and Proactive Working with the Applicant

Approve

Recommendation

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

- The amendment and finalising of conditions; and subject to final comments from the Council's Arboricultural Officer, Local Lead Flood Authority and Environment Agency.

Conditions and Reasons

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

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

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

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).

- Location Plan 14-050-PL-01 REV A received 27/07/2021
- Existing Site Plan- 14-050-PL-02 REV A received 27/07/2021
- Proposed Site Plan- 14-050-PL-03 received 26/07/2021
- Surface Water Hydraulic Network- sk200- received 26/07/2021
- Unit 3 Elevations and Section as proposed- 14-050-PL-05 received 26/07/2021
- Unit 3 Flood Plans as proposed- 14-050-PL-04 received 26/07/2021
- Unit 3 Roof plan as proposed- 14-050-PL-06 received 26/07/2021
- Unit 4 Elevations and section as proposed- 14-050-PL-08 received 26/07/2021
- Unit 4 Floor Plans as proposed- 15-050-PL-07 received 26/07/2021
- Unit 4 Roof Plan- as proposed- 15-050-PL-09 received 26/07/2021
- Units 3 and 4 Drainage Layout- 100 received 27/07/2021
- Boundary Treatment details- 14-050-PL-12 received 26/07/2021
- Design and Access Statement received 27/07/2021
- EV Charging point details prepared by Rolec Services Ltd received 27/07/2021
- Hydraulic Calculations by Nolan Associates Ltd dated 26/04/2021 received 27/07/2021
- Indicative Site Section- 14-050-PL-10 received 27/07/2021
- Landscape Masterplan- 6112/ASP3 received 26/07/2021
- Proposed Cycle Shelter details- 14-050-PL-11 received 26/07/2021

- Letter- Historic Mineshafts- received 27/07/2021
- Letter- Ground gas protection- received 27/07/2021
- Site Plan (showing historic mineshaft locations)- 14-050-SK-22-06-21/01 received 22/07/2021
- Existing & Proposed Access Arrangement (14-050-P03 Rev B) received 08/02/18
- Indicative Development Master Plan (14-050-P01 Rev G) received 08/02/18
- Planning Statement prepared by Woods Hardwick Planning Limited (RM/KJB/3089) (July 2017)
- Remediation Report prepared by Nolan Associates (GW/ES/2015-149)(July 2017) received 20/07/17
- Flood Risk Assessment & Drainage Strategy prepared by Nolan Associates (2015-149-RP-100- Rev 2)(November 2017)
- Landscape & Visual Impact Assessment prepared by Aspect Landscape Planning (July 2017)
- Transport Statement prepared by David Tucker Associates (SJ/NES/17250-01a)(February 2018) received 08/02/18
- Framework Travel Plan prepared by David Tucker Associates (SJT/NES/17250-02)(June 2017) received 08/02/18
- Tree Survey prepared by Rob Keyzor (September 2016) received 20/07/17
- Air Quality Assessment prepared by Air Quality Consultants (July 2017)
- Noise Impact Assessment prepared by Hoare Lea ((July 2017)
- Ecological Assessment & Protected Species Survey prepared by Arbor Vitae Environment Limited (September 2016)

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

3a. Prior to the commencement of the development of engineering and construction activities a Working Plan to control noise, vibration, dust, debris, and odours shall be submitted in writing to and agreed in writing with the Local Planning Authority.

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

3c. Four weeks before the works commence the developer shall inform the Local Planning Authority in writing providing Contact Details of site management.

Reason: To protect existing local amenity.

4a. Prior to the commencement of the development hereby permitted until details on how they will implement the requirements of the Black Country Air Quality Supplementary Planning Document shall be submitted in writing to and agreed in writing with the Local Planning Authority.

4b. 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.

4c. Prior to the occupancy of the development hereby permitted, until 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.

5a. 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.

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

Reason: In order to minimise potential disruption to the free flow of traffic on the A452 Chester Road and in the interests of highway safety.

6a. Prior to the commencement of the new site access road, engineering details of the modified roundabout and access spur including the layout and alignment, widths and levels of the proposed road works together with all necessary drainage arrangements and run off calculations, shall be submitted in writing to and agreed in writing by the Local Planning Authority.

6b. Prior to the first occupation of any unit on the development, the highway infrastructure works detailed under part (a) of this condition shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory completion and operation of the site access and public highway, in accordance with UDP Policy GP2 and in the interests of highway safety.

7a. Prior to the commencement of development hereby approved engineering details of the estate access road together with footway and footpath links, including the layout and alignment, widths and levels of the proposed road works together with all necessary drainage arrangements and run off calculations, shall be submitted in writing to and agreed in writing by the Local Planning Authority.

7b. Prior to the first occupation of any new Unit on the development, the adoptable highway works infrastructure works detailed under part (a) above shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with the Councils procedures for adopting new roads.

8a. Prior to the commencement of development hereby permitted until engineering details for the cycle and pedestrian link path to connect Reedswood Way, through the development site and connecting onto Public Footpath 44 Walsall shall be submitted in writing to and agreed in writing by the local planning authority. Engineering details are to include, but are not limited to;

- provision of a 3m wide tarmac path with edging, signs and motorcycle barriers as necessary.,

- Details must ensure level inclusive access with the use of the appropriate dropped kerbs with tactile and gradients of not exceeding 1:12,

- The proposed pedestrian and cycle link path shall be included within the Section 38 Agreement,

- Any changes required to the Public Footpath 44 Walsall at the junction with the proposed link path, or additional dropped kerbs with tactile at the proposed access road junction with Reedswood Way shall be included within the Section 278 Agreement.

8b. The proposed pedestrian and cycle link path required as part (a) of this condition shall be included within the Council's Street Lighting Survey along with the adopted access road.

8c. All of the above agreed details in parts a-b of this condition shall be provided prior to the paths being brought into use and occupation of the development.

8d. Prior to the commencement of the development hereby permitted until details of any safety fencing, signs and other measures to be provided around the balance pond, adjacent to areas of public access and public open space shall be submitted in writing to and agreed in writing by the local planning authority.

8e. The development hereby permitted shall not be carried out otherwise than in accordance with the approved safety fencing, signs and other measures agreed as part (d) of this condition, prior to the paths being brought into use and the approved details shall thereafter be retained for the lifetime of the development.

8f. Measures agreed under part (e) of this condition are to be included within the site management plan to ensure ongoing maintenance for perpetuity.

Reason: In the interests of the safety and security of highways users and to ensure opportunities for sustainable travel to the proposed development.

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

9b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

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

10. Prior to the occupation of either unit of the development hereby permitted all access ways, vehicle hardstanding, manoeuvring and parking areas serving that unit shall not be carried out otherwise than in accordance with being consolidated, hard surfaced and drained together with the clear demarcation of all parking bays. These areas shall thereafter be retained and used for no other purpose.

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

11. Prior to the occupation of either unit of the development hereby permitted, the proposed cycle shelter serving that unit, shall not be carried out otherwise than in accordance with the approved details. 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.

12. Upon first occupation of either unit on the development hereby permitted, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained within the David Tucker Associates Framework Travel Plan dated 23rd June 2017 approved under Condition 13 of Outline permission 17/0992 and developed into a working Travel Plan under permission 18/1556, shall be further developed to include to a full Travel Plan and shall be implemented, monitored and reviewed for the lifetime of the development, in accordance with the approved Plan, as required under Condition 13 of Outline permission 17/0992.

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

13a: Prior to the occupation of the development hereby permitted shall not be carried out otherwise than in accordance with the approved Landscape Masterplan as shown on drawing 6112/ASP3 dated APR 2021 and received on 26/07/2021 and shall thereafter be maintained and managed in accordance with the approved details.

13b: 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.

14: Prior to the occupation of the development hereby permitted the approved electric vehicle charging points shall not be otherwise than installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

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 and DEL1 of the Black Country Core Strategy.

15. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Flood Risk Assessment (FRA)/Drainage Strategy 2015-149-RP-100 Rev 2 dated November 2017 and the following mitigation measures detailed within the FRA:

- i. Ensuring the surface water run-off generated by the site will not increase the risk of flooding off-site or on the site itself.
- ii. Provision of an appropriate calculated volume of flood storage in the downstream pond (and within the site) to a 100year + climate change standard.
- iii. Confirm which responsible body will maintain the surface water system over the lifetime of the development according to an acceptable maintenance schedule and that is achievable.
- iv. Ensure suitable sustainable drainage elements are included to protect water quality in the downstream fishing pond.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

16. The development hereby permitted shall not be carried out otherwise than in accordance with the Remediation Report prepared by Nolan Associates reference GW/EJS/2015-149 dated July 2017 and the following mitigation measures detailed within the Remediation Report:

- i. Prior to built development commencing a 'Remediation Statement' setting out the precise details of remedial measures, methodologies, and materials to be used to deal with the ground gas present on the site shall be submitted in writing to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- ii. The remedial measures as set out in the 'Remediation Statement' required by part i) of this condition shall be implemented.
- iii. If during the undertaking of remedial works or the construction of the approved

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

- iv. Prior to the occupation of the development hereby permitted a Validation Report confirming the details of the measures implemented 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. (see Note for Applicant CL3)

Reason: To ensure safe development of the site, to protect human health, and the environment and to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

17. Machinery and equipment, either individually or cumulatively, shall be operated or designed not to give rise to noise levels that will result in:

- Plant, equipment, machinery associated with the development shall not give rise to a Noise Rating exceeding NR45 as determined 1 metre from the facade of any occupied residential premises.
- The applicant shall demonstrate compliance with the above acoustic conditions at the written request of the Local Planning Authority. For the purpose of clarity, this shall be determined by measurement and/or calculation.

Reason: To protect the amenity of nearby residential premises.

18a: The development hereby permitted shall not be otherwise than completed using the external materials as shown on the submitted plans and the facing materials shall thereafter be retained for the lifetime of the development.

18b: Prior to the first occupation of the development hereby permitted, the boundary treatments as shown on 'Boundary treatment details- 14-050-PL-12' dated April 2021 and received on 26/07/2021, shall not be otherwise than installed and thereafter retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

19. Notwithstanding the details submitted, the development hereby permitted as shown on submitted plans shall not exceed a total external gross floor area of 18,500 sq.m and shall not be otherwise than in accordance with planning use Classes B1(c) Business, B2 General Industry and B8 Storage and Distribution only.

Reason: To ensure the vehicular trips to the development are in accordance with those predicted within the submitted David Tucker Associates Transport Assessment date 6th February 2018, in the interests of the free flow of traffic on the public highway and highway safety, UDP Policy GP2, T1,T4, T7, T13, BCCS TRAN2 and the NPPF.

20a: Notwithstanding the details as submitted and prior to the installation of any external lighting for the development hereby permitted until details of the lighting including the intensity of illumination and predicted lighting contours have been submitted in writing to and agreed in writing by the Local Planning Authority. Such details must be able to demonstrate a sympathetic external lighting scheme which would safeguard local bat populations.

20b: The development hereby permitted shall not be carried out otherwise than in accordance with the approved lighting details and the approved lighting details shall thereafter be retained for the lifetime of the development.

Reason: To safeguard protected and important species and habitat in accordance with Saved UDP Policies GP2, ENV11, ENV23 and ENV32, BCCS Policy ENV1, SAD Policy EN1, NE1 to NE6 of the Natural Environment SPD and the NPPF (except in so far as other conditions may so require).

21: 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.

Notes to applicant:

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 2012; British Standard BS10175: 2011 +A1:2013 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); 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 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 records and results of any post remediation ground gas testing are available then these 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.

Advisory note

The Contaminated Land Investigation has identified that there is localised ground contamination within the area of this proposed development, which may present Health and Safety implications for persons undertaking ground works. This information should be brought to the attention of the builder or contractor undertaking any ground works in order that they may implement any Health and Safety at Work precautions they feel appropriate.

Notes for Applicant: Air Quality SPD

The mitigation measures within the SPD range from:-

- Type 1 – installing electric vehicle charging points and low NOx boilers;
- Type 2 – also consideration of travel plans, encouraging modal shift, designating parking for low emission vehicles, Fleet Operations strategy for considering and reducing emissions, etc.; and
- Type 3 – for major developments also evaluation of contribution to increased ambient concentrations due to emissions and translating such additional emissions into damage costs.

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

An external weatherproof and lockable covered 32 Amp external 7 pin charging socket to comply with EN 62196-2 and be compatible with a J1772 Type 2 connector. The charging unit should feature a Mode 3 (IEC 61851) communication module.

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

Each charging unit 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: Working Hours

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

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

Notes for Applicant: Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

2. Note: Any alteration to existing street lighting or new street lighting shall be with the agreement of the Council's Public Lighting Manager in consultation with Amey, the Council's street lighting partner.

Notes for Applicant: Public Rights of Way

1. A permit to work and/or temporary prohibition of traffic order may be required if any work associated with the development takes place within, or adjacent to, or within, public footpath 44 Willenhall alongside the site's western boundary. No excavations, scaffolding, hoarding, signage, movement and storage of materials, or other obstructions associated with the proposed development are to be present within, over or underneath the adjoining path without prior agreement of the highways authority. Prior to commencement the applicant must provide details to highways and apply for any necessary permits. Upon completion, the applicant must reinstate the paths to their present condition. Please contact Public Rights of Way on PubliRightsofWay@walsall.gov.uk or 07415 234156, at least 28 days prior to commencement of works within the footpath to discuss the requirements.

2. Public rights of way may sometimes be in existence which are not shown on the definitive map and statement. In accordance with section 31 of the Highways Act 1980, where a route has been enjoyed by the public without interruption for a period of 20 years, a claim can be made under section 53 of the Wildlife and Countryside Act 1981. No evidence or claims have been received in relation to this at this location. Should any details be received during the proposed development works, it may become necessary for any unrecorded public rights of way to be extinguished by implementation of a legal order. Any details should be referred to publicrightsofway@walsall.gov.uk at the earliest opportunity.

Notes for Applicant: Environment Agency

The applicant / developer should refer to our document 'The Environment Agency's approach to groundwater protection', available from gov.uk. This sets out our position on a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heating and cooling
- Drainage
- Storage of pollutants and hazardous substances
- Management of groundwater resources

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on our website (www.gov.uk/environment-agency).

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution

- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position Statement on the Definition of Waste: Development Industry Code of Practice and;
- The [Environmental regulations](#) page on GOV.UK.

Waste to be taken off site

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the [Hazardous Waste](#) pages on GOV.UK for more information.

Notes for Applicant: Police

The applicant is recommended to develop the proposal to the enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design' Commercial Developments.

http://www.securedbydesign.com/professionals/pdfs/SBD_Commercial_2015_V2.pdf

Notes for Applicant: Severn Trent Water

There is a public 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 if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

Notes for Applicant: West Midlands Fire Service

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. Turning facilities should be provided in any dead-end access route that is more than 20m long. Buildings not fitted with fire mains, 2000m² to 8000m² and top storey less than 11m from ground level should have access for a pump appliance to 15% of the perimeter. Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK: <https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>.

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

The approval of Building Control will be required to Part B of the Building Regulations 2010.

END OF OFFICERS REPORT