



## Economy, Environment and Communities, Development Management

### Planning Committee

Report of Head of Planning and Building Control on 06 January 2022

Plans List Item Number: 2

#### Reason for bringing to committee

Major Application

#### Application Details

**Location:** HARTSHORNE MOTOR SERVICES LTD, BENTLEY MILL CLOSE, BENTLEY, WALSALL, WS2 0BN

**Proposal:** DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE INCLUDING THE ERECTION OF A NEW VEHICLE WORKSHOP, BODY SHOP AND ASSOCIATED OFFICE, HGV SALES, VEHICLE WASH BAY, SERVICE AREAS AND CAR PARKING (SUI GENERIS)

**Application Number:** 21/1275

**Case Officer:** Helen Smith

**Applicant:** Andrew Fletcher

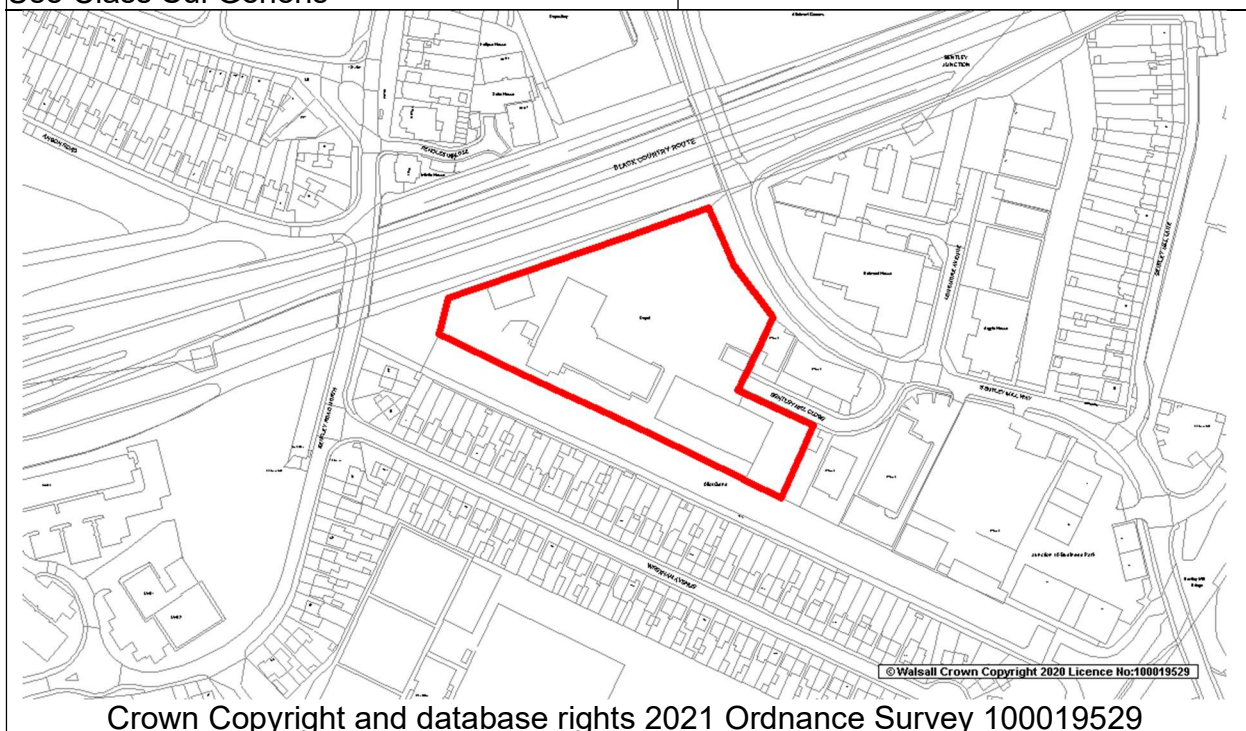
**Ward:** Bentley And Darlaston North

**Agent:** Paul Shuker

**Expired Date:** 18-Nov-2021

**Application Type:** Full Application: Major Use Class Sui Generis

**Time Extension Expiry:**



## Recommendation:

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a S106 to secure implementation and monitoring of the Travel Plan and subject to;
  - 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 the Public Lighting Officer (External Lighting), Tree Officer and Environmental Protection (Asbestos)

## Proposal

This planning application seeks consent for demolition of existing buildings and redevelopment of the site including the erection of a new vehicle workshop, body shop and associated office, HGV sales, vehicle wash bay, service areas and car parking (Use Class Sui Generis). Since this planning application was submitted the planning agents have submitted a separate prior approval application for demolition. The total gross new internal floor space proposed is 900 sq. metres.

The total number of full-time equivalent employees at the site would increase from 75 to 90. The Planning Agent has advised that the application site is currently in 24 hour use and the requirement is to continue with this.

The proposal states that the applicants wish to rationalise their existing site to be able to provide a more efficient facility with scope to accommodate future change in relation to vehicle servicing and the potential consideration of servicing electric powered vehicles in the future. The proposal would redevelop an existing brownfield site.

The proposal considers the phasing and delivery of the building to enable the existing site to function and deliver current services whilst the new facility is under construction. To enable continued working during construction the existing workshop and offices and parts departments would be retained during phase 1 whilst the new workshop, offices and parts department are built and then demolished as part of phase 2.

The proposal states that its aims are to design a building that proposes sustainability through using technologies such as photovoltaics to assist in energy production to supplement building running costs.

A proposed new portal framed, workshop facility would include 7 bays for the servicing and repair of heavy goods vehicles, buses, refuse trucks and emergency vehicles. 6 of the bays would have a drive through arrangement to improve manoeuvring and safety. This would be located to the north of the site with external concrete hardstanding areas for vehicle manoeuvres, layovers, and external storage.

Ancillary to the workshop bays would be a reception, drivers rest room, meeting room, office, parts storage, and welfare facilities located to the eastern end of the building.

Most of the site to the south would be allocated for vehicle layover, parking and an area would be used for new and used truck sales display. There would be a 20 bay layover area, 46 car parking spaces including 3 accessible bays and service provision for electric vehicle charging. A covered 10 cycle shelter would be provided, and new gatehouse located adjacent to the secure access gate. A temporary security cabin would be installed during construction.

Staff and visitor parking and truck sales display would be located on the south eastern corner of the site. An area is identified and allocated on the site layout plan to provide for external storage, skip compound and waste segregation and recycling. Parts will be delivered to the rear of the workshop building into the parts store and there is internal access through to the reception and workshop areas.

The workshop and attached two storey office area would be;

- 10 metres high (*existing workshop between 10.4 and 10.6 metres high*)
- 7 metres high haunch height to provide HGV operating headroom
- 29.7 metres wide
- 68.8 metres long

Proposed materials for the new development include grey colour profiled metal cladding, anthracite grey colour aluminium framed windows, insulated grey colour spandrel panels, anthracite grey colour aluminium framed curtain walling, black brick, fair faced blockwork, and steel and sectional personnel and loading bay doors colour grey.

A wash bay facility would be provided adjacent to the workshop and this would be partially enclosed with block built walls to the sides and rear. This facility would be for the sole use by Hartshorne Motor Services for washing serviced and repaired vehicles on site and would not be open for use by the public. A new Armco safety barrier would be installed along the western elevation of the wash bay.

The first floor of the workshop would provide office accommodation, conferencing with a 20 person board room and meeting room facilities, breakout and changing facilities. There would also be a first floor parts storage area to the rear with a gated balustrade to enable forklift access from ground floor. Stairs, kitchenette, and a lift would be included.

The existing 2 bay MOT workshop to the west of the application site would be retained and extended by 1 bay and refurbished into a new body shop facility. This would involve re-cladding, new roofing, and sectional doors with existing slab/pits to be retained.

The site would be secured by the existing boundary conditions to the northern, western, and southern boundaries (i.e. security fence and soft landscaping/trees). The southern boundary consists of a 2 metres high solid concrete panel fence.

A new 2.4 metres high weld mesh powder coated black, paladin type security fence designed to prevent climbing is proposed along Bentley Mill Close and the eastern boundary. Gates will be electrically operated sliding automated access gates with a new security kiosk at the end of Bentley Mill Close. A full external CCTV will be designed and installed on site if approved.

New concrete wheel stop to the south would be installed and located to prevent vehicle clashing with existing trees. The existing boundary fence to the south would be retained and made good.

Proposed external lighting details have been provided which consider the avoidance of overspill towards any area of permanent residency.

A number of trees including an Ash (T7), Whitebeam, Sycamore and Norway Maple (LG8) would require removal and are all reported to be Category C – Low Quality trees by the submitted Arboricultural Assessment Report. There are no protected trees on or adjacent to the application site however there are trees considered to be of high amenity value.

A separate Prior Approval application for demolition has been submitted since the planning application was made.

The application is supported by the following documents;

Air Quality Assessment August 2021 by WSP which concludes the following;

- Through good site practice and the implantation of suitable mitigation measures the impacts of dust and particulate matter releases on local air quality from construction site activities will be not significant
- Operational phase impacts are deemed to be not significant and there is no specific requirement for mitigation, however the installation of electric vehicle charging points and the implementation of a travel plan would further reduce emissions to air associated with the proposed development.

Arboricultural Assessment Report August 2021 by WSP

- Removal of 4 Category C – Low Risk trees would be necessary
- The loss of LG8 trees would have an amenity impact on residents from the loss of screening. These trees will need to be replaced to mitigate the screening value.
- Tree T13 (Category U) is recommended for removal in the interests of public safety rather than as necessary to facilitate the proposed development.
- Some works would be within the RPAs of retained trees (LG1, T2, T4, T5, LG6 and LG9) and the impacts are considered minimal and acceptable provided a sympathetic methodology is adhered to as outlined in Appendix H of the report.

- Crowns on G11 and G12 will need to be managed to avoid conflict with the workshop.
- Tree pruning and management will be required to minimise the potential for branch damage to occur during construction. These works will need to be specified once contractors' spatial requirements are known.
- All vegetation clearance should be completed outside of bird nesting season (March to September inclusive)
- Potential for net gain in amenity value and tree canopy if the existing trees are supplemented with additional new planting and an appropriate working methodology.

Asbestos Demolition Survey dated 15 & 18 October 2021 prepared by William Martin Compliance which includes details of their survey assessment, recommended actions, and timescales.

Badger Technical Note dated 01/09/21 by WSP which concludes:

- Badger are considered likely absent from the survey area and no further surveys are requested to inform the planning application however as woodland to the north of the site retains suitability for badger.
- A pre-commencement walk-over of the woodland area is recommended immediately prior to construction to assess any changes to the baseline presented in the report.

Bat Roost Survey Report August 2021 prepared by WSP which concludes;

- Dusk emergence/dawn re-entry surveys carried out on all 3 buildings and identified low roosting suitability within the site. No bat roosts were identified, and overall levels of bat activity were relatively low.
- As no bat roosts were recorded no avoidance, mitigation or compensation measures are recommended. However, enhancement opportunities as detailed in the report are recommended.

Construction Environmental Management Plan (CEMP) dated 17/11/21 by Blue Earth Construction which provides details on;

- Waste, noise, maintenance, training, emissions to air, vehicles and vehicle routing and lighting during the proposed demolition and construction phase.

Design and Access Statement July 2021 prepared by Jefferson Sheard Architects which includes the following comments;

- The proposed main workshop building has been located away from the southern boundary to minimise impacts on residential properties to the south.
- Much needed modernisation of the exiting site re-utilising a brownfield site within a predominantly industrial area
- Designed with due regard to relevant planning policies of Walsall Council promoting high quality and efficient design to ensure successful future operations for a key service providing essential vehicle repair and restoration services to the area.



- Accessibility has been incorporated into the building design as required by the Equalities Act.

Design and Operational Statement – 1927 prepared by Jefferson Shead Architects which explains the processes undertaken prior to the submission of the planning application including discounting the feasibility of temporary relocation of the business during construction works and the operational requirements for the site.

Exterior Lighting Details dated 29/11/21

Flood Risk Assessment dated 3/8/21 prepared by Eastwood & Partners Consulting Engineers which concludes;

- The site is in Flood Zone 1 not at significant risk of fluvial flooding
- Ground levels on site would be altered to remove localised depressions and new surface water drainage provided which follows the SuDS hierarchy
- Surface water discharge to sewers restricted to brownfield rate subject to Severn Trent Water approval.
- Attenuation of rainfall events up to 1 in 100 year plus climate change will be provided by proprietary below ground storage units and oversized pipes
- All surface water run-off from hard paved area should pass through an oil interceptor before discharging off site
- Foul effluent should discharge via gravity to the on-site public foul sewer running parallel to Bentley Mill
- The level of risk and safeguards available are considered appropriate for this class of development

Geotechnical and Geo Environmental Desk Study dated 30/07/21 prepared by Eastwood & Partners Consulting Engineers recommends further ground contamination works by means of intrusive ground investigations are undertaken along with a site specific risk assessment and method statement prior to any site works which would include the potential presence of the contaminants identified and voids.

Phase 2 Geotechnical and Geo Environmental Site Investigation Report dated 30/7/21 prepared by Eastwood & Partners Consulting Engineers which recommends further work to investigate ground contamination and investigation of soils on site, gas monitoring wells etc.

Noise Assessment dated August 2021 by WSP which provides an initial estimate of noise impacts and concludes;

- Noise from external plant (jet wash), noise breakout from the workshop and body shop, HGV movements have been assessed and the assessments indicates that the rating level does not exceed the background sound level, this is an indication of low impact depending on the context.
- The main sources of noise associated with the development have been assessed and it has been concluded that there would be no adverse noise impacts and that the proposal is compliant with local and national policies with respect to noise.

Planning Statement dated 18/08/21 prepared by Lambert Smith Hampton which concludes;

- The proposals meet the requirements of the relevant policies within the adopted Walsall development plan in relation to flood risk, drainage, noise, amenity, ecology, bio-diversity, air quality, arboricultural, transportation and highway matters and contaminated land.
- The proposal amounts to sustainable development and there are no significant demonstrable adverse impacts arising from the proposals that would outweigh the considerable benefits of the scheme.
- Proposals wholly accord with the Policies contained within the Development Plan bearing in mind Section 38(6) of the Planning and Compulsory Purchase Act 2004, they consider planning permission should be granted for the proposed development without delay.

Preliminary Ecological Appraisal August 2021 by WSP which concludes:

- The site and its immediate surroundings had the potential to support protected species and further surveys for bats (*provided by the planning agent*) and badgers are recommended.
- A number of mitigation and environmental best practice measures are recommended to avoid adverse impacts on the surrounding environment, and any protected species or habitats.
- These include sensitive lighting and best practice working with regards to pollution control to avoid impacts on local designated sites.

Transport Statement dated August 2021 prepared by WSP which comments;

- The overall impact of the proposed development would be minor.
- As demonstrated the proposed development is in a sustainable location that is accessible by a variety of travel modes
- No unacceptable impact on highway safety or a severe impact on the road network
- Proposed development aligns with the NPPF, regional and local transport policies and strategies including Transport in Walsall Strategy and Walsall's UDP.

Travel Plan dated November 2021 prepared by WSP which states;

- That the Travel Plan includes measures that will encourage a variety of travel options
- Targets will apply once construction is complete and progress towards these targets will be monitored after 6 months and then every 2 years.
- Key steps are included which include the appointment of a travel co-ordinator for the site.

## **Site and Surroundings**

Hartshorne Motor Services Ltd are located to the west of Junction 10 of the M6 just off Bentley Mill Close and to the south of the Black Country Route (A454) which forms part of the Strategic Highways Network. Access to the site would be unchanged and is via Bentley Mill Close.

The application site is a well-established commercial vehicle servicing and sales site located on a triangular area of land which includes a range of buildings of various age and purpose. There is a dense tree belt to the north of the site between the site and the A454. There are mature trees along the western and southern boundaries which screen the application site from residential properties.

The ground level of the application site is approximately 3.2 metres higher than houses on Wrexham Avenue as levels increase in a northerly direction. A sectional drawing indicating the levels in relation to neighbouring buildings has been provided.

Along the southern edge of the application site there is a strip of urban open space utilised as allotments separating the site from residential properties fronting Wrexham Avenue. The rear habitable room windows serving houses on Wrexham Avenue are a minimum of 35 metres from the southern boundary of the application site. The immediate surrounding area consists of a mix of residential, industrial, and commercial uses.

The site area is circa 13,680 sq. metres (1.37ha).

To the south east of the site there is a designated SLINC which form part of the Anson Branch Canal which is 180 metres from the application site. To the north west of the application site is the Anson Road designated SLINC which is 58 metres from the site and located on the opposite side of the Black Country Route.

The site is allocated as potential high quality employment land with site reference IN91.2 under policy IND2 of Walsall's Site Allocation Document.

Cadent Gas have advised that the proposal is in close proximity to their medium and low pressure assets.

## **Relevant Planning History**

21/1594 – Prior Approval: Phases 1 & 2 demolition of workshops and offices – under assessment.

18/0848 - Installation of new vehicle Spray Booth within existing building, and associated galvanised extract flues, through existing roof –GSC 16/08/18

17/1453 - Display of various illuminated and non-illuminated advertisements, including fascia and free standing advertisements – GSC 20/12/17



11/0486/FL - Construction of a new parts storage facility – GSC 3/11/11

06/2015/FL/W5 – Internal alterations and replacement of existing flat roof with mono pitched roof – GSC 15/01/07

02/1607/FL - Proposed alterations sales office block – GSC 28/10/02

BC56340P - Proposed two storey gatehouse building – GSC 18/08/00

BC55174P - 1 No Freestanding Pole Sign 2000 x 875m – GSC 03/12/99

BC51792P - Installation of Extract Stacks for Commercial Vehicle Spray booth – GSC 21/07/98

BCW440 – Erection of a commercial vehicle MOT testing station – GSC 30/01/95

## Relevant Policies

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

[www.gov.uk/guidance/national-planning-policy-framework](http://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 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding, and coastal change**

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.

### **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. 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
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows

- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- JP8: Bad Neighbour Industrial Uses
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

## **Black Country Core Strategy**

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- EMP1: Providing for Economic Growth
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- EMP3: Local Quality Employment Areas
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- 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

## **Walsall Site Allocation Document 2019**

IND2: Potential High Quality Industry

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk

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
- 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

**Archaeology** – No objections

**Asset Management** – concerns raised as ownership of land within the plan is being reviewed with Legal Services

**Cadent Gas** – They have advised that the proposal is in close proximity to their medium and low pressure assets however they have no objections to the proposal and require the inclusion of an informative note to be included into the decision notice if approved.

**Coal Authority** – No objections subject to the inclusion of planning conditions requiring intrusive site investigations to be undertaken and the submission and implementation of an agreed scheme of remedial works

**Community Safety Team** – No objections and recommend the inclusion of PIR lighting around the car park and boundary to alert any incursion to the site.

**Environmental Protection (Pollution Control)** – No objections subject to the inclusion of planning conditions in respect of asbestos, CEMP, air quality and contaminated land, if approved.

**Fire Officer** – No objections subject to compliance with 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. An informative note can be included.

**Highways England** – No objections

**Local Highways Authority** – No objections subject to the inclusion of planning conditions in respect of hard-surfacing, modification of the dropped kerb crossing, cycle shelter details and travel plan, if approved. Please note that the Travel Plan would require securing by a S106 agreement rather than a planning condition if required.

**Natural England** – No objections

**Police, Designing out Crime Officer** – No objections and recommend the principles of Secured by Design which can be included as an informative.

**Public Lighting Officer** – Further information is required in the form of an obtrusive light report before final comments are made. This will be updated at planning committee if received beforehand.

**Severn Trent Water** – No objections subject to the inclusion of a drainage condition if approved. An informative note can be included for the applicant.

**Strategic Planning Policy** – No objections

**Tree Officer** – Objects and requires further information to be provided

## **Representations**

*Officers' comments in italics*

Objections have been received from 6 residents on the following grounds;

- Noise and pollution from lorries moving to the south of the site nearer to houses
- No details of the spray booth (*the planning agents have advised there will be no spray booth on the site as the body shop will be demolished*)
- Discrepancy on hours of work in relation to previous planning approvals and the report by Lambert Smith Hampton (paragraph 2.2.4) which states 0600 to 22:00hrs 7 days a week. Their last planning application stated 08:00 to 18:00 hour Monday to Friday and 08:00 to 13:00hrs Saturday not to include Sundays or bank holidays and doors should remain closed at all times. (*the current planning statement provided by Lambert Smith Hampton does not include a paragraph 2.2.4*)
- Loud music played at 2am (*Noise nuisance is investigated via third party environmental legislation and outside the scope of planning enforcement*)

- Horns at all hours of the day and night (*Noise nuisance is investigated via third party environmental legislation and outside the scope of planning enforcement*)
- Detrimental impact on health
- Loss of property value (*not a material planning consideration in this instance*)
- Permission for 24 hour lighting previously given and further lighting may cause a nuisance to residents.
- Spray from vehicle washing drifted into the gardens on Wrexham Avenue and clarification needed on the wash bay location (*the new wash bay is proposed to be located centrally on the site at the western end of the proposed new workshop and 51.7 metres from the southern site boundary*)
- Will the southern boundary fence be made good as per the plans as the fence is in a poor state of repair due to the tree line being planted too close and the roots are lifting the fence
- New MOT bay planning application reference BCW440 included time restrictions for its use which have never been adhered to.

## Determining Issues

- Principle of Development
- Design, Appearance and Character
- Amenity of Neighbours
- Ground Conditions
- Ecology
- Trees
- Flood Risk / Drainage
- Noise
- Air Quality
- Asbestos
- External Lighting
- Parking and Access

## Assessment of the Proposal

### Principle of Development

The application site is allocated in Walsall's Site Allocation Document as potential high quality employment land and is part of site reference IN91.2 under policy IND2.

This proposal seeks to upgrade the current site to provide modern premises for the existing use, so is considered will help to implement policy IND2. The site lies close to the M6 motorway Junction 10 which is currently being upgraded and the Black Country Route (A454) along with Wolverhampton Road West which has a bus route to Walsall Town Centre. This site is considered to be a sustainable location and would provide increased employment opportunities on the site. The proposal is therefore supported on strategic planning policy grounds.

The proposed development would be phased to ensure the continued operation of the business during the redevelopment. The existing workshop, offices and parts departments would be retained during phase 1 whilst the new workshop, offices and parts department are built and then demolished as part of phase 2.



The Council's Asset Management Team have concerns that part of the land within the red line may not be in the applicant's ownership. This is being reviewed as a separate legal matter to the planning application being considered and does not prevent the determination of a planning application.

### **Design, Appearance and Character**

The scale of the proposed new workshop and alterations to the site layout along with the proposed exterior materials are considered acceptable and would reflect the design and appearance of the existing buildings on the site and surrounding area.

The proposed palette of materials for the new development are considered would break up the perceived bulk of the new workshop and office building, if approved.

Specific materials details can be required by planning condition along with details of the proposed cycle shelter and the design of the proposed new gatehouse and boundary treatments.

The Designing Out Crime Officer has provided site security recommendations in accordance with Secured by Design which have been included as an informative note for the applicant.

The proposals aim to rationalise the existing site and provide a more efficient operation and whilst the layout and buildings on site would change if approved, it is considered that the commercial character of the site would essentially remain the same as the existing site.

### **Amenity of Neighbours**

The separation distance between the proposed new workshop, offices and wash bay and residential properties on Wrexham Avenue would increase from approximately 40 to 86 metres which is considered would limit the impacts of the operations carried out within these areas on neighbours existing amenity.

The existing tree line would continue to provide visual screening for residents and where trees will need to be removed, if agreed by the Council's Tree Officer, a replacement planting/landscape mitigation scheme can be required by planning condition to continue to protect residents' visual amenity in the longer term.

Layover parking for HGVs would be relocated along the southern boundary where space for 21 parking bays. The plans indicate that two HGVs can be accommodated in each layover parking space. This use would be closer to residential properties than the current layover parking which is further north on the site which may result in some disturbance from reversing alarms and headlights. There is a 2 metres high solid concrete fence along the boundary which provides an acoustic barrier and has been considered in greater detail in the Noise paragraph below. This fencing requires some repair and lengthening along the entire southern boundary to address noise concerns in line with the Noise Assessment report which can be included in a safeguarding

condition for boundary treatment. This development is considered to be in accordance with UDP saved policy JP8.

Planning application 18/0848 which was approved on 16/8/18 included a condition restricting the hours of operation for the paint spray booth only to the hours of 08:00am to 18:00pm Monday to Friday and 08:00 to 13:00pm Saturday and this planning condition can be carried forward if approved. However, the planning agent has advised that as the body shop is being demolished there will be no spray booth as this would not form part of the future operation.

The proposed new wash bay is proposed to be partly enclosed and located centrally on the site at the western end of the proposed new workshop and 51.7 metres from the southern site boundary which is considered would limit any impacts on neighbours existing amenity.

The previous MOT bay planning application reference BCW440 included time restrictions for its use which residents' state have never been adhered to. This condition can be carried forward to the current application if approved and residents may consider submitting a formal complaint to the Planning Enforcement Team.

Neighbours have commented that loud music is played at 2am and vehicle horns are being sounded during unsociable hours causing disturbance. UDP saved Policy JP8 requires that sites must be subject to stringent operational control to minimise disturbance to nearby firms or other uses. Noise nuisance can be dealt with via third party environmental legislation. Residents can raise complaints via the council's website for environmental protection officers to investigate, monitor and if needed take action.

Neighbours have commented that this development would have a detrimental impact on health however no evidence or further detail has been provided to corroborate this statement. Consequently, this concern will have limited weight in the assessment of the application. Given the location is a mix of commercial and residential, it is accepted that locations in these situations, it is acknowledged that noise and pollution levels tend be a little higher than suburban residential areas.

This is a long established motor vehicle servicing site which currently operates on a 24 hour basis. The current proposed redevelopment of the site is considered would on balance have limited additional impacts on neighbouring residential properties over and above that already experienced.

The additional impacts on neighbouring commercial premises are considered would be limited in this industrial location.

## **Ground Conditions**

### Coal

The Coal Authority state that the application site falls within the defined Development High Risk Area and therefore within the application site and surrounding area there

are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority (CA) records indicate that three recorded mine entries (shafts) are present within the planning boundary, with a further mine entry (shaft) very close to the application boundary. Their records also indicate, the site has been subject to historic recorded underground coal mining at shallow depth and is likely to have been subject to historic unrecorded underground coal mining at shallow depth. Thick coal seams also outcropped across the site.

The applicant previously submitted a Geotechnical and Geo-Environmental Desk Study (30 July 2021, prepared by Eastwood & Partners). Whilst the report recommended the investigation of both shallow coal mine workings and the mine entries, the CA confirmed that they do not support built development above mine entries, even where they have been treated. The CA confirmed that built development appeared to be being proposed directly over two recorded mine entries.

On account of the above, the CA objected to the planning application and confirmed that the applicant should be required to demonstrate the operational reasons as to why the proposed building is required to be where it is located, or whether the layout could be amended to avoid these coal mining hazards. They noted that there appeared scope to amend the layout to avoid the mine entries.

The CA considered that the building over or within the influencing distance of a mine entry raises significant safety and engineering risks and exposes all parties to potential financial liabilities and as a general precautionary principle, should wherever possible be avoided. Building over or within the influencing distance of a mine entry will only be permissible when expert advice allows a suitable engineering design to be developed and agreed to take account of all the relevant safety and environmental risk factors including gas and mine-water. This information should be submitted alongside the Coal Mining Risk Assessment and should be considered prior to the determination of the planning application.

The applicant has subsequently submitted a Phase 2 Geotechnical and Geo-Environmental Site Investigation Report (22 October 2021, prepared by Eastwood & Partners), the content of which confirms that identified shallow workings will require consolidation. Whilst no specific targeted investigation of the mine entries occurred, a Design & Operational Statement from Jefferson Sheard Architects (Undated) also now accompanies the application, the content of which confirms; that due to logistical requirements, the position of the proposed building cannot be moved to avoid the mine entries.

The CA has commented that they appreciate that it is not always possible to revise a development layout, and in this case the CA have accepted that the site constraints mean that building over the mine entries is unavoidable, but state that those concerned will require to be investigated/remediated.

The CA advise that they would generally expect a foundation solution to be agreed prior to determination. However, The CA would raise no objections subject to an appropriately worded planning condition being imposed on any consent granted.

The CA advise that intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary. The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. This can be included as an informative note for the applicant along with notes regarding mine gas and SUDs which may affect stability and safety risks posed by coal mining legacy, if the application is approved.

### Contaminated Land

Environmental Protection Officers have advised that the Applicant will need to undertake an asbestos investigation prior to demolition and remove any identified, in accordance with national regulations and guidance thereafter. The applicant shall implement a previously agreed Demolition and Construction Management Plan to control local impacts from dust generation, debris, site drag-out etc.

The Geotechnical and Geo-Environmental Desk Study, Eastwood & Partners, Ref. 46141-002, 30 July 2021 report acknowledges that site is likely to be contaminated, but given the proposed use then it should not be a major concern, unless gross pollution is encountered during demolition/construction works. The report recommends a ground gas investigation, which has also been raised by The Coal Authority in relation to potential mine gas being present.

Environmental Protection Officers have confirmed that they agree with the determination and have no significant concerns about contaminated land, but the applicant should undertake a ground gas investigation and agree and implement mitigation/remediation measures, if necessary. This matter can be addressed by planning condition if approved.

### **Ecology**

The Preliminary Ecological Appraisal states that the site and its immediate surroundings are considered to have the potential to support protected species. The Appraisal recommends that a number of mitigation and environmental best practice measures are required to avoid any adverse impacts on the surrounding environment, and any protected species or habitats. These include avoiding vegetation clearance during bird nesting season (March to August inclusive) or by conducting a bird nesting check no more than 48 hours prior to commencement by a suitably experienced ecologist if the works are required during this period.

This report states that measures must be taken to prevent dust and other emissions from construction affecting land and watercourses beyond the site. This may be through the use of dust suppressions, water sprays or other methods identified, and these

requirements would form part of a Construction Environment Management Plan condition if approved.

These protective measures also include sensitive lighting and best practice working with regards to pollution control to avoid impacts on local designated sites such as the Anson Branch Canal SLINC. This matter is under review by the Council's Public Lighting Officer as detailed in the report below.

A pre-commencement walk-over of the woodland area has been recommended immediately prior to construction to assess any changes to the baseline presented in the report. This requirement can be addressed by planning condition.

The Bat Roost Survey provided in support of the planning application states that dusk emergence/dawn re-entry surveys carried out on all 3 buildings and identified low roosting suitability within the site. No bat roosts were identified, and overall levels of bat activity were relatively low. As no bat roosts were recorded no avoidance, mitigation or compensation measures have been recommended.

However, enhancement opportunities are recommended in the report which include the installation of bat bricks, bat tubes and/or bat tiles into the fabric of any new building or any bat boxes to suitable retained trees to provide roosting opportunities. The creation of dark areas around the site, the use of louvres or hoods and minimal light levels necessary are recommended. The provision of an enhancement scheme can be required by a planning condition that meet the 6 tests and in accordance with the requirements of Conserving Walsall's Natural Environment SPD.

## **Trees**

The Arboricultural Assessment Report August 2021 prepared by WSP advises that the removal of 4 Category C – Low Risk trees would be necessary to facilitate the development. There are no trees on the site subject to tree protection orders however the trees provide important amenity value for neighbouring residents and the surrounding area.

The report states that the loss of trees referenced as LG8 would have an amenity impact on residents from the loss of screening and that these trees will need to be replaced to mitigate the screening value.

The Tree referenced as T13 (Category U) in the report is recommended for removal in the interests of public safety rather than as necessary to facilitate the proposed development.

The report states that some works would be required within the RPAs of retained trees (referenced as LG1, T2, T4, T5, LG6 and LG9) and the impacts are considered minimal and acceptable provided a sympathetic methodology is adhered to as outlined in Appendix H of the report which can be conditioned.

The report says that Crowns on trees identified as G11 and G12 in the report will need to be managed to avoid conflict with the workshop. Tree pruning and management will be required to minimise the potential for branch damage to occur during construction.

These works will need to be specified once contractors' spatial requirements are known and can form part of a planning condition if approved.

All vegetation clearance should be completed outside of bird nesting season (March to September inclusive) and there is the potential for net gain in amenity value and tree canopy if the existing trees are supplemented with additional new planting and an appropriate working methodology.

The Council's Tree officer requested a full copy of the Arboricultural Impact Assessment in order that they may make a full assessment of the proposed tree removals and retentions. This has been provided by the planning agents and final comments are awaited from the Council's Tree Officer which will be updated at planning committee. In general, the scheme is considered to be satisfactory and the report sensitive to the importance of trees on the site. The tree group, referenced as LG8 in the Arboricultural Assessment Report, whilst consisting of low quality specimens provides a good level of screening value between the application site and the neighbouring allotments and on looking residential properties.

The Council's Tree Officer considers that the loss of these trees, particularly in amenity value will have a residual effect that will persist for some years unless these trees are replaced as part of the proposed landscape mitigation strategy. The submission of a landscape mitigation strategy will be required, and this can be addressed by a planning condition that meets the 6 tests.

### **Flood Risk and Drainage**

The application is located within Flood Zone 1 and is considered not at significant risk of fluvial flooding. A Flood Risk Assessment (FRA) by Eastwood & Partners Consulting Engineers has been provided in support of the planning application as the site is greater than 1 ha.

Recommendations have been included in the report to address any potential flooding concerns which include the alteration of ground levels to remove localised depressions and new surface water drainage, the installation of below ground storage units, oversized pipes and surface water run off to pass through an oil interceptor before discharging off site. Foul effluent should discharge via gravity to the on-site public foul sewer running parallel to Bentley Mill. The FRA considers that the level of risk and safeguards available are considered appropriate for this class of development and safeguarding conditions can be included if approved.

Severn Trent Water have no objections to the proposal however they require the inclusion of a drainage condition for surface and foul water drainage. Additional information has been provided by the planning agents however Severn Trent Water have advised that they cannot accept the proposed surface water discharge rates provided. All other avenues of surface water sewers and highway drainage will need to be examined and proven not possible. If this is demonstrated, then Severn Trent Water have stated that they may then consider 5litres/second to the public foul sewer. They



have also advised that there are no legal rights for Severn Trent to accept any surface water run-off into their foul sewer network.

Additional information has been provided by the Planning Agent and Severn Trent Water have been re-consulted and their comments are awaited and will be updated at planning committee.

## **Noise**

The Noise Assessment report by WSP, has measured existing background noise levels and measured existing noise levels from activities that are undertaken at the Company's Birmingham site, which are now to be undertaken at the proposed site. Due to existing background noise levels, the measured noise from proposed activities, and distance from the proposed activity to sensitive receptors, no significant noise impacts have been predicted. Environmental Protection Officers agree with these findings and no further conditions or information in this respect is required.

The Noise Assessment report advises in Section 7.1.5 advises that the 2 metres high solid concrete panel fence along the southern boundary and near to residents on Wrexham Avenue has been included within the calculations on a precautionary basis with a 5dB reduction. It is considered that a concrete panel fence if maintained in good repair will provide a very good acoustic screen which will be important in relation to HGVs manoeuvring near to residential properties particularly with reversing alarms in the layover parking area to the south.

The recommendation is for the solid concrete boundary fencing to be installed along the entire southern boundary of the application site and the inclusion of a planning condition requiring the installation and ongoing maintenance of the fence in a good/solid state can be included. Environmental Protection Officers are satisfied with the findings and proposed conditions if approved in regard to noise attenuation on the southern boundary.

## **Air Quality**

This application is supported by an Air Quality Assessment prepared by WSP which states that good site practice and the implementation of suitable mitigation measures during the construction phase. The report states that operational phase impacts are deemed to be not significant and there is no specific requirement for mitigation, however the installation of electric vehicle charging points and the implementation of a travel plan would further reduce emissions to air associated with the proposed development are recommended.

Environmental Protection Officers have commented that although the Air Quality Assessment mentions electric vehicle charging points and a Travel Plan, a planning condition is recommended for the applicant to agree these measures as part of meeting the requirements of the Black Country Air Quality Supplementary Planning Document. Effectively, this will be required under the guise of an Air Quality Low Emission Scheme 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.

### **Asbestos**

The Applicant has provided an asbestos investigation report which is required prior to demolition and thereafter, shall implement a Demolition and Construction Management Plan to control local impacts. Additional information is required by Environmental Protection Officers before providing their final comments. This matter will be updated at the Planning Committee meeting.

### **External Lighting**

The Council's Public Lighting Officer has reviewed the external lighting proposals and ecological report.

The lighting design levels are considered to be acceptable per the CIBSE/SLL standards. However, an obtrusive light report to demonstrate the effect of light intrusion on the adjacent houses has been requested to establish how external lighting would affect neighbours' properties. The report should demonstrate compliance with recommendations contained in ILP GN01 2021.

If compliance cannot be achieved, then the Public Lighting Officer has advised that they will need to know by how much it cannot be achieved and what mitigations have been considered. There is a highway nearby and so they should make an impact statement on the likely effect on road users. Revised information has been provided and this aspect can be reported at planning committee once the information has been reviewed by the Council's Public Lighting Officer.

### **Parking and Access**

The Local Highway Authority have commented that in addition to the workshop, the main building will also include administrative office areas, a 20- person board room and three executive offices.

The new workshop facility will incorporate a seven bay workshop area that will be used for the servicing and repair of HGV's, buses, refuse trucks and emergency vehicles etc.

Applying the parking standards from the Walsall UDP, 28 car parking spaces would be required for the 2,629m<sup>2</sup> floor space to be provided on the site. The proposed increase to 46 car parking spaces is however deemed necessary given the fact that staff start, and finish shift times finish outside of the hours that public transport services connect to and from the site on Sundays.

Security staff also need to access the site 24/7, also outside hours when public transport services connect to and from the site. The proposed three accessible parking bays (6.5% of total) to be provided are also considered more appropriate for the site than the recommended 10% from the UDP given the nature of the site.

A snapshot staff parking survey has been undertaken in support of the planning application and the existing facility and shows that 34 cars were parked across the 41 staff car parking spaces at 15:00 hours, a time of day when all of the afternoon engineer

staff and all 30 office staff would be on site. This suggests that the small increase in car parking proposed on the site should be able to comfortably accommodate current demand as well as small future increases in staff numbers.

A Workplace Travel Plan will be implemented which will look to encourage modal shift away from car travel and a S106 agreement is likely to be required to secure the implementation and monitoring of the Travel Plan. Confirmation from the Local Highway Authority is awaited. 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. Planning conditions will be required in respect of hard-surfacing, modification of the dropped kerb crossing and cycle shelter details, if the application is approved.

## **Conclusions and Reasons for Decision**

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour concerns, it is considered the proposed re-development of this existing commercial vehicle servicing, repairs, MOT and sales is considered would be a positive contribution as the existing site would be updated to create additional employment opportunities for the borough and introduce improved and sustainable technologies.

The potential impacts of the re-development have been considered particularly in response to neighbours' concerns and it is concluded that any additional impacts experienced over and above those already experienced by residents would be limited. The use of safeguarding conditions will further ensure that the neighbours' amenity and impacts on the environment are protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

As such the development is considered to meet the aims and objectives of the National Planning Policy Framework, policies CSP4, EMP1, EMP2, EMP3, TRAN2, ENV1, ENV2, ENV3, ENV5, ENV6, ENV7 and ENV8 of the Black Country Core Strategy and saved policies GP2, GP5, GP6, ENV10, ENV11, ENV14, ENV17, ENV18, ENV23, ENV32, ENV33, ENV35, JP8, T7 and T13 of Walsall Unitary Development Plan, policies IND2, EN1, EN3, T4 and T5 of Walsall's Site Allocation Document and Supplementary Planning Documents Designing Walsall and Air Quality. Taking into account the above factors it is considered that the application should be recommended for approval.

The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment

## **Positive and Proactive Working with the Applicant**

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

## Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a S106 to secure implementation and monitoring of the Travel Plan and subject to;
  - 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 the Public Lighting Officer (External Lighting), Tree Officer and Environmental Protection (Asbestos)

## 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: -

- Existing Site Plan, drawing no. 1927-JSA-XX-XX-DR-A-01002 Rev. P2, deposited 19/08/21.
- Existing Sections –Sheet 1, drawing no. 1927-JSA-XX-XX-DR-A-03001 Rev. P2, deposited 19/08/21.
- Proposed Site Location Plan, drawing no. 1927-JSA-XX-XX-DR-A-01001 Rev. P2, deposited 19/08/21.
- Proposed Site Plan, drawing no. 1927-JSA- XX-XX-DR-A-01201 Rev. P5, deposited 11/11/21
- Proposed Site Sections, drawing no. 1927-JSA-XX-XX-DR-A-03200 Rev. P2, deposited 19/08/21.
- GA Plan First Floor, drawing no. 1927-JSA- XX-01-DR-A-02202 Rev. P4, deposited 09/11/21.
- GA Plan Ground Floor, drawing no. 1927-JSA- XX-00-DR-A-02201 Rev. P6, deposited 09/11/21.
- GA Roof Plan, drawing no. 1927-JSA- XX-RO-DR-A-02203 Rev. P3, deposited 09/11/21.
- Proposed Demolitions Plan, drawing no. 1927-JSA- XX-XX-DR-A-03101 Rev. P3, deposited 09/11/21.
- GA Elevations, drawing no. 1927-JSA- XX-XX-DR-A-04201 Rev. P3, deposited 09/11/21.
- Site Plan – Proposed External Lighting Plot, drawing no. E012, dated November 2021, deposited 30/11/21.
- Air Quality Assessment by WSP dated August 2021, deposited 19/08/21.
- Arboricultural Assessment Report by WSP, dated August 2021, deposited 19/08/21.
- Badger Technical Note by WSP dated 1/9/21

- Bat Roost Survey Report by WSP dated August 2021
- Design and Access Statement by Jefferson Sheard Architects, dated July 2021 deposited 19/08/21.
- Flood Risk Assessment by Eastwood and Partners, reference no. 46141-003 dated 03/08/21 and deposited 19/08/21.
- Geotechnical and Geo-Environmental Desk Study by Eastwood and Partners, reference no. 46141-002, dated 30/07/21, deposited 19/08/21.
- Phase 2 Geotechnical and Geo-Environmental Site Investigation, Issue 1, reference no. 46141-005 dated 22/10/21, deposited 25/10/21.
- Noise Assessment by WSP dated August 2021, deposited 19/08/21.
- Planning Statement by Lambert Smith Hampton deposited 19/08/21.
- Preliminary Ecological Appraisal by WSP dated August 2021.
- Street Lighting Data Sheet, deposited 19/08/21.
- Transport Statement by WSP, dated August 2021, deposited 19/08/21
- Exterior Lighting External, drawing no. ASD-DN-MR-0721-015-EXT-RESULTS, Rev. R00C, deposited 30/11/21
- Construction Environmental Management Plan by Blue Earth dated 17/11/21, deposited 19/11/21
- Design and Operational Statement by Jefferson Sheard Architects, deposited 15/10/21
- Exterior Lighting Details, Rev00c, deposited 16/12/21
- Proposed Drainage Strategy by Eastwood and Partners, reference 46141/AP/MW, dated October 2021, deposited 18/10/21.
- Travel Plan by WSP, dated November 2021, deposited 22/11/21.
- External Drainage Layout, drawing 46141/061 Rev. B, deposited 15/12/21.

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

3. a. Prior to commencement of the development hereby permitted:

- I. The undertaking of an appropriate scheme of intrusive site investigations to locate and assess the mine entries and shallow coal workings including the results of any monitoring shall be submitted in writing to and approved in writing by the Local Planning Authority;
- II. The submission of a scheme of any remedial works considered necessary for approval; to include a remediation strategy for the mine entries, including any foundation designs which may be required for building over the mine entries shall be submitted in writing to and approved in writing by the Local Planning Authority;

3. b. Prior to the carrying out of building operations of the development hereby permitted the development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

4. a. Prior to commencement of the development hereby permitted an assessment of ground gas, having regard to current best practice, shall be undertaken (see Note for Applicant CL1) and a copy of the findings of the ground gas assessment shall be submitted in writing to and approved in writing by the Local Planning Authority (see Note for Applicant CL2)

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

iii) The remedial measures as set out in the 'Remediation Statement' required by part (ii) of this condition shall not be carried out otherwise than in accordance with the details in the Remediation Statement and within the agreed timetable.

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

v) Prior to the occupation of the development hereby permitted a validation report setting out and confirming the details of the remedial measures implemented, cross referencing those measures with the approved Remediation Statement, together with substantiating information shall be submitted in writing to and agreed in writing by the Local Planning Authority (see Note for Applicant CL3)

vi) The development hereby permitted shall not be carried out otherwise than in accordance with the approved Remediation Statement.

Reason: To ensure safe development of the site and to protect human health and the environment. In addition, to meet the requirements of the National Planning Policy Framework and in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

5. a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority.



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

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

6. a. Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary porta-cabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures
- xiii. No demolition shall commence until an asbestos survey has been undertaken and any asbestos identified removed and disposed in accordance with national regulations and guidance.

7. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

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 and highway impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan, Policy TRAN2 of the BCCS and Policy T4 of Walsall's SAD.

8. a. Prior to commencement of the development hereby permitted an air quality low emission scheme to install an electric vehicle charging point shall be submitted in writing to and approved in writing by the Local Planning Authority. The assessment shall include details of recommendations for mitigation measures.

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

8. c. Prior to occupation of the development hereby permitted, a written Validation Statement written by a competent person shall be submitted in writing and approved in writing by the Local Planning Authority that demonstrates approved mitigation scheme has been installed as agreed.

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.

9. a. Prior to commencement of the development hereby permitted a landscape mitigation strategy and details of landscaping including both hard and soft landscape works, and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

9. b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

9. c. 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, ENV18, ENV32 and ENV33 of Walsall's Unitary Development Plan.

10. a. Prior to commencement of the development hereby permitted a walk-over of the woodland area by a suitably trained ecologist and a statement of the results and mitigation measures, including times of the day and year, plus weather conditions shall be submitted in writing to and approved in writing by the local planning authority as woodland to the north of the application site retains suitability for badger.

10. b. 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 conserve local badger populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & the Natural Environment SPD.

11. a. Prior to commencement of the development hereby permitted a scheme of ecological and biodiversity enhancements as recommended by the Bat Roost Survey Report and Preliminary Ecological Appraisal dated August 2021 by WSP Ltd shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

Reason: To conserve local badger populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & the Natural Environment SPD.

12. Prior to the commencement of building operations above damp proof course of the development hereby permitted shall not be carried out otherwise than in accordance with the recommendations included in the Flood Risk Assessment dated 03/08/21 prepared by Eastwood & Partners Consulting Engineers and retained for the lifetime of the development thereafter.

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

13. a. 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 shall be submitted in writing to and approved in writing by the Local Planning Authority.

13. b. 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.

14. a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure along with details of the repairs to existing retained fencing shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the

perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

14. b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained and maintained in good order for the lifetime of the development.

14. c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

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.

15. a. Prior to the commencement of building operations above damp proof course of the development hereby permitted scale drawings and materials details of the proposed replacement gatehouse shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

16. a. Prior to the occupation of the development hereby permitted all access ways, vehicle manoeuvring, turning and parking areas shall be implemented in accordance with the approved plans, the areas being consolidated, hard surfaced and drained so that surface water run-off from the area does not discharge onto the public highway or into any public highway drain, together with the clear demarcation of all parking bays.

16. b. These operational areas shall thereafter be kept free of obstructions, retained, and used 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

17. Prior to the occupation of the development hereby permitted the existing commercial dropped kerb footway crossing on Bentley Mill Close shall be modified and adjusted to align with the revised vehicle access, together with the breaking out, removal and reinstatement of the existing redundant dropped kerb crossing back to full kerb height (*see Highway Authority Notes to Applicant below*)

Reason: To ensure the safe and satisfactory operation of the development in accordance with UDP Policy GP2 and in the interests of highway safety.

18. a. Prior to the commencement of building operations above damp proof course of the development hereby permitted, details of the proposed cycle shelter including its

location on the site, which shall be covered and illuminated, shall be submitted in writing to and approved in writing by the Local Planning Authority.

18. b. 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 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.

19. No loading and unloading of goods or storage of goods materials or equipment shall take place [within the parking/turning/vehicle manoeuvring/bin storage areas/open areas / outside the building].

Reason: To ensure the satisfactory functioning of the development and in the interests of highway safety and to prevent pollution in accordance with the saved Walsall's Unitary Development Plan policy GP2, T7, T13, ENV10 and ENV32.

20. Site clearance and dismantling works shall be undertaken outside the bird nesting season. The bird nesting season extends between March and August inclusive but is weather dependant and nesting may take place outside this period. If nesting birds are discovered, clearance works should be delayed until the young have fledged or alternatively by conducting a bird nesting check no more than 48 hours prior to commencement of development by a suitably experienced ecologist if the works are required during this period.

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

21. The solar photovoltaic panels will consist of anti-reflective glass and this shall be retained as such thereafter for the lifetime of the development.

Reason: To prevent glare and safeguard the amenity of neighbours and to comply with Saved UDP Policies GP2 and ENV32

22. The solar photovoltaic equipment or solar thermal equipment is removed as soon as reasonably practicable when no longer needed

Reason; To ensure the satisfactory appearance of the premises and to comply with Saved UDP Policies GP2 and ENV32

23. No MOT testing of vehicles shall take place outside the hours of 0800 to 1800 on Mondays and Fridays inclusive, 0800 to 1300 Saturdays, and not at all on Sundays or public holidays. The MOT testing station entrance/exit doors shall remain closed at all times except;

(i) when in use for ingress/egress; and

(ii) in emergency situations

Reason: To safeguard neighbours' amenity and to comply with Saved UDP Policies GP2 and ENV32

## **Notes for Applicant**

### **Cadent Gas Informative**

#### ***What you need to do***

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

#### ***Your responsibilities and obligations***

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) or on 0800 688 588 quoting reference - LinesearchbeforeUdig ref: 24112071.

### **The Coal Authority Informative**

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property.



Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Building over or within the influencing distance of a mine entry (shaft or adit) can be dangerous and has the potential for significant risks to both the development and the occupiers if not undertaken appropriately. The Coal Authority would draw your attention to our adopted policy regarding new development and mine entries:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

### Disclaimer

The consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

### Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present.

### SUDS

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

*In formulating this response, The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for*

*liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.*

## **Fire Officer**

The requirements for this proposal are below. Failure to meet these requirements may result in an objection and an unsatisfactory proposal.

## **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)

### **Police – Designing out Crime Informative**

A change of environment requires review of safety and security and an opportunity for improvement. Any measures are more easily included during construction or alterations. A review of security including alarm, CCTV, lighting, and access control.

Suitable lighting provides some security.

External LED lights with daylight sensors to external walls, particularly by entrances and lighting to parking areas.

Other lighting should not be located close to fencing to provide a climbing aid.

Low bollard style lighting is not a security feature providing poor visibility and identification.

Alarm and CCTV installers should be approved by NSI, SSAIB or both

See <https://www.nsi.org.uk/> and <https://ssaib.org/>

The Police recommend security using the principles of Secured By Design.

Below is a link to secured by design guides, including Commercial, police approved crime reduction information.

<https://www.securedbydesign.com/guidance/design-guides>

Below is a link to Secured By Design Commercial, police approved crime reduction information guidance.

[https://www.securedbydesign.com/images/downloads/SBD\\_Commercial\\_2015\\_V2.pdf](https://www.securedbydesign.com/images/downloads/SBD_Commercial_2015_V2.pdf)

Secured By Design security standards are explained.

Please see: <https://www.securedbydesign.com/guidance/standards-explained>

### **Environmental Protection Informative**

#### **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.

## 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 share parking is 10% of points to comply with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw.

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.

No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 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.

### **Severn Trent Water Informative**

Severn Trent Water advise that there are public 300mm foul sewers 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 is not 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. · 300mm to 999mm diameter – 5m either side of the pipe, measured from the centreline of the sewer.

Severn Trent Water advise that they wish for their drainage related condition to remain. SAP Development Enquiry 1012922 has been responded to the applicant. They cannot accept the proposed surface water discharge rates. All other avenues of surface

water sewers and highway drainage will need to be examined and proven not possible. If this is demonstrated, we may then consider 5litres/second to the public foul sewer. Please note, there are no legal rights for Severn Trent to accept any surface water run-off into their foul sewer network.

Please note if you wish to respond to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days. 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).

### **Local Highways Authority**

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.

The applicant will be expected to enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority or obtain a Highway Opening Permit for all adoptable highway works and works within the existing public highway. For further advice please contact Highway Development Control Team at [Stephen.Pittaway@walsall.gov.uk](mailto:Stephen.Pittaway@walsall.gov.uk)

### **Advertisement Consent Informative**

This permission does not grant consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992 or subsequent legislation.

**END OF OFFICERS REPORT**