



Walsall Council

Planning and Building Control

Planning Committee 05 Sep 2024

Plans List Item 3

Report of Head of Planning and Building Control

Reason for reporting to the planning committee.

- 1) Called in by a Councillor Tim Wilson on the grounds
- 2) Detrimental to the character and visual amenities of the area due to poor design
- 3) Causes noise and disturbance to nearby occupiers
- 4) Design/layout/siting/appearance detrimental to the character of the surrounding area

Application details.

Application reference: 23/1583

Site location: LAND AT FORMER WEST MIDLANDS BRIGHT BAR LTD, MIDDLEMORE LANE, ALDRIDGE, WALSALL, WS9 8SP

Application proposal: Demolition of existing buildings and erection of 22 new Industrial Units (Class E, B2 & B8 Uses), car parking and landscaping

Application type: Full Application: Major Use Class B2 (General Industrial)

Link to application documents: <https://go.walsall.gov.uk/planningapps?id=23/1583>

Applicant: Charlton Haynes Ltd, Charlton Haynes Ltd Charlton Haynes Ltd, Harley House, 29 Cambray Place, Cheltenham, GL50 1JN

Planning agent: Jack Chamberlain, Kedd Limited Kedd Limited, Fox Studio, King Street, Much Wenlock, TF13 6BL

Ward: Aldridge Central And South

Red line location



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Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and to secure a s106 to secure a travel plan, and subject to:
 - a. No new material considerations being received within the consultation period.
 - b. The amendment and finalising of conditions.
 - c. No further comments from a statutory consultee raising material planning considerations not previously addressed.

Site and surroundings

The application site is an existing B2 industrial site that has been used previously for metal working. The proposal is to Demolition of existing buildings and erection of 22 new Industrial Units (Class E, B2 & B8 Uses), car parking and landscaping. The site is situated in flood zone 1 as defined on the Environment Agency Flood Map for Planning. The area is at low risk of legacy coal mining development. The site may be contaminated. The site is in a tree consultation area. The site is situated in the Cannock Chase SAC zone of influence.

Relevant planning history

1. 03/1073 Extension in length of steam boiler flue by 1m – Granted 23 July 2003.

Relevant policies

1. National Planning Policy Framework (NPPF)

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". The NPPF is a material consideration in the determination of a planning application.

A draft text of the NPPF for consultation has been published on the 30th of July 2024 the consultation period expires on the 24 September 2024.

2. Human rights and reducing inequalities

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

- Article 8 – Right to Respect for Private and Family Life
- THE FIRST PROTOCOL – Article 1: Protection of Property

Section 149(1) of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it (the Public Sector Equality Duty or 'PSED'). There are no equality implications anticipated as a result of this decision.

3. Walsall Council Development Plan

Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

Our Development Plan includes:

- Black Country Core Strategy (BCCS)
- Walsall Site Allocation Document (SAD)
- Saved policies of Walsall Unitary Development Plan (UDP)
- Walsall Town Centre Area Action Plan (AAP)

Planning guidance is published within a number of Supplementary Planning Documents. Those of relevance will be referenced in this assessment.

Public consultation has been carried out in accordance with the Development Management Procedure Order and the council's Statement of Community Involvement.

Consultee comments (planning officer's summary)

1. Archaeological Officer
There are no archaeological implications for this proposal.
2. Community Protection
No comments received.
3. Ecology
No comments received.
4. Local Highway Authority
Support the proposal and recommend conditions in relation to parking, turning and access to the site to be implanted prior to occupation.
5. Environmental Protection
No objections and recommends conditions in relation to the agreement of an acoustic design statement and a phase two contamination report with mitigation and validation measures to be submitted and agreed with the local planning authority.
6. Police Architectural Liaison Officer
Recommends Secured by design principles.
7. Lead Local Flood Authority
No objection recommends a drainage condition to secure SUDS.
8. West Midlands Fire Officer
Comments received in relation to requirement B5: Access and facilities for the fire service.
9. Waste Management
No comments received.

Neighbour and interested parties' comments (planning officer's summary)

1. 13 letters of comment objecting to the proposal on the following grounds:
 - Contaminated land
 - Highway safety
 - Residential amenity
 - Noise/disturbance
 - Congestion
 - Loss of trees
 - Additional traffic/parking in the area
 - Overdevelopment of the site
 - Proximity to residential properties

- Size and height of buildings
- Replacement of trees required
- Buildings should be single storey
- Loss of value to homes (Officer comments this is not a material planning consideration.)

Determining issues

1. Principle of development
2. Heritage assessment
3. Cannock chase SAC and HRA
4. Design, layout, and character
5. Amenity of neighbours and future occupiers
6. Highways
7. Ecology
8. Flood risk / Drainage
9. Trees / Protected trees
10. Ground conditions and environment
11. Planning obligations

Assessment of the proposal

1. Principle of development

The site is previously developed land situated within the built-up area of Aldridge. The site is 300m from Aldridge District Centre and this and the immediate industrial area is relatively small.

The proposal is for the Demolition of existing buildings and erection of 22 new Industrial Units (Class E, B2 & B8 Uses), car parking and landscaping. The existing floorspace was 1798 m² and was used for steel bar manufacturing. This application proposes a creation of 1800 m² of internal floorspace. Pre application discussions were undertaken between the LPA and the applicant.

The site was bounded by boundary fencing. The site lies close to existing residential properties.

The site may be contaminated due to its previous industrial use.

Paragraph 8 of the NPPF relates to achieving sustainable development and seeks to ensure that new development is sustainable in terms of the economy, social objectives, and environmental objectives. Paragraph 10 provides for the presumption in favour of sustainable development. In terms of the location of the proposed development there are no objections in principle to the development for the reuse of the site in this location for B2 and B8 uses.

The site is allocated by SAD policy IND3 as retained local quality employment land, part of site reference IN12.7. The policy states that the provisions of BCCS policy EMP3 and UDP saved policy JP8 will apply. Proposals for non-

industrial uses will not be permitted except where, allowed by BCCS policy EMP3.

BCCS policy EMP3 states that local quality employment areas are characterised by a critical mass of industrial, warehousing and service activity in fit for purpose accommodation with good access to local markets and employees. These areas will

provide for the needs of locally based investment and will be safeguarded for the following uses:

- Industry and warehousing
- Motor trade, including car showrooms, garages and vehicle repair
- Haulage and transfer depots
- Trade wholesale retailing and builders' merchants
- Scrap metal, timber, construction premises and yards
- Waste collection, transfer and recycling uses as set out in Policy WM4

BCCS policy EMP5 states that planning obligations will be negotiated with the developers and occupiers of major new job creating development to secure initiatives and/or contributions towards the recruitment and training of local people. The training schemes should offer help particularly to disadvantaged groups, so that they may obtain the necessary skills to increase their access to job opportunities.

Main Relevant Saved UDP Policies

GP2: Environmental Protection

Lists considerations that will be considered in the assessment of development proposals.

GP3: Planning Obligations

These will be used, as appropriate, to secure the provision of any on or off-site infrastructure, facilities, services, or mitigating measures made necessary by a development.

ENV32: Design and Development Proposals

Poorly designed development which fails to properly take account of the context or surroundings will not be permitted.

T7 and T13: Car Parking Standards

Upgrading the site for employment uses is strongly supported. There is a need for a substantial additional supply of land for employment, especially in use classes B2 and B8. The site has a long-established use which appears to be in class B2 given that it was a wire manufacturer.

Such use has the potential to cause conflict with the adjacent housing, although both uses appear to have co-existed since before the second world war. Redevelopment for a light industrial use would reduce the potential for any future conflict. However, a

class E use should be restricted to sub-class E(g)(ii) or (iii) given that most of the other uses in class E are main town centre uses that should be accommodated in centres in accordance with the sequential test in the NPPF.

Given the above and the comments from the Environmental Protection Officer the hours of use for the site need to be agreed in advance by condition with the applicants together with a restriction on the E use class as advised by the planning policy section. The use should be restricted therefore to Classes B2 General Industrial; B8 Storage and Distribution and E Classes should be restricted to sub-class E(g)(ii) or (iii) given that most of the other uses in class E are main town centre uses that should be accommodated in centres in accordance with the sequential test in the NPPF Class E(g), (ii) the research and development of products or processes, or (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit

2. Heritage assessment

The application is not accompanied by a heritage assessment. The site is not situated near any known heritage assets either designated or non-designated.

3. Design, layout, and character

The factory unit that was on the site was a low-level saw tooth building with a larger metal clad building approximately 6.5 metres high to the ridge. The site was surrounded by palisade fencing. Car parking and 2 No accesses were to the site frontage with Middlemore Lane.

The proposed replacement buildings are units comprising of blocks of 7, 8 and 5 units in separate blocks arrange around the site in a courtyard setting. The height of the buildings are approximately 6.6 metres high to the ridge and the largest block of 8 units is 55.5 metres long by 11.4 metres wide. The smaller blocks of 7 and 5 units are approximately 48.5 metres and 34.7 metres, by 11.4 metres wide and 12 metres respectively by 6.6 metres high. The block with 2 units is 16.7 by 12 meter by 6.6 metres high. The proposed materials are steel clad sheeting in Goosewing Grey and Upvc windows in Grey, with metal roller shutter doors in Merlin Grey.

The proposed development is considered to accord with ENV32, Design and Development Proposals of the Walsall Unitary Development Plan.

4. Amenity of neighbours and amenity of future occupiers

Saved Policy GP2, Environmental Protection of the Unitary Development Plan states that “the Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an unacceptable adverse impact on the environment”

There are a number of objections received regarding the loss of trees along the boundary with neighbouring properties that provided screening. The trees were not the subject of a preservation order within the site, so the LPA are unable to control the removal of the trees. In addition, third parties have expressed concern regarding noise, odour, contamination, and traffic generated from the resulting development.

A noise report has been submitted with the current application and the Environmental Protection Officer advises that noise mitigation plan is submitted and agreed in writing with the LPA. The application site should also have agreed hours of opening in the interests of the amenities of the locality. The submitted noise information advises that the units would typically operate between 08:00 – 18:00 weekdays and Saturday mornings with limited overnight activity. The operation of the site overnight would not be acceptable in relation to the amenities of the existing locality. The planning statement conflicts with this information and advises working hours to be between 07:00-19:00 with no mention of the days of work.

The proposed buildings are approximately the height of 6.6 metres high to the ridge and the nearest neighbouring residential and some commercial properties are numbers 82-100 Leighswood Road and 9 and 7 Middlemore Lane. These properties on Leighswood Road have long back gardens of approximately 32 metres (from the nearest property). Due to the landscape buffer, there is an approximate distance of 4 metres between the rear boundaries of these properties and the proposed buildings. It is considered the overall separation distance of approximately 36 metres means the proposal would not result in an unduly oppressive outlook from rear windows and would not be overbearing as to limit the enjoyment of the rear gardens.

Due to the north east orientation of the properties on Leighswood Road, shading to the rear gardens would occur approximately late afternoon. It is considered on this basis, the shading would not result in a detrimental impact on the enjoyment of these rear gardens.

The relationship of the proposed buildings with no. 9 Middlemore Lane is similar to the existing site layout with a proposed separation distance of approximately 7.5 metres between the two including the landscape buffer. Due to the south east orientation of this property, shading would occur to the rear garden approximately late afternoon. It is considered on this basis, the shading would not result in a detrimental impact to the enjoyment of these rear gardens.

The Environmental Protection officers advises that the above measures are secured by conditions, together with a Construction Environmental Management Plan and a contaminated land report with mitigation measures. A condition requiring an acoustic noise assessment/mitigation scheme is recommended to ensure that the proposal accords with Saved UDP Policy GP2, Environmental Protection and ENV10 Pollution of the Unitary Development Plan.

A phase one investigation report for contaminated land has been provided. Environmental Protection are satisfied with the report and conclude that the application needs to undertake a phase 2 exploratory investigation to inform the foundation design and for contamination and ground gas.

The EP officer is advising conditions but recommends that the above are highlighted to the applicant for consideration regarding noise issues. Conditions are advised in respect of contamination and noise impact including a request for a validation statement and an acoustic design statement.

Subject to conditions to the agreement of suitable hours of operation and noise and contamination mitigation measures the application can be supported in accordance with Saved UDP Policies GP2 Environmental Protection and ENV10 Pollution of the Walsall Unitary Development Plan.

5. Highways

The highways officer supports the proposal subject to conditions in relation to the submission of a CEMP which shall include wheel washing facilities, parking and turning during construction and measures to prevent mud from spreading to the highway.

In addition, a condition in relation to the provision of access, parking, manoeuvring and turning facilities shall be provided prior to occupation. Together with details of cycle parking facilities/shelter and a travel plan for staff which would need to be secured by a section 106 agreement. To encourage sustainable travel modes, in accordance with BCCS policy TRAN2 and UDP Policy T10.

The proposal is considered to accord with Policy T7 – Car Parking and T13; Parking Provision for Cars, Cycles and Taxis of the Walsall Unitary Development Plan and National Planning Policy Framework paragraph 115.

6. Ecology

A phase one ecological assessment has been submitted with the application the findings of which indicate that the site is likely to be limited for the presence of protected species. Demolition has taken place on the site and the removal of trees therefore any potential roosting sites for birds/bats may be lost. Mitigation measures are proposed to provide bird and bat boxes and creation of grass/scrub and planting of four replacement trees within the site. A landscape corridor is proposed to the north boundary where the trees were removed adjacent to the residential properties. In addition, an area of landscape to the site frontage with Middlemore Lane is proposed. The application was submitted prior to the requirement for a 10% net gain in biodiversity. It is considered that a revised landscape and planting plan should be sought to include more trees of an appropriate native species other than the four proposed in the site frontage landscape area proposed as this is insufficient to overcome the loss of trees to the site.

Conditions are therefore advised to ensure that the ecological impact of the proposal is minimised and that an appropriate landscape scheme is achieved. The Ecology officer has not commented on this application but did advise in the pre application stage that a phase one ecological assessment should be undertaken.

Subject to a condition to secure a revised satisfactory landscape and ecological mitigation measures to accord with BCCS, ENV1 Nature Conservation, ENV17 New Planting of the Walsall Unitary Development Plan. ENV24 Wildlife Corridors, Walsall Site Allocation Document January 2019 and Saved UPD policies GP2 Environmental Protection.

7. Flood risk / Drainage

The Lead Local Flood Authority do not object to the proposal but advise that a drainage condition should be secured to ensure that the site is drained by a SuDS sustainable drainage system so that surface water and foul water are dealt with so as not to cause pollution or run off to other sites. The site is situated in Flood Zone 1 as defined on the Environment Agency Flood Map for Planning. To accord with the Unitary Development Plan Policy ENV40 Conservation, Protection and Use of Water Resources and GP2 Environmental protection.

8. Trees / Protected trees

The trees that have been removed from the northern boundary were not protected trees on private land and therefore the LPA have no control over their removal. Subject to a condition to secure a revised satisfactory landscape and ecological mitigation measures the proposal can be supported with conditions to accord with the BCCS, ENV1 Nature Conservation, ENV17 New Planting of the Walsall Unitary

Development Plan. ENV24 Wildlife Corridors, Walsall Site Allocation Document January 2019 and Saved UPD policies GP2 Environmental Protection.

9. Ground conditions and environment

The Council's Environmental Protection Officer is concerned that the demolition of the buildings has been undertaken prior to the completion of the planning/consultation process. The site may have been affected by asbestos contamination and a condition would normally be advised to ensure that any asbestos contamination can be properly mitigated however demolition is normally carried out in accordance with building regulations requirements.

In addition, it is recommended that conditions are advised in relation to ground gas and any potential contamination as well as the mitigation measures for the foundations due to the previous use of the site as a metalwork/wirework facility. This should be carried out by a suitably qualified person. Planning conditions are considered necessary, to provide mitigation measures for contamination and ground gas. These measures should include a remediation and validation statement. To ensure that any potential for ground gas and contamination can be effectively dealt with to accord with Saved Policy GP2, Environmental Protection and ENV10 pollution of the Unitary Development Plan.

10. Planning obligations

A planning obligation Section 106 is to be required to secure the Staff Travel Plan. To accord with Policy T7 – Car Parking and T13; Parking Provision for Cars, Cycles and Taxis of the Walsall Unitary Development Plan and National Planning Policy Framework paragraph 115.

Conclusion and reasons for decision

On balance, this application is considered acceptable when assessed against the local and national planning policies and guidance as set out in this report.

The proposed development aligns with planning policies, it contributes to continuing employment land supply. The proposal retains a similar scale and appearance, with modern finishes and sustainable technologies.

In summary, while the proposal demonstrates alignment with various planning policies, conditions are necessary to address

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

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and to secure a s106 to secure a travel plan, and subject to:
 - a. No new material considerations being received within the consultation period.
 - b. The amendment and finalising of conditions.
 - c. No further comments from a statutory consultee raising material planning considerations not previously addressed.

Conditions and reasons

1. This development must be begun not later than 3 years after the date of this decision.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended.

2. The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:
 - Location Plan KD.ALD.1.D.001 received 11 January 2024.
 - Proposed elevations KD.ALD.1.D 005 received 11 January 2024
 - Transport Statement Received 11 January 2024
 - Proposed site plan KD.ALD.1 D 003 Rev C received 24 June 2024
 - Biodiversity net gain assessment received 11 January 2024
 - Design and access statement received 11 January 2024

- Drainage assessment received 11 January 2024
- Noise Assessment received 11 January 2024
- Phase One Environmental Report received 29 January 2024
- Preliminary ecological appraisal received 11 January 2024
- Transport note received 29 May 2024.

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. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been hard surfaced and drained /permeable surfaced and no loose stone. The access, turning area and parking facilities shall not be used for any purpose otherwise than for access, turning and parking respectively.

Reason: To reduce the need for on street parking in the interest of highway safety and ensure surface water does not run onto the highway and to avoid increased surface flooding to comply with the Walsall Unitary Development Plan saved policies GP2 and ENV40.

4. The development hereby permitted shall not be open to customers otherwise than between the hours of 07:00 hours to 18:00 hours Mondays to Fridays and 08:00-13:00 on Saturdays and shall not be open on Saturdays, Sundays, Bank and Public Holidays

Reason: To protect the amenities of nearby residential occupiers in accordance with saved UDP policies GP2 and ENV32.

5. Notwithstanding the provisions of Class E of the Town and Country (Use Classes) Order 1987 (as amended) or any subsequent re-enactment thereof the premises shall only be used as B2 General Industrial, B8 Storage and distribution and Uses E(g) ii the research and development of products or processes, and/or iii any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Reason: To define the permission, to ensure the satisfactory functioning of the development and to safeguard neighbours, amenity to accord with the Walsall saved Unitary Development Plan Policy GP2.

6. Prior to the occupation of the development hereby approved full details of the proposed cycle shelter, which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and the cycle shelter shall be fully implemented in accordance with the approved details.

6b) 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.

7. No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority.

a) No external lighting shall be installed on the site otherwise than in accordance with the approved details.

Reason: In the interests of the visual amenities of the area in accordance with saved policies GP2, ENV11 and ENV32 of the Walsall Unitary Development Plan.

8. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been hard surfaced and drained /permeable surfaced and no loose stone. The access, turning area and parking facilities shall not be used for any purpose otherwise than for access, turning and parking respectively.

Reason: To reduce the need for on street parking in the interest of highway safety and ensure surface water does not run onto the highway and to avoid increased surface flooding to comply with the Walsall Unitary Development Plan saved policies GP2 and ENV40.

9. 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:

- a) Construction working hours
- b) Parking and turning facilities for vehicles of site operatives and visitors
- c) Loading and unloading of materials
- d) Storage of plant and materials used in constructing the development
- e) A scheme for recycling/disposing of waste resulting from construction works
- f) Temporary portacabins and welfare facilities for site operatives
- g) Site security arrangements including hoardings
- h) Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- i) Measures to prevent flying debris
- j) Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- k) Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- l) Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures
- m) ADD re-covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc

9b) 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 impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

10a) Prior to commencement of the development hereby permitted a site survey to identify any potentially hazardous materials and contamination including ground gas, shall be carried out and a Method Statement detailing actions to be taken and timescales for the taking of such action to prevent localised contamination shall be submitted in writing to and approved in writing by the Local Planning Authority.

10b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved Method Statement.

10c) Following demolition of the building hereby permitted and removal of the demolition material but prior to any building or engineering operations a validation report shall be submitted in writing to the Local Planning Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building and to verify that the approved Method Statement has been carried out.

Reason: To prevent potential contamination of the ground due to any potentially hazardous materials associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

11a) 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.

11b) 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.

11c) The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

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.

12a) Prior to commencement of the development hereby permitted details of landscaping phased in relation to any phasing of the development including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

12b) Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

12c) 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.

13a) Prior to commencement of any building operations above the damp proof course of the development hereby permitted details of the proposed finished floor levels, ridge and eaves heights of the buildings hereby permitted shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties.

13b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

Reason: In the interests of the amenities of the area in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

14a) No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority.

14b) No external lighting shall be installed on the site otherwise than in accordance with the approved details.

Reason: In the interests of the visual amenities of the area in accordance with saved policies GP2, ENV11 and ENV32 of Walsall's Unitary Development Plan.

15) No storage of goods materials or equipment shall take place within the parking/turning/vehicle manoeuvring/bin storage areas/open areas / outside the buildings

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

16a) Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

16b) 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.

17a) All workers on the site shall be made aware that bats may be present and shall not undertake demolition works including the dismantling of roofs, soffits, gables or in the vicinity of cracks and crevices otherwise than with the use of hand tools. All roof tiles, flashing and ridge tiles shall be listed carefully (and not dragged or slid) and the undersides examined for bats or bat droppings.

17b) If during the construction period bats or evidence of bats or their roosts are found:

- bats shall not be handled or touched.
- the vicinity of the roost shall be immediately reinstated.
- no further destructive works shall be carried out until the need for Natural England licence has been established.
- Within one week of finding bats or evidence of bats or their roosts, a written report by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy shall be submitted in writing to and approved in writing by the Local Planning Authority. The report shall record what was found, and propose appropriate mitigation measures, including a timetable for their implementation.
- Work shall not continue otherwise than in accordance with the approved mitigation measures and the approved timetable.

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

18a) Prior to the commencement of development hereby permitted details of noise mitigation measures including an Acoustic Design Statement shall be submitted to and approved in writing by the Local Planning Authority.

18b) The agreed Acoustic Design Statement shall be implemented prior to the occupation of the development.

18c) Noise from external plant and flues shall not exceed a Noise Rating of NR45, one metre from habitable room window, between the hours of 23:00 and 07:00 and NR60 between the hours of 07:00 and 23:00.

18d) Doors and windows facing residential properties shall remain closed when the units are operational except for access and egress purposes.

18e) 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 protect the amenities of nearby occupiers in accordance with the saved UPD Policy GP2 Environmental Protection.

19a) Prior to the commencement of the development hereby approved a travel plan statement for staff in relation to the operation of the site shall be submitted to and agreed in writing with the Local Planning Authority, drawn up in accordance with Government Good Practice Guidelines.

19b) Delivering Travel Plans through the Planning Process' shall be submitted for approval in writing by the Local Planning Authority.

19c) Upon first occupation of the development, the measures and incentives to promote the development's sustainability credentials and encourage non car borne travel modes shall be implemented in accordance with the submitted Travel Plan Statement for the lifetime of the development.

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

Notes for applicant

Coal Authority standing advice. - Development Low Risk Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Environmental Protection Standard Notes

2.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.

3.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.

4.CL3

Validation reports will need to contain details of the 'as installed' remediation or mitigation works agreed with the Local Planning Authority and the persons/business responsible for the Building Regulation compliance. For example, photographs of earthworks, 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. The Validation Report shall be written by a Technically Competent person/company.

Highways Notes

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

- 2) The applicant will be required to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information and application forms please visit the Council's webpage under <https://go.walsall.gov.uk/roadsparking-and-travel/roadworks-and-road-maintenance/get-a-dropped-kerb-foryour-Home>

- 3) The applicant will be expected to enter into an agreement under S38/278 of the Highways Act 1980 or obtain a Road Opening Permit, whichever is the most appropriate, 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

- 4) The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.

End of report