



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 29 April 2021

Plans List Item Number: 1

Reason for bringing to committee

Major Application

Application Details

Location: SITE OF FORMER JAMES BRIDGE COPPER WORKS, RESERVOIR PLACE, WALSALL

Proposal: HYBRID PLANNING APPLICATION FOR: FULL DEMOLITION OF ALL REMAINING BUILDINGS AND STRUCTURES; PHASED SITE REMEDIATION (NOT INVOLVING OPEN CAST MINING); CREATION OF DEVELOPMENT PLATFORMS; HIGHWAY WORKS AND ACCESS; AND PROVISION OF CAR PARKING AREA. OUTLINE (ALL MATTERS RESERVED EXCEPT FOR ACCESS) ERECTION OF PHASED E (RESTRICTED USE), B2 AND B8 (USE CLASSES) EMPLOYMENT BUILDINGS, INCLUDING LANDSCAPING AND OPEN SPACE; INTERNAL ROADS AND FOOTWAYS, PARKING AND SERVICE AREAS; BALANCING PONDS; AND ASSOCIATED UTILITIES AND INFRASTRUCTURE - APPLICATION ACCOMPANIED BY AN ENVIRONMENTAL STATEMENT (EIA DEVELOPMENT).

Application Number: 21/0049

Case Officer: Gemma Meaton

Applicant: c/o Agent

Ward: Pleck

Agent: Richard Frudd

Expired Date: 18-May-2021

Application Type: Hybrid Application: Outline, Full and EIA

Time Extension Expiry:

Recommendation

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

- No new material considerations being received within the re-consultation period;
- The amendment and finalising of conditions;
- No objection from the Lead Local Flood Authority following amended information;
- No further comments from a statutory consultee raising material planning considerations not previously addressed; and,
- Section 111 Agreement, Section 106 Agreement or similar mechanism to secure a Travel Plan.



Proposal

This development proposal represents a significant step forward in bringing a high profile derelict and contaminated site back into a positive use as a result of public sector investment and collaborative partnership working with other organisations over the last 10 years. This development would bring forward the largest single supply of employment land in the Borough, and the largest employment development within the Black Country, in a highly accessible location close to the M6 Motorway.

This application is a hybrid submission that is submitted part in full and part in outline, as follows:

Hybrid planning application for:

Full Demolition of all remaining buildings and structures; phased site remediation (not involving open cast mining); creation of development platforms; highway works and access; and other supporting infrastructure.

Outline (all matters reserved except for access) Erection of phased E (restricted use), B2 and B8 (Use Classes) employment buildings, including landscaping and open space; internal roads and footways, parking and service areas; balancing ponds; and associated utilities and infrastructure- application accompanied by an environmental statement (EIA development).

The proposal involves the development of a commercial site with the intention to create employment sites that cater for storage and distribution, general industry and office uses within a single cohesive development. The provision would be up to 10% offices, and/or up to 55% industrial uses and/or up to 100% storage and distribution. The built employment development will deliver a maximum floorspace of 57,575m². Flexibility is sought within the outline planning consent to allow for the development to be marketed and tailored to suit the needs of the employment floorspace market.

Access would be provided from Reservoir Place, with highway works to include a signal junction on Darlaston Road to accommodate the development.

While the internal areas of the development are in outline at present the application documentation highlights that each unit would be sited on a self-contained landscaped plot with access off the main internal estate road and would have its own dedicated car parking and service area. According to the submitted information the development would provide a wide range of unit sizes as well as use of car parking to provide an attractive landscaped frontage to each unit. The smaller units would be located to the front of the site which will be more visible, and the larger units to the rear to help screen some of the bulk of these units from public vantage points. Eaves height would range from approximately 12m to ridge for the smaller units to 25m to ridge for the larger units.

The development proposals include a landscaping zone in the north of the property close to the boundary with Walsall E-ACT Academy, which will be retained for new landscaping designed to maximise the bio-diversity value of the site. This area is in addition to the new areas of park created to offset areas absorbed within the development site. The proposal provides a net increase in the Park area of approximately 0.04 ha.

The application is accompanied by the following supporting documents.

An **Environmental Statement** which aims to fulfil the need for an Environmental Impact Assessment on the site. An Environmental Impact Assessment is required industrial estate development projects where the size exceeds 5Ha, both of which are characteristics of the proposed development. The statement includes information on, site selection, alternatives, and design evolution, socio-economic impacts, air quality, human health, ground conditions, transport and cumulative impacts. Annexed to the ES are inter alia a Framework Site Waste Management Plan, Contaminated Land Assessment and Remediation Strategy Overview, Coal Mining Risk Assessment, and Minerals Assessment which provide further information to inform the application.

An **Ecological Appraisal** which found that the site provides habitats for birds and the surrounding area potential habitats for bats. The Walsall Canal and River Tame showed evidence of water vole activity, while grassland and woodland areas suitable habitats for Hedgehogs, which have been recorded locally. Japanese knotweed within the adjacent hardstanding was recorded overhanging the north-eastern Site boundary. It was concluded that the findings of the initial Site assessment are considered sufficient to inform the anticipated development proposals, and no further survey work in regard to protected and priority species and habitats is deemed necessary at this time. Enhancement measures were recommended including protection of nesting birds, water vole, and hedgehogs following a precautionary approach, boundary permeability for foraging animals like hedgehogs. The report also recommends a detailed lighting design, measures for tackling the presence of Japanese knotweed, protection of trees and wildlife habitats, pollution prevention and additional general enhancements.

A **Design and Access Statement** which explains the site setting, background and history, analyses the site opportunities and constraints and the context of access surrounding uses and planning history. The Design and Access Statement highlights the policy context of the proposed scheme and explains the proposed masterplan and provides some detail regarding the intended development parameters including the maximum floorspace scale and appearance, access, landscaping, servicing, security and sustainability.

A **Planning Statement** that aims to demonstrate that there are no material considerations that override the presumption in favour of granting planning permission given accordance with the allocation of Planning Policy, and that the proposals will secure a range of benefits that add further weight in favour of granting permission.

An **Arboricultural Survey** which identified seven trees and 18 tree groups with no TPOs on the site. The report recommends that tree protection measures be implemented in line with the best practice principles set out in BS 5837: Trees in Relation to Design, Development and Construction (2012).

A **Built Heritage Statement** which identifies a number of listed buildings fall within the vicinity of the site including the James Bridge Aqueduct. No designated or non-designated heritage assets fall within the site itself. The statement concludes that, subject to consideration of detailed layout, design and landscaping treatment no adverse impacts are identified upon currently known designated or non-designated heritage assets, while there are opportunities for enhancement to the northern boundary of the Walsall Canal corridor.

An **Energy Statement** which aims to incorporate energy efficiency measures to reduce the inherent energy demand of the scheme beyond the requirements of the building regulations. The statement addresses the thermal efficiency, water conservation and potential low carbon alternatives of the proposed development, and recommends low NOx boilers, variable speed pumps and fans, low temperature flow and return hot water, high efficiency heat recovery ventilation with automatic control strategy to the office spaces, zoning and low energy motors in mechanical ventilation systems, modular open architecture controls systems and network, and sub metering of end users. Low water capacity toilets and low flow taps are recommended to reduce water consumption, and the installation of Photo-Voltaic solar panels on roofs and

air-source heat pumps. The proposed development will aim to offer 10% of the residual energy associated with each units' office which equates 195m² of PV panels, or an estimated yield of 28,835kWh and offset 15 Tonnes of Carbon.

An **External Lighting Design Strategy** which acknowledges that the installation shall be installed so as to comply with the recommendations as detailed within CIBSE Lighting Guide LG6, BS EN 13201, BS 5489 and BS 7671 17th Edition of the IEE Wiring Regulations. Dark Sky criteria are proposed, ecological considerations highlighted and the need to avoid impacts on the adjacent M6 motorway. The strategy recommends that as part of the detailed design process a Lighting Impact Assessment is undertaken, which is a report that will fully detail the proposed lighting on and around the site including horizontal illuminance, vertical illuminance, light pollution, intensities and any associated overspill.

A **Flood Risk Assessment** and associated Foul Water Capacity Assessment and Sustainable Drainage Statement which conclude that the proposed development is not at significant flood risk, subject to the recommended flood mitigation strategies being implemented. Finished floor levels across the development are recommended to be set a minimum of 300mm above surrounding ground levels. Finished ground levels should be designed to direct overland flows away from built development. It is proposed to incorporate surface water attenuation and storage as part of the development proposals. Sewer connections can be created to the existing sewer network, while easements are required for existing infrastructure in the north of the site, detail design would be provided once the proposed layout has been finalised.

It is proposed that runoff from the development site for all storm events up to and including the 100-year return period (including a 20% allowance for climate change) will be accommodated within the proposed development layout.

A **Transport Assessment** and **Framework Travel** Plan which confirms that Vehicular access to the main area of the Site for both HGV traffic and non-HGV traffic is proposed to be taken from Reservoir Place via a new priority junction. An alternative access off the A4038 via a new priority junction for a separate section of the site is also proposed. It is concluded that the implementation of the Reservoir Place/Darlaston Road junction improvement scheme (and associated Traffic Regulation Order) is likely to improve road safety in that area. The trip generation assessment forecasts a total of 174 two-way vehicle trips for vehicle in the morning peak hour and a total of 125 two-way vehicle trips in the evening peak hour. It is anticipated that the remediation of the site will result in up to approximately 60 HGV movements per day for the first 18 months and then up to approximately 26 per day for the last 6 months. The proposed development, with the mitigation measures proposed, will not have a severe impact on the operation of the local highway network.

A **Landscape and Visual Assessment** which recorded the baseline landscape and visual resources of the site and surrounding area, identified landscape and visual receptors likely to be affected by the proposed development and determined the extent to which these will be altered. Mitigating measures include positioning the larger units adjacent to the motorway with the smaller units addressing the canal, and, new tree and shrub planting and measures aimed at enhancing biodiversity. The report concludes that whilst the new built form will give rise to varying degrees of negative landscape and visual effects on a number of receptors, the degree of effects predicted to arise once the proposed development is operational will be relatively localised in most cases.

A Noise Impact Assessment which finds that the existing noise environment is dominated by road traffic on the M6 Motorway and the surrounding road network. The noise assessment includes consideration of noise from deliveries, car parking and from proposed fixed plant noise sources, and of the demolition, construction and remediation phases of the development. Mitigation measures will be required to reduce noise levels to acceptable levels at a small number of noise sensitive receptors. Appropriate noise limits have been determined to be achieved by fixed plant items associated with the proposed development. Based on the results of the assessment, and with appropriate mitigation measures in place noise need not be a determining factor in granting outline permission for the scheme.

Site and Surroundings

The Site is approximately 1.8km from Walsall Town Centre. It is located close to Junction 9 and 10 of the M6, and benefits from good accessibility by all modes of transport. The Site is situated within a largely urban setting, with surrounding commercial, industrial and residential properties.

The Site extends approximately 17.38 ha and comprises three main areas. The first is an area to the west of the M6 motorway of approximately 2.16 ha. This area is bounded by the Sneyd Brook in the north and commercial development on the other side of the stream where the land rises to the Grosvenor Casino. Bentley Mill Way passes to the east of the site and under the Walsall Canal at the James Bridge Aqueduct which is a Listed Building. The Walsall Canal forms the southern boundary of the site in this area.

The second area is the site of the former James Bridge Copper Works, measuring a total of 15.14ha and which runs along the east of the M6, and is bounded in the south by the Walsall Canal, the north and east by Primley Avenue Park and the West Walsall E-Act Academy, to the east commercial development off Woodward's Road and residential areas of Pleck and Walsall beyond off Primley Avenue. A portion of land to the south of the Canal is also included in the development which is accessed from Darlaston Road in the south.

The third area includes the area of highway works on Darlaston road at the junction of Reservoir Place and a small portion of land to the south of Darlaston Road between the residential dwellings at No 145 and No. 153 Darlaston Road.

The Site has been subject to a mix of former industrial uses including a colliery, and brickworks. More recently, the former IMI Copper Works were located at the site. The majority of buildings associated with the former industrial land use have since been demolished with some areas of hardstanding remaining. A small area of the Site (0.22ha of a total of 15.14ha) currently forms part of Primley Avenue Park.

The site is relatively flat and slopes gently upwards in a south – easterly direction towards the Walsall Canal and southerly from the Walsall Canal to the Darlaston Road.

Relevant Planning History

Applications on the site (*Officer comments in italics*):

14/1902/SCRE - Screening Opinion as to whether an environmental statement is required for surfacing works and capping barrier and erection of pallisade fencing. EIA not required 28/1/15.

15/0429/FL - Capping layer to site surface and erection of boundary fencing. GSC, 10/8/15.

18/0493 - Scoping Opinion (Environmental Impact Assessment) Phoenix 10 Environmental Impact Assessment, Scoping Opinion Scoping Opinion Response Issued, 2018-06-13

Relevant applications in the surrounding area:

20/0601 - Prior Approval: Telecommunications Code Systems Operators (GPDO) Prior Notification for proposed telecommunications upgrade to include proposed 20.0m AGL Phase

7 monopole c/w wrapround cabinet at base and associated ancillary works. Prior Approval: Refused, 2021-02-11.

While Prior Approval was refused, the decision reached the applicant after the 56 day determination deadline and therefore the rights were confirmed. Officers are however liaising with the operator to seek agreement of an alternative location for some of the equipment to facilitate the necessary vehicle access for this current proposal.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**
- **NPPF 17 – Facilitating the sustainable use of minerals**

On **planning conditions** the NPPF (para 55) 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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.9 Derelict Land Reclamation
- 3.11 Forestry and Trees
- GP2: Environmental Protection
- GP3: Planning Obligations
- 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
- ENV24: Wildlife Corridors
- ENV25: Archaeology
- ENV26: Industrial Archaeology
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV30: Registered Parks and Gardens
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- 4.6 The Service Sector
- JP8: Bad Neighbour Industrial Uses
- 7.4 Strategic Policy Statement
- T1 - Helping People to Get Around
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- EMP1: Providing for Economic Growth
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- EMP3: Local Quality Employment Areas
- EMP4: Maintaining a Supply of Readily Available Employment Land
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN3: The Efficient Movement of Freight
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices

- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality
- MIN1: Managing and Safeguarding Mineral Resources

Walsall Site Allocation Document 2019

RC1: The Regeneration Corridors

IND1: Existing High Quality Industry

IND2: Potential High Quality Industry

OS1: Open Space, Sport and Recreation

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk

EN4: Canals

M1: Safeguarding of Mineral Resources

T2: Bus Services

T3: The Rail Network

T4: The Highway Network

T5: Highway Improvements

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm

- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

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

Consultation Replies

Canal and River Trust

A buffer is recommended along the canal corridor to offset the risk from degraded air quality, light pollution and litter. The Travel Plan should be amended to emphasise the importance of the towpath as a sustainable transport route to the site and so that the document aligns with the Design & Access Statement.

Conditions are recommended in relation to a Waterway Environmental Protection Plan, unexpected contamination, surface water and drainage, external lighting, cycle parking and accessible showers within all buildings' WC facilities, CEMP to prevent potential structural damage to the canal, heritage impact assessment with reserved matters.

Cadent Gas

No objection. Request addition of a note regarding statutory requirements.

Coal Authority

No objection. Concurs with the findings of the Coal Mining Risk Assessment that intrusive site investigations are necessary. Request that conditions be applied to ensure that this takes place.

Ecology Officer

No Objection. Recommend compliance with mitigation proposals and conditions contained within the Ecological Appraisal.

Birmingham and Black Country Wildlife Trust

Objection due to insufficient evidence of mitigation for habitat loss. Compensation in the form of habitat creation or enhancement would also be required for any ecological impacts that cannot be avoided. Also require the production of a Landscape and Ecological Management plan, a Construction and Ecological Management plan, drainage strategy and lighting strategy.

Additional information has been provided to the consultee and the amended comments are awaited at the time of writing.

Archaeology

No objection, there are no archaeological implications for this proposal. The site is within an area of historic collieries, and there are canal infrastructure, and early 19th century buildings here, possibly associated with brick making – however the extensive redevelopment of the site as a copper works in the 20th century (and subsequent demolition of those buildings) is highly likely to have truncated evidence of earlier activity.

Local Highways Authority

Supports the application subject to the imposition of conditions regarding implementation of signal junction, hard surfacing of accesses, pedestrian crossing, travel plan, outline development parameters, cycle shelter, and finalisation of parking layouts.

Local Access forum

No objection.

Natural England

No comments to make.

Pollution Control

No objection. Request conditions in relation to control of construction through a Construction Environmental Management Plan, Noise and Vibration, Lighting Scheme, and Compliance with Black Country Air Quality SPD.

Severn Trent Water

No objection subject to the inclusion of a drainage condition.

Strategic Planning Policy

The proposal can be strongly supported on strategic planning policy grounds. The site is identified in the SAD as four parcels, IN104.1, IN104.4, IN205 and IN103.2. The first three are allocated under policy IND2 as vacant potential high quality industrial sites whilst the latter is allocated under policy IND3 as a vacant local quality industrial site. The four parcels together comprise the largest single supply of employment land in the borough. As such, the proposal is of crucial importance to the economic well-being of the area. Walsall and the rest of the Black Country have a significant shortfall of land for employment growth.

Network Rail

No comments to make.

Public Rights Of way

No objection. There are no public rights of way that are affected by the application, however there is a claim for an unrecorded public right of way in accordance with S31(6) of the Highways Act 1980, for the proposed parking area between Darlaston Road and Hough Road. Evidence received shows that a historic route known as Arthur Street is in existence and that this path remains in public use; the same principles apply to this route as definitive public rights of way.

West Midlands Police

No objection. Accessibility should be provided without over permeability with limited natural surveillance. It is unfortunate that the through footpath has been maintained in the parking area off Darlaston Road.

Security recommendations include: external LED lights with daylight sensors to the walls of buildings in particular at entry and exits. Additional LED lighting may be required for parking areas. Lighting columns should not provide a climbing aid. Monitored alarm systems and/or CCTV will be important. Recommend security using the principles of Secured by Design.

Community Safety Team

Verbally advised that use of the area south of Darlaston Road as car parking would create safety and security concerns, were it to be used as such significant mitigation would need to be put in place to make the area usable.

Lead Local Flood Authority

Objection. Additional information is required regarding discharge of the area situated to the west of the M6, background calculations, maintenance, water quality and exceedance.

Additional information has been provided by the applicant and the amended comments of the LLFA are awaited at the time of writing. To be updated in supplementary paper.

Representations

Objections have been received from 8 surrounding occupiers as a result of the public participation process. Issues highlighted by objectors can be summarised as follows (*Officer comments in italics*):

- Loss of green space
- Ecological impact on herons
- Loss of trees at Primley Avenue Park
- Flood risk due to increased hard surfaces
- Noise and disturbance from traffic
- Increased difficulty crossing Darlaston Road, especially school children

- Object to loss of on street parking. Various reasons have been provided for this including distance to walk, safety and security and financial impact (*financial impacts are not a material planning consideration*).
- Potential of houses front walls being driven into
- Impact on air quality as a result of increased traffic
- Potential for illegal 'U' turns using the new signal junction
- Negative impact on crime and community safety
- Object to closure of accesses through land south of Darlaston Road
- Request a detailed Construction Environmental Management Plan and Demolition Environmental Management Plan
- Additional business and warehouse space is unnecessary as there are existing empty units close to the site
- Concern as to the impact on surrounding business that have access off Reservoir Place

Determining Issues

- Principle of Development
- Means of Access
- Ground Conditions - Remediation and Minerals
- Traffic Impacts
- Ecology
- Visual Amenity and Heritage Impacts
- Air Quality and Environment
- Drainage and Flooding
- Security

Assessment of the Proposal

The Phoenix 10 site, alongside a cluster of other sites within close proximity of both Junction 9 and Junction 10 of the M6 motorway, forms part of the Darlaston Enterprise Zone.

The site is within a mix of areas identified by the Site Allocation Document as IND2 - vacant potential high quality industrial sites or IND3 - vacant local quality industrial sites. IND2 states that these areas are allocated and safeguarded as High Quality Industry, while IND3 states that Proposals for non-industrial uses will not be permitted except where allowed by Black Country Core Strategy Policy EMP3. The area forms part of the 317Ha of High Quality Employment Land to be provided by Walsall Borough before 2026 as detailed in Policy EMP2 of the Black Country Core Strategy. The proposal, while in outline, has the potential to improve supply of the very largest employment sites that are in demand in the area.

The Council's Strategic Planning Policy team strongly supports this proposal and highlights that four parcels together comprise the largest single supply of employment land in the borough, therefore the proposal is of crucial importance to the economic well-being of the area.

Subject to the other aspects of the application being acceptable the principle of development is supported.

The proposed access arrangements are indicated to be part of the application for consideration as part of the outline submission.

The primary access into the site is from Reservoir Place off the Darlaston Road (A4038). Access to the southern part of the site between the Walsall Canal and Darlaston Road is provided directly from Darlaston Road via a new priority junction.

Both accesses have been designed to the relevant design guidance and will link into the existing infrastructure within the vicinity of the proposed site accesses. These access locations benefit from good horizontal and vertical visibility splays, in line with standards within the Manual for Streets. Tracked paths have been provided that show the site could be accessed by the largest vehicles without impacting on the surrounding area.

Objectors have highlighted the potential for illegal 'U' Turns and for garden walls to be driven into as a result of the development. While the design of the access arrangements has been completed in order to maximise the safety of the junction and prevent incidences of dangerous driving, ultimately it is a matter for the Police to enforce against illegal activity.

Due to the nature and various uses of the proposed development, swept path analysis of a large articulated HGV and a large refuse lorry has been undertaken at both the access from Reservoir Place and off the A4038 access to show that these vehicles can safely access and egress the site in forward gear. In order to accommodate forecast traffic associated with the proposed development, an improvement scheme at the A4038 (Darlaston Road) / Reservoir Place junction is proposed. The proposals focus on a signalised junction design. The layout of the junction incorporates a staggered pedestrian crossing across Reservoir Place in addition to a full right turn lane on the A4038 into Reservoir Place. The development would not impact on the existing signalised pedestrian crossing opposite No 273 Darlaston Road or close to the intersection with Wellington Street to the east. An area of land off Darlaston Road is provided as a potential storage and site area for the construction of the signal junction.

A consequence of the new junction is that some of the scope for on-street parking along Darlaston Road will be lost. Double yellow lines would extend approximately 80m either side of the signal junction in order to allow for its safe operation. Having reviewed the dropped kerb driveway and existing access ways within the proposed double yellow line area, the equivalent of approximately 16-19 vehicles will be displaced.

The on-street parking in the area is not currently controlled by way of permits or any other user restriction, as such the availability of street parking is not directly connected to any of the surrounding residential properties.

The NPPF paragraph 109 states *“development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

While it is not considered necessary to make the application acceptable in planning terms, there is potential to provide replacement parking at a site off Darlaston Road within the site boundary at the site storage area after the construction of the junction has been completed. It is recommended that conditions are included to secure the use of the area as a temporary site compound and to secure its future use if deemed necessary. Concerns have been raised regarding the use of this area for parking.

The Site can be safely and efficiently accessed via the proposed arrangements and the local highway infrastructure. On balance, therefore, the proposed accesses accord with Policies TRAN1, and DEL1 of the BCCS; Saved Policies T7-T13 of the UDP and are considered acceptable.

The remediation strategy has been submitted as part of the application to be considered in full.

Preliminary to the remediation works, there is a need to demolish remaining buildings on the site. These works together with the excavation and earthworks have potential for adverse impact upon surrounding land uses, therefore, in line with the recommendation of the Environmental Statement, and the comments from Pollution Control a Construction Environmental Management Plan will be required to address the demolition/reclamation/remediation phase of the project and a further CEMP to deal with the construction phase of the project.

The submitted documents contain details of the potential impact of the reclamation of the former copper works and construction of the proposed development as well as setting out the overarching strategy for reclamation and remediation of the site to address land contamination and pollution of groundwater.

There is considerable potential for dust generation associated with the demolition and remediation phases of the project particularly as the soils are known to contain contaminants. In this circumstance it is imperative that adequate dust control measures are adopted to ensure that potentially contaminated dust is not deposited outside the site boundary. In this regard it is vital that the CEMP and control measures are robust and contain details of the measures for prevention of dust. Noise and vibration attributable to the reclamation and remediation phase and the subsequent construction of the development should be addressed by control measures set out in the relevant CEMP submissions.

The overarching principle of the soil remediation strategy for the development area will be to excavate, segregate and replace existing soils in accordance with a formal Material Management Plan (MMP) relating to the re-use of soils on the site of origin. This strategy is supported in line with the comments provided by Pollution Control, subject to the provision of a condition will be required to secure the details of the material management plan and ensure that it is carried out.

While the submitted strategy is supported, a full Remediation Method Statement giving details of the activities, processes, materials, equipment, plant and machinery and phasing of the works is required.

The site falls within the area identified by the SAD, and BCCS as a Mineral Safeguarding Area, and policy MIN1 of the BSSC and M1 of the SAD apply. The policy states that applicants will be expected to consider the feasibility of extracting any minerals present in advance of the development. The coal mining risk assessment report demonstrates accordance that further mineral extraction from the Site is not feasible.

The Coal Mining Risk Assessment has further been reviewed and supported by the Coal Authority. The Risk Assessment recommends that further intrusive works are carried out prior to commencement of development on the site other than demolition, as such, it is recommended that a condition be attached to the decision to secure this.

With the addition of the conditions described above, it is considered that the scheme is acceptable in terms of the demolition and remediation works proposed.

The proposal would have an impact on general vehicle and HGV movements on the roads surrounding the development. The trip generation assessment forecasts a total of 174 two-way vehicle trips for vehicle in the morning peak hour and a total of 125 two-way vehicle trips in the evening peak hour. It is anticipated that the remediation of the site will result in up to approximately 60 HGV movements per day for the first 18 months and then up to approximately 26 per day for the last 6 months. Air quality associated with traffic and vehicle movements during the reclamation and remediation phase are not considered to be a significant issue. While the traffic flows would be increased as a result of the development with the highway

works proposed it is not considered that the development would cause an unacceptable impact to traffic flows or safety in the area.

The Travel Plan aims to show how the development can integrate with existing public transport, pedestrian and cycling routes in the local area. The site is highly accessible and can be accessed via the existing cycling network and National Route 5 which connects the site to Birmingham in the south and Stafford in the north. The development would integrate well into the existing pedestrian network with large areas of the west of Walsall Borough within the recommended maximum 2km of 24minute pedestrian commuting area.

A footway measuring at least 2 metres in width is present on the either side of Reservoir Place which forms part network of footways that route to the surrounding areas of Walsall. These footways are of adequate condition and have street lighting present. A combination of dropped kerb and signalised crossing points are provided along this network of footways to the local bus stop facilities and services. The proposal includes a signalised pedestrian crossing to be staggered across Reservoir Place which would form part of this network.

The Framework Travel Plan aims to reduce the number of people traveling to the development in a single occupancy vehicle by 10%, within five years of the first occupation. It is recommended that a condition be applied to ensure that the Framework Travel Plan be developed into a Full Travel Plan in order to further improve the use of sustainable transport modes within the development. The Travel Plan should also make reference to the canal corridor as a means of accessing the site on foot or by cycle. The towpath along this stretch has a good quality surface and provides easy off road access beneath the motorway and Reservoir Place Bridge to nearby residential areas, Walsall town centre and towards the new station at Darlaston.

The indicative site layout plan has taken account of the likely car/HGV/cycle requirements of the proposed development site. However, owing to the outline nature of the planning application, details of the proposed level of car, HGV and cycle parking across the proposed development site will be considered as part of future reserved matters applications

Given the information provided, it is considered that 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 paragraph 109 Policies CPS5, TRAN1, TRAN4, and DEL1 of the BCCS; Saved Policies T7-T13 of the UDP; and, Policy T4 of the SAD.

The development site lies adjacent to the Walsall Canal which is recognised as a Site of Local Importance to Nature Conservation. Whilst the Canal is not anticipated to be directly impacted by the proposed development, precautionary measures will need to be applied to prevent any adverse impacts with regards to potential pollution events occurring during both the construction and operational phase of the development. The same measures should also be applied to prevent any adverse impacts to the adjacent River Tame, Sneyd Brook, and associated watercourses within the local area, a number of which are designated as SLINC.

Impacts should be mitigated through the use of buffers to retain the integrity of banks and associated habitats including potential for water vole. The Canal and Rivers Trust has supported this approach. In the event that works are required to the vegetated strip of land between the Site boundary and the edge of the Walsall Canal, a suitably qualified ecologist should first check the area for evidence of water vole and mitigation measures should be applied accordingly. SUDs features would ensure no adverse impact to these habitats associated with a change in water levels.

The majority of the southern extent of the Site is considered to be of low ecological value, since it comprises large expanses of hardstanding with limited vegetation. Proposed landscaping at the Site has the potential to enhance the ecological value of this land. The proposals for the

site will result in the loss of some woodland habitat in the northern area of the site, which will require adequate compensation to ensure no overall net loss of biodiversity. Details of this will be secured at reserved matters stage through the submission of a comprehensive landscape and planting plan, the indicative layout shows areas set aside for landscaping and sustainable drainage which could be provided for this purpose.

Habitats of ecological value such as woodland vegetation should be incorporated into the detail proposals for the site, and where habitat is lost, this should be compensated through appropriate landscaping to ensure an overall net gain in biodiversity. While the detail of these measures can be secured at reserved matters stage, a detailed landscape plan will be required to ensure that this is achieved, in line with the recommendation of the Birmingham and Black Country Wildlife Trust.

While the site was not found to include suitable nesting habitats for bats, they have been recorded in the area. A sensitive lighting plan is required to ensure no significant adverse impact upon the surrounding habitats, including the Canal to the south and woodland habitat associated with Primley Avenue Park to the east.

The woodland, scattered trees and dense scrub and to some extent the vacant buildings provide suitable habitat for nesting and foraging birds as well as hedgehogs. Without appropriate mitigation in place, the clearance of these habitats has the potential to disturb nesting birds, therefore a suitable condition should be attached to any permission to control site clearance out of nesting season and to provide bird boxes at suitable locations around the site. Fencing within and around the development should allow access and egress for hedgehogs of at least 13 cm².

Japanese Knotweed was recorded overhanging the north-eastern Site boundary, and Cotoneaster was also recorded within the woodland areas. Appropriate mitigation is required to ensure the proposed development works do not facilitate the spread of this species.

Subject to the inclusion of suitable conditions to mitigate and enhance the ecological impacts of the development it is considered that the development would not cause harm to the ecology of the site but would rather have the potential to result in a nett biodiversity gain for the area. It is considered that the Environmental Statement has successfully demonstrated that the development can be carried out without unmitigated harm to the surroundings, As such, the development is considered to be in line with Chapter 15 of the NPPF, Policy ENV1 of the BCCS, Saved Policy ENV23 in the UDP, the Conserving Walsall's Natural Environment SPD.

While the final layout and appearance of the proposed development are yet to be determined, the intended height general and form of the scheme will result in some effects on the character of the surrounding area, and through visual impacts on the surroundings. The development would be visible from the adjacent Canal and Towpath, and from surrounding residential properties and public spaces. However, there will be some positive effects on arising from the proposed development, notably to the character of the site arising from the replacement of derelict and degraded land with new industrial buildings that are an existing characteristic of the area. The site is separated sufficiently from residential properties not to create unacceptable impacts in terms of overshadowing or overlooking.

The James Bridge Aqueduct is a listed building and the former South Staffordshire Tramways Electricity Generating Station is a locally listed building, both of which are in close proximity to the site boundary. No development is proposed as part of the indicative layout in the vicinity of the aqueduct, and the former electricity station (now warehouse) is on the other side of the

canal and faces Darlaston Road. The Walsall Canal is a Conservation Area. While detail design including the layout, scale appearance and landscaping in the vicinity of the listed buildings will have to be carefully considered to avoid any negative impacts on them or their settings, it is not considered that the proposed outline scheme would necessarily create harmful or negative impacts. As such the development can be supported from a heritage and built environment perspective.

There are no archaeological implications for the proposal. The site is within an area of historic collieries, and there are canal infrastructure, and early 19th century buildings. However, the extensive redevelopment of the site as a copper works in the 20th century, and subsequent demolition of those buildings, is highly likely to have truncated evidence of earlier activity.

The proposal is therefore in line with policies CSP4 and ENV2 of the BCCS, saved policies GP2, ENV32, ENV25, ENV26 and ENV28 of the UDP and the designing Walsall SPD.

An Air Quality Assessment has been undertaken to consider the impact of the proposed development on local air quality in terms of construction and operation. A qualitative construction phase assessment was undertaken, and measures are recommended for inclusion in a Construction Environmental Management Plan to minimise emissions during construction activities, the impact of construction phase dust emissions is not significant and has been supported by Pollution Control. A detailed road traffic emissions assessment was undertaken to consider the impact of development-generated road traffic on local air quality at identified existing receptor locations. Changes in pollutant concentrations between the pre and post development scenarios lead to the conclusion that impact on local air quality will be negligible following the implementation of the proposed mitigation measures.

Since the detail of the use and configuration of the site is yet to be determined the Air Quality and noise Impacts associated with the scheme will be considered in more detail at reserved matters stage, conditions will therefore be required for the outline element to ensure that these aspects are revisited when details of the final development are established. Conditions are therefore recommended to require that on submission of any reserved matters application to consider layout or scale, an updated Air Quality Assessment, in order to address both potential traffic and impact of processes would be submitted, a Noise Assessment to include assessment of proposed plant and equipment required, a detailed Lighting Scheme to demonstrate avoidance of obtrusive light, and evidence of compliance with Black Country Air Quality SPD (2016) to address electric vehicle charging provision and combustion appliances, as well as the control on noise and vibration from specific on site activity.

The site lies in Flood Zone 1, where risk of flooding is generally low, however the site is bounded by the Walsall Canal, Sneyd Brook and runs close to the River Tame. In addition the site is or large extent and the proposal includes significant hardening of the site through the introduction of additional structures and hardstanding. Therefore the sustainable drainage of the scheme and avoidance of flooding contribute significantly to its assessment.

While the detail design remains in outline at this stage, a Flood Risk Assessment, Foul Water Capacity Assessment and Sustainable Drainage Statement have been provided. Proposed mitigation measures include a requirement that finished floor levels across the development are recommended to be set a minimum of 300mm above surrounding ground levels, ground levels are designed to direct overland flows away from built development and that runoff from the development site for all storm events up to and including the 100-year return period (including a 20% allowance for climate change) will be accommodated within the proposed development layout. It is recommended that these mitigation measures be included within a condition and appended to any planning decision in order to ensure that detail design follows these principles.

The Lead Local Flood Authority have requested additional information and clarification prior to being able to support the proposed scheme. Additional information has been provided and amended comments are awaited at the time of writing, as is reflected in the recommendation to the Planning Committee. The LLFA have requested that an Operation and Maintenance Plan, Exceedance Plan, and Surface Water Drainage Strategy in line with CIRIA (Construction Industry Research and Information Association) SuDS guidance be provided. It will only be possible to provide this information once detail design of the development is completed, therefore it is recommended that a condition be added to the decision to ensure that this detail information is provided. This is in line with the recommendation of Severn Trent and the Canal and River's Trust who have supported the application subject to the application of a drainage conditions.

The submitted information is considered sufficient to inform the outline application and subject to the imposition of conditions and detail design in the proposals comply with the provisions of the NPPF and to saved UDP policies GP2, ENV10 and ENV40 and to policy ENV5 of the Black Country Core Strategy.

The Police and Community Safety teams comments on safety and security of the site and recommend security measures such as CCTV, security fencing and lighting. These details could be provided as part of a reserved matters application or secured by condition and note on any decision notice. This accords with saved UDP policies GP2 and ENV32.

Conclusions and Reasons for Decision

The proposal creates the potential for a derelict and degraded site of strategic importance to be transformed into a new gateway to the Black Country from Junction 10 of the M6 motorway. It represents a significant step towards bringing forward the largest single supply of employment land in the Borough, and the largest employment development within the Black Country, in a highly accessible location close to the M6 Motorway.

In line with the assessment and reasons set out in the preceding report it is therefore recommended that subject to the imposition of conditions and the submission of detail designs that would satisfy the matters reserved, the development would on balance not create harmful impacts that would outweigh the benefits that could be created by the scheme.

Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Officers have confirmed to the applicant's agent that the submitted details are acceptable, with the addition of details and clarification requested by statutory and non-statutory consultees and no further changes have been requested.

Recommendation

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

- No new material considerations being received within the re-consultation period;
- The amendment and finalising of conditions;
- No objection from the Lead Local Flood Authority following amended information
- No further comments from a statutory consultee raising material planning considerations not previously addressed; and,

- Section 111 Agreement, Section 106 Agreement or similar mechanism to secure a Travel Plan.

Conditions and Reasons

In respect of that part of the site for which application was made in full, shown on the plan edged in red and unhatched on Red Line Plan \$5938 – 045 dated May 2020

1. The development hereby permitted shall be begun not later than 3 years after 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 and documents:

Parameters Plan Demolition, drawing 5938 - 029 F, dated July 2018

Remediation Phasing Plan, drawing DWG A9-6, dated January 2019

Proposed Darlaston Road/Reservoir Place Signal Junction, drawing PHX-BWB-GEN-XX-DR-TR-101 Rev. P4, dated 15/06/2018

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. Prior to the commencement of works relating to the signal junction of the A4038 Darlaston Road and Reservoir Place, technical detail drawings shall be submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details.

Reason: To ensure the satisfactory implementation of the signalised junction, in the interest of highway safety, in accordance with NPPF paragraph 109 and BCCS policy TRAN2

In respect of that part of the site for which application was made in outline, shown on the plan hatched red on Red Line Plan \$5938 – 045 dated May 2020

4. Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

5. The development to which the reserved matters permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters application, or the last reserved matters approval.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

6. Prior to commencement of development hereby permitted approval of the following reserved matters shall be obtained from the Local Planning Authority in writing:

- Appearance

- Landscaping
- Layout
- Scale

Reason: Pursuant to Town & Country Planning (Development Management Procedure) Order 2015.

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

Illustrative Site Plan drawing 5938 - 042 Rev C, dated January 2020 – for indicative purposes only

Parameters Plan Building Heights, drawing 5938 - 031 G, dated July 2018

Parameters Plan Landscape, drawing 5938 - 032 H, dated July 2028

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).

In respect of the whole of the site shown on the plan edged in red and hatched in red on Red Line Plan \$5938 – 045 dated May 2020

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

Illustrative Site Plan drawing 5938 - 042 Rev C, dated January 2020 – for indicative purposes only

Red Line Plan, drawing \$5938 – 045 dated May 2020

Arboricultural Impact Assessment, 17-0897.08, prepared by Delta Simons dated 2/03/2020

Built Heritage Statement, PHX-BWB-ZZ-XX-RP-YH-0001, prepared by BWB Consulting Ltd, dated November 2020

Design and Access Statement, prepared by AJA Architects, dated 21-10-2020

Ecological Appraisal, 17-0897.08, prepared by Delta Simons., dated 21-10-2020

Energy Statement, 180141, prepared by Couchperrywilkes, dated 22/06/2018

External Lighting Statement, 180141, prepared by Couchperrywilkes, dated 15/06/2018

Flood Risk Assessment, PHX-BWB-ZZ-XX-RP-YE-0001_FRA Rev. P4, prepared by BWB Consulting Ltd, dated 13/11/2020

Foul Water Capacity Assessment, PHX-BWB-ZZ-XX-RP-CD-0002_FWCA Rev. P05, prepared by BWB Consulting Ltd dated 13/11/2020

Framework Travel Plan, PHX-BWB-GEN-XX-RP-TP-0002_TP-V2, prepared by BWB Consulting Ltd, dated 06/11/2020

Landscape and Visual Assessment, Rev. 02, prepared by fira landscape architecture and urban design, dated 13/02/20

Noise Impact Assessment LDG2008 Rev. 06, prepared by BWB, dated 30/11/2020

Planning Statement, Q070093, prepared by Quod, dated January 2021

Sustainable Drainage Statement, PHX-BWB-ZZ-XX-RP-CD-0001, Rev. P06 prepared by BWB Consulting Ltd., dated 06/11/2020

Transport Assessment, PHX-BWB-GEN-XX-RP-TR-0001_TA-V7, Rev. P07 prepared by BWB Consulting Ltd., dated 06/11/2020

Water Management Statement, PHX-BWB-ZZ-XX-RP-YE-0002, Rev. P05 prepared by BWB Consulting Ltd., dated 13/11/2020

Environmental Impact Assessment, Vol. I and Vol. II, prepared by BWB Consulting Ltd., dated November 2020

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).

9. The development (including any works of demolition & remediation) shall proceed only in strict accordance with a Waterway Environmental Protection Plan which has been submitted to and approved in writing by the Local Planning Authority, and thereafter the development shall be carried out in accordance with the approved details. The Plan shall include/provide for:

Reason: To safeguard the environment and in the interests of the structural integrity of the waterway and to ensure the proposed works do not have any adverse impact on the safety of waterway users, ecology or water quality of the Walsall Canal, in accordance with Policies EN1 and EN4 of the Walsall SAD 2019 and the advice and guidance of the National Planning Policy Framework in paragraphs 170, 175 & 178-180..

10. If after commencement of works within any phase, contamination not previously identified is found to be present, no further works (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until either:
 - 10a) a site investigation has been designed and undertaken in accordance with details approved in writing by the Local Planning Authority,
 - 10b) a risk assessment has been produced and a method statement detailing the remedial requirements using the information obtained from the site,
 - 10c) investigation has been approved by the Local Planning Authority or;
 - 10d) if the above has been previously undertaken, the developer shall submit and obtain written approval from the Local Planning Authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

Reason: To ensure that the nature conservation value and water quality of the canal corridor is not adversely affected by the proposals in accordance with the National Planning Policy Framework in paragraphs 178-179.

11. No development within any phase shall take place until a Method Statement (to demonstrate that any demolition, remediation and construction operations near the canal will not impose additional loading onto the canal infrastructure and as a result adversely affect its stability or structural integrity), has first been submitted to and agreed in writing by the Local Planning Authority. Cross sections shall be provided to illustrate the proposed remediation works and development in relation to adjacent canal structures to enable an assessment of the impact of the proposals on their structural stability. The statement shall include details of the arrangements for undertaking any monitoring regimes or mitigation measures as may be necessary to ensure that the risk of damage to the canal structure is adequately minimised (for example, vibration monitoring if piled foundations are proposed, or works to strengthen the existing canal bank to accommodate increased loads).

Reason: In the interests of minimising the risk of creating land instability arising from works which would adversely affect the structural integrity of the adjacent Walsall Canal in accordance with the advice and guidance on land stability contained in paragraphs 170, 178 and 179 of the National Planning Policy Framework 2019 and in the National Planning Practice Guidance.

12.

12a) Prior to commencement of the development hereby permitted:

- Details of intrusive site investigations for past coal mining activity shall be submitted in writing to and approved in writing by the Local Planning Authority
- the approved details of intrusive site investigations shall be undertaken and a report of findings arising from the intrusive site investigations including the results of any monitoring shall be submitted in writing to the Local Planning Authority
- details of remedial works shall be submitted to and approved in writing by the Local Planning Authority

12b) Prior to the carrying out of building operations of the development hereby permitted the approved details of remedial works shall be carried out

12c) The development hereby permitted 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 178 and 179 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

13.

13a) Notwithstanding the information submitted, and prior to commencement of the development hereby permitted, an updated and amended air quality assessment shall be submitted in writing to and approved in writing by the Local Planning Authority. The assessment shall include details of recommendations for mitigation measures.

13b) Prior to occupation the approved mitigation measures shall be carried out to the satisfaction of the Local Planning Authority.

13c) The development hereby permitted shall not be carried out otherwise than in accordance with the agreed mitigation measures and such measures shall thereafter be retained for the lifetime of the development.

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

14. Prior to commencement above damp course details shall be provided to the local planning authority and approved in writing of bat boxes, bird boxes and hedgehog holes (in fencing) and hedgehog domes to be incorporated into the building designs, retained trees and open areas of the site.

14a) The details shall include a schedule for installation that refers to specific locations of installations and the timescales for installations.

- 14b) Details shall include the number and location of boxes /domes with accompanying evidence that the number and locations have been determined by a qualified ecologist.
- 14c) The development shall not be carried out otherwise than in accordance with the agreed details.

Reason: To conserve local bat, bird and hedgehog populations and to comply with NPPF15, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

15.

- 15a) Notwithstanding the information submitted, and prior to commencement of the development hereby permitted, updated and amended, plans for the disposal of foul drainage shall be submitted to and approved in writing by the Local Planning Authority.
- 15b) The development shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure the development is provided with a satisfactory means of drainage and to minimise the risk of pollution and in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

16. Notwithstanding the information submitted, and prior to commencement of the development hereby permitted, updated and amended details of surface water drainage and a flood risk management scheme shall be submitted in writing to and approved in writing by the Local Planning Authority. This should include details of:

- 16a) Provision of attenuation flood storage on the site to a 100yr + CC standard (including a 20% allowance for climate change).
- 16b) Provision of sustainable drainage elements to provide water quality improvements.
- 16c) If any discharge to the Walsall Canal is proposed, the scheme shall include details of measures necessary to attenuate discharges into the waterway to appropriate rates
- 16d) Include an Operation and Maintenance Plan, Exceedance Plan, and Surface Water Drainage Strategy in line with CIRIA (Construction Industry Research and Information Association) SuDS guidance
- 16e) And shall accord with the Flood Risk Assessment and Drainage Strategy Dated March 2020.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to ensure lifetime maintenance of the system to prevent flooding issues and to ensure the development is provided with satisfactory means of drainage to comply with the requirements of the Canal and River's Trust and the Lead Local Flood Authority and UDP policy GP2 and UDP policy ENV10.

17. Prior to the main access road off Reservoir Place first coming into use, the new bell mouth road junction including a tactile pedestrian crossing facility, shall be fully installed to the satisfaction of the Local Planning Authority, together with the reinstatement back to full kerb height of all existing access points and footway crossings made redundant as a result of the development.

Reason: To ensure the satisfactory completion and operation of the development and in the interests of highway safety.

18. Prior to commencement of the demolition and remediation as part of the development a Demolition/Remediation Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority The Demolition/Remediation Environmental Management Statement shall include:
- (i) Demolition Environmental Management Plan giving detail of the arrangements to meet the requirements set out in the *Environmental Impact Assessment, Annex 9-3, Outline Project Controls*
 - (ii) Material Management Plan (MMP) relating to the re-use of soils on the site of origin
 - (iii) Remediation Environmental Management Plan giving detail of the arrangements to meet the requirements set out in the *Environmental Impact Assessment, Annex 9-3, Outline Project Controls*
 - (iv) the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in remediation and in constructing the development;
 - (v) measures to sample the canal water quality before, during and after all works of demolition, remediation and construction adjacent to the canal and details of how any changes in quality will be reacted to by the developer;
 - (vi) measures to prevent surface water drainage to the canal;
 - (vii) measures to protect the canal from on-site contamination during the sealing of the basin north of Spinks Bridge;
 - (viii) details of protective measures (both physical measures and sensitive working practises) to avoid impacts during demolition, remediation and construction;
 - (ix) a timetable to show phasing of demolition, remediation and construction activities to avoid periods of the year when sensitive wildlife could be harmed (otter mating season, bird nesting season etc.);
 - (x) the parking and turning of vehicles of site operatives and visitors;
 - (xi) the loading and unloading of plant and materials;
 - (xii) the storage of plant and materials used in the demolition and remediation;
 - (xiii) dust mitigation measures;
 - (xiv) wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway or the adjacent canal;
 - (xv) details of the method to be employed for disposing of silty water;
 - (xvi) persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation
 - Provision of training and information about Environment Protection measures to all construction personnel on site.
 - Installation of physical protection measures during remediation and construction;
 - Regular inspection and maintenance of the physical protection measures and monitoring of working practices during remediation and construction;
 - Provision of training and information about the importance of Environment Protection measures to all remediation and construction personnel on site.
 - (xvii) details of the siting of areas for the storage for chemicals, fuels, or any other substances hazardous to groundwater, which should be physically distant from the adjacent canal
 - (xviii) Details of the construction of areas for the storage for chemicals, fuels, or any other substances hazardous to groundwater which should include an impervious base within an oil-tight bund and no drainage outlet;
 - (xix) details of a designated area for the refuelling of plant with an impermeable surface;
 - (xx) details of temporary construction lighting, which shall be kept to a minimum in the vicinity of the canal, and where necessary incorporate directional lighting and deflectors to direct the light into the site and away from the canal.

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

19.

- 19a) Prior to commencement of the development hereby permitted 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.
- 19b) Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.
- 19c) If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

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

20. Prior to commencement of the 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) the parking and turning of vehicles of site operatives and visitors;
 - (ii) the loading and unloading of plant and materials;
 - (iii) the storage of plant and materials used in constructing the development;
 - (iv) dust mitigation measures;
 - (v) wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway or the adjacent canal;
 - (vi) details of the method to be employed for disposing of silty water;
 - (vii) a timetable of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as when badgers, reptiles and amphibians are active and during bird nesting seasons);
 - (viii) persons responsible for:
 - Compliance with legal consents relating to nature conservation;
 - Compliance with planning conditions relating to nature conservation
 - Provision of training and information about Environment Protection measures to all construction personnel on site.
 - (ix) details of the siting of areas for the storage for chemicals, fuels, or any other substances hazardous to groundwater, which should be physically distant from the adjacent canal
 - (x) Details of the construction of areas for the storage for chemicals, fuels, or any other substances hazardous to groundwater which should include an impervious base within an oil-tight bund and no drainage outlet;
 - (xi) details of a designated area for the refuelling of plant with an impermeable surface;
 - (xii) details of temporary construction lighting, which shall be kept to a minimum in the vicinity of the canal, and where necessary incorporate directional lighting and deflectors to direct the light into the site and away from the canal.

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

- 21.
- 21a) Prior to commencement of the development hereby permitted updated Noise Impact Assessment shall be submitted in writing to and approved in writing by the Local Planning Authority. The assessment shall include details of recommendations for mitigation measures.
- 21b) Prior to occupation the approved mitigation measures shall be carried out to the satisfaction of the Local Planning Authority.
- 21c) The development hereby permitted shall not be carried out otherwise than in accordance with the agreed mitigation measures and such measures shall thereafter be retained for the lifetime of the development.

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

22. Prior to first occupation of the development hereby permitted, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained within the Framework Travel Plan dated November 2020 and submitted by BWB Consulting shall be fully developed into a full Travel Plan and implemented, monitored and reviewed for the lifetime of the development, in accordance with the approved Plan.

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

23.

23a) Prior to any unit on the development that takes access off Reservoir Place first coming into operation, the main access road off Reservoir Place together with all access ways, car parking, service and vehicle manoeuvring areas to that unit shall be fully consolidated, hard surfaced and drained and brought into use.

23b) These areas shall thereafter be retained and used for no other purpose.

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

24.

24a) Prior to any unit on the development that takes access directly off Darlaston Road first coming into operation, all access ways, car parking, service and vehicle manoeuvring areas to that unit shall be fully consolidated, hard surfaced and drained and brought into use.

24b) These areas shall thereafter be retained and used for no other purpose.

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

25. Prior to the first occupation of any of the development hereby approved details of the proposed external lighting for the development, including details of foundations, appearance, height, luminance in candelas, hours of operation, angling and cowls and details of the timing of its implementation relative to the full occupation of the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area to show consideration for bats and other wildlife in accordance with saved policies GP2, ENV11 and ENV32 of Walsall's Unitary Development Plan. EN1 and EN4 of the Walsall SAD

26.

26a) Prior to any Unit on the development first coming into operation, full details of a cycle shelter, for the use of staff and visitors and which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

26b) The cycle shelter facility shall thereafter be retained and used for no other purpose.

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

27.

27a) Prior to any Unit on the development first coming into operation, all parking, accesses, vehicle manoeuvring and turning areas serving that Unit shall be fully consolidated, hard surfaced and drained, together with the clear demarcation of all parking bays.

27b) These areas shall thereafter be retained and used for no other purpose.

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

28.

28a) No clearance of vegetation shall be undertaken during the bird-nesting season (1st March to 31st August inclusive) unless the area has been first checked no more than 3 days prior to clearance by a qualified ecologist to determine the location of any active nests

28b) If nests are discovered by the ecologist, they should be cordoned off by a minimum 5m buffer until the end of the nesting season or until the birds have fledged.

Reason: To conserve local bird populations and to comply with NPPF15, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

29. The development shall be constructed to meet the following minimum security measures and thereafter retained for the life time of the development:

- The design of the building shall prevent features which aid scaling, or climbing.
- LED lights with daylight sensors to the walls of buildings in particular at entry and exits
- Monitored alarm systems or CCTV
- All perimeter windows shall be independently certificated to BS 7950 Windows of Enhanced Security or LPS 1175 SR 2 or 3 as well as the relevant performance standard.
- All ground floor and vulnerable windows shall use minimum 6.8mm laminated glazing.
- Sills shall be steeply angled to prevent them being used as climbing aids, seats or litter points.
- All windows shall be fitted with restrictors.
- Glazing and glazing sizes shall to be kept to the minimum compatible with requirements of lighting, surveillance and visibility.

Reason: To ensure the safety and security of the development itself and the safety and security visitors and employees in accordance with Saved Policy GP2 of the Unitary Development Plan, DW2 of the Designing Walsall SPD and the National Planning Policy Framework.

30. Japanese knotweed and Cotoneaster shall be treated in accordance with recommended guidelines as prescribed by the Environment Agency.

Reason: To ensure the satisfactory implementation of the development.

31. The quantum of developable gross floor area shall not exceed 57,575 square meters in total and the ratio of the B2/B8 land use split for the main body of the site shall be set a 55/45 respectively.

Reason: To accord with the submitted Transport Assessment parameters determined by the potential traffic impact on the local highway network and upon which the development has been assessed.

Notes for Applicant

1. Water discharges from the development to the adjacent canal, including any continued use of existing discharges, as it may be necessary to obtain a fresh agreement from the Trust to do so. Please contact Joanna Bryan, Utilities Surveyor, at Joanna.Bryan@canalrivertrust.org.uk in the first instance.
2. All land ownership matters relating to the development and to ensure all necessary commercial agreements with the Trust are in place. Please contact Jeff Peake, Estates Surveyor, at Jeff.Peake@canalrivertrust.org.uk

3. The applicant/developer is advised to contact the Canal & River Trust in order to ensure that any necessary consents are obtained and the work Shomsur Khan, Works Engineer in the first instance on Shomsur.Khan@canalrivertrust.org.uk
4. 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.
5. The applicant will be expected to either enter into an agreement under S38 or S278 of the Highways Act 1980 with the Highway Authority for all adoptable highway works and works within the existing public highway. For further advice please contact Highway Development Control Team at Stephen.Pittaway@walsall.gov.uk.