

Sandwell Metropolitan Borough Council
Development Planning Section
P.O. Box 2374
Council House
Freeth Street, Oldbury
West Midlands. B69 3DE



Application No. DC/23/68450

SANDWELL METROPOLITAN BOROUGH COUNCIL

**PLANNING PERMISSION
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)**

THE TOWN AND COUNTRY PLANNING (APPLICATIONS) REGULATIONS 1988

Site: Land Adjacent Tame Valley Canal Golds Hill Way Tipton

Particulars of Development: Proposed variation of condition 1 of planning permission DC/21/65690 (Proposed battery storage facility and associated development with boundary fencing) Amended site boundary.

Valid application received on: 7th July 2023

The Borough Council of Sandwell as local planning authority hereby **GRANT PLANNING PERMISSION** to the above described development proposed in the application numbered as shown above and in the plans and drawings approved as listed below, subject to the following condition(s):-

Conditions

1. The development must conform with the terms of and the plans accompanying the application for permission and must remain in conformity with such terms and plans, save as may be otherwise required by (any of) the following condition(s), or approved amendment(s).

APPROVED PLANS AND DRAWINGS:-

Plan Description	Reference	Version
Location Plan	2656-03-001	A
Location Plan	2656-03-002	A
Planning Layout - Proposed	2656-03-003	D

And approved plans associated with DC/21/65690 below:

Elevation Plans - Proposed	2656-03-005
Elevation Plans - Proposed	2656-03-006
Elevation Plans - Proposed	2656-03-007
Elevation Plans - Proposed	2656-03-008
Elevation Plans - Proposed	2656-03-009
Boundary Treatment Plan	2656-03-010
Elevation Plans - Proposed	2656-03-011
Elevation Plans - Proposed	2656-03-012

2. The development must be begun no later than the **11th September 2024** and a Commencement Notice must be submitted.
3. a) Where the findings of the intrusive site investigations for the unrecorded mine entry identify a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. A scheme of remedial and mitigatory measures for shallow workings also need to be submitted for approval. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.

CONDITION 3A – DISCHARGED 9th September 2022 (DOC/22/00447)

b) Following implementation and completion of the approved remediation and mitigation scheme (required by condition 3a above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.

4. Prior to work commencing on site a Construction Environmental Management plan shall be provided which specifically considers the need to protect the water environment during the course of the construction phase.

CONDITION 4 – DISCHARGED 10th October 2022 (DOC/22/00433)

5.
 - a) Before the development is first occupied a detailed hard and soft landscaping and planting scheme shall be submitted to and approved in writing by the local planning authority.
 - b) The approved hard and soft landscaping and planting scheme shall be implemented within eight months of the development being occupied.
 - c) Any tree, hedge or shrub planted as part of a soft landscaping scheme (or replacement tree/hedge) on the site, and which dies or is lost through any cause during a period of 3 years from the date of first planting shall be replaced in the next planting season.
6. Before the development is commenced, a desktop study, undertaken by a suitably qualified contaminated land practitioner, shall be carried out to assess the risk of potential for on-site contamination. Should the desktop study identify potential contamination, a further site investigation shall be carried to establish the degree and nature of contamination and its potential to pollute the environment or cause harm to human health. Any recommended remediation measures shall be implemented prior to the development being first occupied. Prior to occupation of the development a post remediation certificate demonstrating that the remediation measures have been completed shall be submitted in writing to and approved by the local planning authority.

CONDITION 6 DISCHARGED – 5th April 2022 (DOC/22/00426)

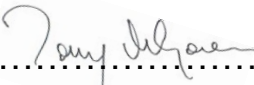
7. The rating level of operational noise, when measured as a 60 minute LAeq between the hours of 07:00 and 23:00, shall not exceed the background 60 minute LA90 by more than 5 dBA on any day. Likewise, the rating level of operational noise, when measured as a 15 minute LAeq between the hours of 23:00 and 07:00, shall not exceed the background 15 minute LA90 on any day. All measurements are to be taken in accordance with BS4142:2014+A1:2019 at the nearest noise sensitive premises.

Reasons

1. To ensure that any development undertaken under this permission shall not be otherwise than in accordance with the terms of the application, on the

basis of which permission is being granted, except in so far as other conditions may so require.

2. Pursuant to section 91 of the Town and Country Planning Act 1990 and the Community Infrastructure Regulations 2010 (as amended).
3. For the consideration of The Coal Authority; in the interests of public safety.
4. To comply with paragraph 170 (e) of the National Planning Policy Framework as the ecological environment in this location is sensitive and should be protected from disturbance, dust, run off, waste etc. entering the water environment.
5. To enhance the appearance of the development.
6. To ensure a safe form of development that poses no unacceptable risk of pollution or harm to persons or the environment in or around buildings and in the interests of public safety and environmental management.
7. To safeguard adjoining land owners/occupiers from any undue noise and general disturbances.

Date ...31.08.2023... Signature.....
Tony McGovern, Director of Regeneration and Growth

N.B.

1. **THIS IS A PLANNING PERMISSION ONLY. IT IS NOT AN APPROVAL:-**
(A) UNDER THE BUILDING REGULATIONS (WORK WHICH REQUIRES SUCH APPROVAL MUST NOT START UNTIL IT HAS BEEN OBTAINED):
OR
(B) UNDER ANY OTHER STATUTORY PROVISION
2. **YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF.**

NOTE FOR APPLICANT**Applicant Engagement Statement**

In dealing with the application the local authority has considered solutions and proactively engaged with the applicant in line with the National Planning Policy Framework.

The following Policies And Proposals Contained Within Sandwell Council's Development Plan Are Relevant to the Determination of this Application:

EMP2 Actual and Potential Strategic High Quality Employment Areas

The Strategic High Quality Employment Areas will be characterised by excellent accessibility, high quality environment and clusters of high technology knowledge based sectors. The Black Country currently provides 526 ha of high quality land and we will safeguard them for manufacturing and logistics uses within Use Classes B1 (b) (c), B2 and B8.

The Black Country needs an additional 1,031 ha of Strategic High Quality Employment Land. Targets for each Local Authority area including parts of South Staffordshire north of Wolverhampton are set out in Table 11.

Some employment generating non Class B uses will also be permitted in actual and potential strategic high quality employment areas, where they can be shown to support, maintain or enhance the business and employment function of the area.

We will encourage high quality development / redevelopment and discourage development that prejudices quality, dilutes employment uses or deters investment. We will also seek public intervention to support development, improvement and marketing of these sites.

These sites will be protected from redevelopment for other non-employment uses.

An indicative breakdown by regeneration corridor to illustrate how this target will be achieved is set out in Appendices 2 and 3. This is illustrative, based on the strategic evidence we have which shows how we may expect our targets to be delivered. But to allow for flexibility as local documents are progressed our targets are presented at the local authority level.

The broad location of the existing and potential Strategic High Quality Employment Areas is shown on the Key Diagram and Regeneration Corridor Plans, and detailed boundaries will be confirmed in Area Action Plans, Allocations Development Plan Documents and Proposals Maps.

ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island

The Black Country Authorities will seek to minimize the probability and consequences of flood risk by adopting a strong risk-based approach in line with PPS25. Development will be steered to areas with a low probability of flooding first through the application of the sequential test. The Exception test will then be required for certain vulnerable uses in medium and high probability flood areas.

Proposals for development must demonstrate that the level of flood risk associated with the site is acceptable in terms of the Black Country Strategic Flood Risk Assessment and its planning and development management recommendations as well as PPS25 depending on which flood zone the site falls into and the type of development that is proposed (see PPS25, table D1: Flood Zones to explain appropriate uses in flood zones).

To assist in both reducing the extent and impact of flooding and also reducing potential urban heat island effects, all developments should:

- Incorporate Sustainable Drainage Systems (SUDs), unless it would be impractical to do so, in order to significantly reduce surface water run-off and improve water quality. The type of SUDs used will be dependent on ground conditions;
- Open up culverted watercourses where feasible and ensure development does not occur over existing culverts where there are deliverable strategies in place to implement this;
- Take every opportunity, where appropriate development lies adjacent to the river corridors, or their tributaries or the functional floodplain, to benefit the river by reinstating a natural, sinuous river channel and restoring the functional floodplain within the valley where it has been lost previously;
- On sites requiring a Flood Risk Assessment, reduce surface water flows back to equivalent greenfield rates;
- Create new green space, increase tree cover and/or provide green roofs;

No development will be permitted within a groundwater SPZ1 which would physically disturb an aquifer, and no permission will be granted without a risk assessment demonstrating there would be no adverse effect on water resources.

NOTES

Unstable or Contaminated Land

Responsibility and subsequent liability for safe development and secure occupation rests with the developer and/or landowner. Although the local planning authority has used its best endeavours to determine the application on the basis of the information available to it, this does not mean that the land is free from instability or contamination.

In cases where the question of stability or contamination has been a material consideration, resolution of this issue does not necessarily imply that the requirements of any other controlling authority would be satisfied, and the **granting of planning permission does not give a warranty of support or stability or of freedom from contamination.**

NOTES

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town & Country Planning Act 1990.

If you want to appeal, then you must do so within eight weeks of the date of this notice in the case of an advertisement application, 12 weeks of the date of this notice in the case of a householder application, 12 weeks of the date of this notice in the case of a minor commercial application and within six months of the date of this notice in any other case, using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not determine an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of any development order and to any direction given under a development order.

In practice, the Secretary of State is unlikely to refuse to consider appeals solely because the local planning authority based its decision on a Direction given by him.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Notes for applicants who intend to carry out work to which the Building Regulations apply:

Now that you have your Planning Permission, you will also need to consider applying for Building Regulation approval. This is basically a technical exercise to ensure that your project complies with current national building standards and that your health and safety is not compromised.

Sandwell Council's Regeneration and Growth Directorate also provides a Building Control Service and if your scheme requires Building Regulation approval, I would ask you to contact my Building Control Section on 0121 569 4054/4055/4084 if you require further information concerning the Building Regulations process or visit our website at www.sandwell.gov.uk for guidance and forms.

The Council's in-house Building Control Team can offer the following services:

- Assessment of plans and any structural calculations – plans and details will be checked by our Team of qualified surveyors to check for compliance with the Building Regulations.
- Call between 8.00am and 4.30pm Monday to Friday to book a site inspection visit by one of our surveyors for a mutual date.
- In order to ensure that your building work meets minimum safety standards our Surveyors will carry out a pre-scheduled number of site inspections dependent on your project. We understand the importance of you (and your contractor) having on-site advice available throughout the duration of your project.

Impartial and independent advice – as a team within the Council, Building Control does not have any contracts or links with architects or contractors and therefore, our primary concern is that your project meets current construction standards and that health and safety is given the highest priority.