SITE AND SURROUNDINGS

1. The application site consists of an area of land which is bounded by Tipton Road to the east, the Castle Hill railway bridge to the south, Station Drive and the zoo car park to the west and an area of open land to the north.

2. The site was last used as British Rail freightliner depot but was closed during the late 1980s. Before this it was the site of Dudley railway station which closed in the mid-1960's. It is understood that the site may more recently, have also been used for open storage.

3. Owning to the former use, the application site is comparatively level, although the adjoining land particularly to the south and east is considerably elevated above the application site, with extensive retaining structures to Tipton Road and the railway bridge to Castle Hill, the largest height difference being around 6m. The western boundary to the zoo consists mostly of a steep bank that contains groups of mostly self-set trees.

4. The site also adjoins the mothballed Stourbridge to Walsall railway line to its eastern side, with much of the railway track still in place.

5. The application site has started to regenerate, with parts of the site dominated by self-set trees and coppice.

6. The application site is not the subject of any specific planning designations although it immediately adjoins the Castle Hill Conservation Area and is close to Dudley Castle which is both a listed building and Scheduled Ancient monument.

PROPOSAL

7. This is an outline planning application for the erection of an innovation centre for the design and construction of lightweight rail vehicles.
including research and development laboratories (B1b), general manufacturing (B2), conference facilities (D2), teaching and training facilities (D1) and infrastructure.

8 The Design and Access Statement outlines that the application site would be used as a centre to support the fledgling Very Light Rail (VLR) industry that it hoped will develop and expand from its Black Country start-up base and in particular it would;

- Provide neutral space for pre-competitive research; areas where like-minded researchers can interact and where a cross fertilisation of ideas can take place.
- Enable the coordination of strategic initiatives and ability to manage collaborative projects through provision of office / meeting spaces / IT etc.
- Host industry related conferences, seminars and exhibitions with provision of flexible event spaces.
- Provide education and support to the next generation of VLR engineers and researchers.
- Train staff for roles being created in the VLR sector.
- Provide an engineering hall and practical spaces / labs to enable the building of prototype vehicles and systems.
- Make provision for the support of small and medium enterprises (SME).
- Have provision for public exhibitions of future rail developments and relevance to the Castle Hill regeneration and wider Black Country transport strategies; becoming in the process an information and transit attraction.

9 The activities taking place at the centre would include research into,

- Light Weight Structures (vehicles, infrastructure, standards)
- Propulsion systems
• Vehicle dynamics
• Civil and infrastructure specific to VLR.
• Command and control and communication systems.

10 The only matter which is currently being considered is access, with all other matters reserved for subsequent approval.

11 Vehicular access is being shown as being from the existing spine road from Tipton Road which is used to access the adjoining zoo car park.

12 The application has been submitted with an indicative site layout which shows the provision of one larger building to the centre of the site that would contain the main research building together with a conference facility, a further standalone building to the west, used for the storage of light rail vehicles and further detached building to the eastern part of the site which would be used for associated SME

13 The indicative layout plan also shows the provision of a footbridge linking Tipton Road to Station Drive, from which there would be public access to the proposed building.

14 The application is supported by concept images showing how the site could look, including views from nearby Castle Hill, which are contained with the Design and Access Statement and the landscape strategy document for the site.

15 Car parking for site is shown to the north eastern part of the site close to the roadway which serves the zoo car park.

16 The indicative layout shows the retention of a single network rail line to eastern part of the site, with an area of land reserved for the proposed Metro line to the western and north western parts of the site.
17 In addition to the Design and Access Statement, the application has been submitted with a landscape assessment, a flood risk assessment and archaeological assessment and a series of nature conservation reports.

18 The application is also supported by a ground investigation report, a tree survey, a mining report and a travel plan.

### HISTORY

<table>
<thead>
<tr>
<th>APPLICATION No.</th>
<th>PROPOSAL</th>
<th>DECISION</th>
<th>DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>DY/57/210</td>
<td>Reconstruction Of Parcels Office.</td>
<td>Granted</td>
<td>18/07/1957</td>
</tr>
<tr>
<td>DY/61/180</td>
<td>Internal Alterations.</td>
<td>Granted</td>
<td>19/04/1961</td>
</tr>
<tr>
<td>DB/74/13721</td>
<td>Change Of Use To Restaurants And Bar.</td>
<td>Withdrawn</td>
<td>11/04/1974</td>
</tr>
<tr>
<td>81/51663</td>
<td>Change Of Use To Transport Depot With Ancillary Vehicle</td>
<td>Granted</td>
<td>05/11/1981</td>
</tr>
<tr>
<td>89/52517</td>
<td>Use Of Land For Holding Market On Thursday Evenings.</td>
<td>Refused</td>
<td>14/12/1989</td>
</tr>
<tr>
<td>94/51737</td>
<td>Use Of Land (Approximately 1,400 M2) For Temporary Storage</td>
<td>Granted</td>
<td>01/06/1995</td>
</tr>
<tr>
<td>97/51251</td>
<td>Breaking Up And Crushing Of Existing Concrete Hardstanding</td>
<td>Granted</td>
<td>15/08/1997</td>
</tr>
<tr>
<td>P12/1598</td>
<td>Creation Of New Car Park Providing 600 Parking Spaces An</td>
<td>Granted</td>
<td>12/03/2013</td>
</tr>
</tbody>
</table>

### PUBLIC CONSULTATION

19 One letter of objection received, following consultation with 17 adjoining neighbours, the posting of a site notice and the publication of an advert within a local newspaper. Main issue raised is:
- The Stourbridge Line User Group opposes “any aspects which inhibit or prohibit progress of alternative rail based passenger transport schemes between Stourbridge and Dudley”

**OTHER CONSULTATION**

20  **Head of Planning and Development (Highway Engineer):** No objection, subject conditions.

21  **Head of Planning and Development (Land Contamination Team):** No objection, subject to conditions

22  **Head of Planning and Development (Landscape):** Comments awaited, will be provided in pre committee notes.

23  **Head of Environmental Health and Trading Standards:** Comments awaited, will be provided in pre committee notes.

24  **Lead Drainage Authority:** No objection subject to conditions

25  **Coal Authority:** Comments awaited, will be provided in pre committee notes.

26  **Environment Agency:** No objection.

27  **Severn Trent Water:** Comments awaited, will be provided in pre committee notes. (Sewers are known to cross site)

28  **TfWM:** No objection in principle.

29  **Network Rail:** ‘Network Rail is supportive of the proposal. A basic services agreement is in place with the council; because of the nature of the project a Basic Asset Protection Agreement (BAPA) and/or an Asset Protection Agreement (APA) will be required. The Sponsor has
received delegated authority from Network Rail for the project. Therefore, as the council is already liaising with Network Rail on the proposal we have no further comments to make’.

**RELEVANT PLANNING POLICY**

- **National Planning Guidance**
  Technical Guidance to the National Planning Policy Framework (2012)
  Planning Practice Guidance (2014)

- **Black Country Core Strategy (2011)**
  CSP1 The Growth Network
  CSP2 Development outside the Growth Network
  EMP1 Providing for Economic Growth
  EMP6 Cultural Facilities and the Visitor Economy
  CEN4 Regeneration of Town Centres
  TRAN2 Managing Transport Impacts of New Development
  ENV 1 Nature Conservation
  ENV 2 Historic Character and Local Distinctiveness
  ENV 5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island
  ENV 7 Renewable Energy
  ENV 8 Air Quality

- **Dudley Area Action Plan (Publication Stage, Minor Modifications) (2016)**
  Policy 1 - Sustainable Development
  Policy 2 - Design Quality
  Policy 3 - Urban Structure and Built Form
  Policy 4 – Sense of Place and Connectivity
  Policy 5 – Landmarks, Views, Vistas and Gateways
  Policy 6 – Sustainable Urban Drainage Systems (SUDS) and Flood Risk
Policy 13: Development Opportunity Site 7: Castle Hill/Tipton Road
Policy 21 - Conservation and Enhancement of Local Character and Distinctiveness in Dudley
Policy 23 – Castle Hill Conservation Area
Policy 24 – Archaeological Priority Areas
Policy 25 - Access and Movement
Policy 30 – Landscape, Survey, Analysis and Design Principles
Policy 33 - Nature Conservation

- Dudley Development Strategy (Publication Stage) (2016)
  S1 – Presumption in favour of Sustainable Development
  S3 - Renewable Energy
  S4 - Flood Risk
  S5 - Minimising Flood Risk and Sustainable Drainage Systems (SuDS)
  S6 - Urban Design
  S7 - Landscape Design
  S8 - Conservation and Enhancement of Local Character and Distinctiveness
  S9 - Conservation Areas
  S10 - Listed Buildings
  S11 - Buildings of Local Historic or Architectural Importance
  S15 - Heritage Assets of archaeological interest, Scheduled Ancient Monuments and Archaeological Priority Areas (APA)
  S16 - Infrastructure Improvements
  S17 - Access & Impact of Development on the Transport Network
  S21 - Nature Conservation Enhancement, Mitigation and Compensation
  S22 - Mature Trees, Woodland and Ancient Woodland
  L11 - Parking in Town Centres
  D3 - Contaminated Land
  D5 - Noise Pollution
• **Unitary Development Plan (2005) (Saved Policies)**
  - DD1 Urban Design
  - DD4 Development in Residential Areas
  - DD5 Development in Industrial Areas
  - DD9 Public Art
  - DD10 Nature Conservation and Development
  - UR3 Tipton Road Development Area
  - UR9 Contaminated Land
  - NC1 Biodiversity
  - NC6 Wildlife Species
  - NC9 Mature Trees
  - NC10 The Urban Forest
  - HE3 Castle Hill Special Landscape Heritage Area
  - HE4 Conservation Areas
  - HE6 Listed Buildings
  - HE8 Archaeology and Information
  - HE10 Sites of Regional Importance (Ancient Monuments)
  - HE11 Archaeology and Preservation
  - EP7 Noise Pollution

• **Supplementary Planning Guidance/Documents**
  - Access for All Supplementary Planning Document
  - Design for Community Safety Supplementary Planning Guidance
  - Historic Environment Supplementary Planning Document
  - Nature Conservation Supplementary Planning Document
  - Parking Standards Supplementary Planning Document (2012)
  - Planning Obligations Supplementary Planning Document (2016)
  - Air Quality SPD (2016)

**ASSESSMENT**

30 The main issues are
  - Principle
  - Design
Principle/Policy

31 The application site falls within the Opportunity Site 7 (Policy 13) - Castle Hill/Tipton Road of the Dudley Area Action Plan (Publication Stage, with Modification 2016) where a variety of complementary uses that combine to regenerate the Castle Hill area as a focus for visitor attraction and act as an important gateway to Dudley Town Centre will be encouraged, as listed below. Development will be required to fully respect the nature conservation and archaeological value of the area, given its location close to the historic environment of Castle Hill with reference to Castle Hill Conservation Area Character Appraisal.

32 Retail and other development that is based on heritage, craft and tourism that is directly connected to and ancillary to the promotion of Castle Hill as a major tourist attraction is envisaged. Acceptable uses included A1 (which are ancillary to D1 uses), A3, A4, C1, C3, D1 and D2. Additionally the site is seen as being suitable for a potential Very Light Rail (VLR) and Innovation Centre.

33 Additionally provision should be made for the safeguarding of the metro route.

34 Therefore, on the basis of the emerging Area Action Plan, which is considered to have significant weight, the proposed development is
considered to be acceptable in principle. However, the development has to be considered against other planning criteria, such as potential impact to the adjoining heritage and nature conservation assets for example, which are considered further below.

**Design**

35 Whilst the application is outline with access the only matter being considered at this stage. As such the issue of design would be considered at the relevant reserved matters stage.

36 Notwithstanding this, the applicants have provided an indicative site layout and indicative 3D images of how the site could be laid out, which proposes three buildings. The main building would be three storey research, development and conference building towards the centre of site, with a storage building for light rail vehicles to the south and a building for associated SME companies to the north.

37 The two adjoining buildings would be comparatively modest in their scale on the basis of the indicative details, the main building being of much more significant scale, although the sketch plans show the building being designed such that the tallest parts of the building are located where the railway cutting is at its deepest, with the height falling away to the north as adjoining ground levels fall away.

38 A key part of the layout is a proposed footbridge which will link Tipton Road to the zoo car park. As well as providing the main visitor access to the site, it would allow for better connectivity between the town centre, Zoo and Castle Gate complex of offices, hotels and associated leisure uses.

39 Whilst the design will be considered at the relevant reserved matters stage, the applicants have satisfactorily demonstrated at that an appropriate form of development could be accommodated on site.
Historic Environment – Impact to Views in and out to/from Castle Hill

40 The application site adjoins a number of formal heritage assets which include the Castle Hill Conservation Area, the Castle Hill Scheduled Ancient Monument and the statutorily listed Dudley Castle. Additionally within the curtilage of the Zoo are a number of listed enclosures and buildings which date from the 1930s. Due to the elevated nature of Castle Hill, views out from and views towards this area are a significant consideration in this case.

41 The landscape assessment strategy deals in part with this issue and considers views towards and from Castle Hill, as does the Design and Access Statement.

42 A significant benefit for the site is that it is located in a deep cutting, which was created when the railway was laid out in the middle of the 19th Century. The deepest parts of this cutting are in the region of 6m deep and to the eastern side, consist of a retaining structure finished in typical blue engineering brick. This means the site is presently almost invisible when views are considered from Tipton Road towards Castle Hill, where the wooded nature of the hill and the castle are the most dominant features.

43 Whilst the new buildings likely to be evident in views towards Castle Hill when completed, the only part of the building which would be visible would be the upper parts of the building due to the nature of the cutting at this point and such views towards the Castle Hill would still be maintained.

44 There would, however, be more extensive views from further north along the Tipton Road, but the landscape strategy for the site suggests that the area to the south of the site is likely to be planted up, and over time would be read against the existing tree cover to Castle Hill.
Moreover, the stepped nature of the proposed building would again reduce any potential impact as described in the design section above.

With regard to views outwards from Castle Hill, the wider conurbation is apparent, but there are a number of existing immediately dominating buildings and structures in the vicinity such as former Gala bingo building and buildings within Castle Gate where there some of high rise (i.e. the Premier Inn) and large scale buildings such as the cinema. Three dimensional drawings with views from Castle Hill demonstrate these buildings are comparatively dominant.

These views also include the proposed buildings associated with this application. Whilst the buildings would be seen they would be mostly be seen in the context of the wider development described above, but the main part that would be visible would be the upper part of the buildings and roof structure due to the setting down of the building within the former railway cutting.

The Conservation Officer is of the view that the building would not have any detrimental impact on views out from Castle Hill.

**Historic Environment – Onsite**

The application site has been associated with the railway since the mid 19th century and such a desktop heritage assessment has been submitted with the application.

The application site contains a total of four undesignated heritage assets. One asset comprises of the site of a former race course predating railway development which does not survive. The remaining assets compromise of 19th and 20th century railway features.

The potential survival of complex archaeological remains predating the late 18th century is considered low. The survival of late 18th and 19th
century features pre-dating the development of the railway are determined low to moderate.

51 The survival of some 19th and 20th century railway features on the site has been demonstrated and the survival of these features is considered to be medium to high. Such features should they be present, are likely to comprise truncated structural remains and associated deposits.

52 In this case the conservation officer is of the view that a watching brief condition should be imposed that allows recording to take place should any remains be present once site clearance and construction works commence.

Neighbour Amenity

53 The application site is generally set away from adjoining buildings, with the nearest buildings being the former Gala bingo hall, and the former JB’s night club. Neither of these buildings are considered to be noise sensitive which would be affected by the proposed use.

54 The nearest residential uses are some 160m away and are located on Birmingham Road and Wolverton Road, which are already affected by very high background noise levels from traffic on the bypass and to Birmingham Road.

Transport Matters

55 Access to the site would be off the recently constructed access road which provides access to the zoo car park from Tipton Road to the west of the application site.

56 The Highway Engineer is satisfied that the proposed access arrangements would provide safe access into the site.
Indicative plans submitted with the application show the provision of on-site parking for staff. It is implied within the submitted Transport Assessment (TA) that visitors would use the zoo parking to the west of the site, where there are also facilities for coach drop off for school parties who are likely to visit the site. This is should be satisfactory in most cases.

The detailed parking and access arrangements within the site will form part of the reserved matters application.

The TA recognises that there may be some difficulty when very large loads have to visit the site (i.e. delivering light rail vehicles for testing) and suggests that this be looked at in the detailed design stage. The TA suggests that temporary traffic management may be necessary, but this would need to be at off-peak hours if no solution were found, however, it is accepted that these large loads are likely to be very infrequent.

The indicative layout for the site acknowledges the Metro alignment with an unobstructed corridor adjacent to the site. Similarly the indicative layout shows the retention of land for heavy rail should passenger or freight services be reinstated between Stourbridge Junction and Walsall. Transport for the West Midlands and Network Rail have been party to negotiations relative to the design and layout of the site and in the case of the latter are the partial landowner of the site.

**Trees**

As there are trees within the site, the application has been submitted with an arboricultural report which assesses the quality of the trees within the site.
The report states that the site contains one single individual tree and 10 groups of trees which are located along the western part of the site on the steep bank and on the eastern side of the site between the railway track and the Tipton Road, together with a central group on the approximate alignment of the former Great Western line to Wolverhampton.

Overall the report concludes that the majority of trees on site are self set, rather than mature examples, although there are some semi-mature examples within the site boundary. The report also concludes that the vast majority of trees on the site are generally of poorer quality with 80% of the trees/tree groups falling with category C (trees of low quality) or U (Trees with less than 10 years life expectancy). Only 20% of the tree groups fall within Category B (Trees of moderate quality). These are located in the southern eastern corner of the site and would be directly affected by the proposed development, on the basis of the indicative layout. Most of the other groups on the western side on the steep slope would have to be removed to facilitate the building of retaining structure, however, these trees would be threatened in the longer term as they located on the likely alignment for the Metro.

Whilst the loss of these B category trees as well as the loss category C trees is regrettable, a number of groups of trees would be retained and there is significant scope for replacement planting elsewhere on the site as illustrated by the indicative layout, and also acknowledged by the submitted landscaping strategy.

Nature Conservation

The vacant site has significantly regenerated with the growth self set trees since it was last actively used and forms part of the disused railway corridor, close to Castle Hill which is identified as Site of Interest for Nature Conservation (as well as dark bat corridor). The application has therefore been supported by a series of nature
conservation surveys, from an initial Phase 1 survey, to more recently submitted detailed surveys focusing on bats, badgers, reptiles, orchids and habitat surveys.

66 In addition to the mostly self-set trees within the site, habitat also includes more open areas referred to as open mosaic habitat which consists of grassland, bare ground and tall herb and ruderal growth.

67 With regard to badgers, (Protected under the Badger Act) although they are known to be present close to the site, there is no evidence that the site is regularly used for foraging or commuting, and a pair of mammal burrows identified at the site were not showing any signs of occupation by badgers. Therefore on that basis it is unlikely that the proposed development would have any impact on this protected species.

68 With regard to reptiles, including great crested newts, the likelihood of harm being caused during site clearance and construction is considered to be small to medium. Therefore, the ecologist recommends a precautionary method statement attached to one of the reports is put in place to minimise impact.

69 Survey works carried out at the site indicated a small number of bats, foraging in two principle areas. The first area was towards the south of the site close to the railway tunnel portal. The second area, by the road tunnel under Tipton Road was seen to facilitate commuting onto the site from adjacent areas.

70 The survey overall concluded that habitats on the site have limited value as a foraging resource for local bat populations. The ecologist encourages the retention of some habitat within the site if possible, but if this not so, then similar habitat should be put in place within or adjoining the site.
71 No bat roosting sites were identified within the trees within the site, but the provision of bat boxes is encouraged, as is the provision of habitat around the edge of the site to maintain and encourage commuting along the former rail corridor and close to Castle Hill.

72 A further recommendation relates to the so-called mosaic land habitat which is mostly towards the north of site and considered to be of moderate biodiversity value which would be lost as part of the development. The ecologist considers this should be replaced on site, and following agreement with Network Rail this is to be provided on their land on the eastern part of the site adjacent to the Tipton Road retaining structures. This would also act as part of the bat corridor as recommended above.

73 Therefore a number of conditions are required to satisfy the advice of the ecologists in relation to following recommendations and methodology as well as providing enhancement such as bat and bird boxes on the site.

Land Contamination

74 The site has historically been used by the railway and there is known to be filled ground close by with a number of former landfill sites within 250m of the site, as such, the application has been submitted with an initial assessment.

75 In this case the Head of Planning and Development (Land Contamination Team) are satisfied that these matters can be controlled with appropriate planning conditions.

Flood Risk
An initial Flood Risk Assessment and Drainage strategy has been submitted with the planning application with risk of flooding from Main Rivers and Watercourses correctly assessed as low.

Potential for surface water flooding and ponding needs to be mitigated within a detailed drainage strategy for 1 in 100 year rainfall events, this together with the implementation of onsite drainage can be controlled through appropriately worded conditions.

Regeneration

The application site has been vacant for a number of years with last uses being open storage and a rail freight terminal. The redevelopment of the site provides an opportunity to regenerate a presently underused site close to Dudley town centre, and near to established and developing tourist facilities on the edge of the town centre.

The site would also allow for the creation of jobs and high quality research facilities in the engineering sector, and become a leading centre for the development of very light rail technology in accordance with core priorities of the Council Plan.

The development would also through the provision of the footbridge, as shown on the indicative plans, provide a more attractive and convenient pedestrian link between the town centre and Castle Gate.

Financial Considerations

The proposed development is not liable for Community Infrastructure Levy or any planning obligations. However, in kind works will be required such as nature conservation enhancement and mitigation, public art and local employment.

CONCLUSION
The proposed development is considered to be acceptable in principle, and subject to appropriate mitigation is not considered to cause any undue harm to nature conservation assets. Moreover, the proposal would provide safe access into the site and would retain provision for the Metro line, passenger and rail freight. Additionally it is considered that the proposed development would have no undue harm on the historic environment with submitted information demonstrating that an appropriate form of development can be accommodated within the site. The development will also contribute to towards delivery of Council Plan priorities such as regeneration, jobs, education and health.

Enhancement of Local Character and Distinctiveness in Dudley Policy

RECOMMENDATION

It is recommended that the application be APPROVED subject to the following conditions:

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

2. Approval of the details of access, of the site (hereinafter called ‘the reserved matters’) shall be obtained from the Local Planning Authority before any development is begun.

3. The reserved matters proposals for this site shall be in general accordance with the indicative plans, landscape strategy and the
design & access statement submitted in support of this outline application.

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Revised Location Plan, SK51 - P5, SK52 - P6, M403-05 Rev A and Fig. A1 within the Transport Assessment as relate to access.

5. Excluding demolition, no works of construction level changes, or other site clearance or infrastructure works involving ground disturbance shall begin until the developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has first been submitted to and approved in writing by the Local Planning Authority. Such archaeological work shall comprise a suitably targeted watching brief with appropriate provision for archaeological recording and subsequent analysis, reporting and archiving.

6. No development shall commence (excluding demolition, site clearance and initial ground investigation works) until details of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
- Provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- Include a timetable for its implementation; and
- Provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to
secure the operation of the scheme throughout the lifetime of the
development.
None of the development shall be occupied until surface water
drainage works have been implemented in accordance with the
approved details.

7. No development shall commence until details of the design, materials
and colour(s), of the retaining walls hereby approved on the site have
been submitted to and approved in writing by the Local Planning
Authority. The development shall thereafter be completed in
accordance with the approved details prior to occupation and the walls
shall be retained and maintained as approved for the lifetime of the
development.

8. No development shall commence (excluding demolition, site clearance
and initial ground investigation works) until details of the access(es)
into the site, together with parking and turning area(s) [including
details of lines, widths, levels, gradients, cross sections, drainage and
lighting] have been submitted to and approved in writing by the Local
Planning Authority. The development shall not be occupied until the
access(es) into the site, together with parking and turning area(s)
within the site have been laid out in accordance with the approved
details. These area(s) shall thereafter be retained and not be used for
any other purpose for the life of the development.

9. No development shall commence (excluding demolition, site clearance
and initial ground works) until full details of soft landscaping works
have been submitted to and approved in writing by the Local Planning
Authority. These details must include, where appropriate, planting
plans, written specifications, a schedule of plants including species,
plant sizes and proposed numbers/densities and a programme of
implementation. Plans must also include accurate plotting of all
existing landscape features. The agreed scheme shall be implemented
in accordance with the approved details within the first planting season
following the first occupation of the development, unless otherwise
agreed in writing by the Local Planning Authority.
Any trees or shrubs planted in pursuance of this permission including any planting in replacement for it which is removed, uprooted, severely damaged, destroyed or dies within a period of five years from the date of planting shall be replaced by trees or shrubs of the same size and species and in the same place unless otherwise agreed in writing by the Local Planning Authority.

10. No development shall commence (excluding demolition, site clearance and initial ground works) until full details of hard landscape works for the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include existing and proposed finished levels or contours; the position, types, colours and textures of the materials of all site enclosures, car parking layout and other vehicular (including driveways) and pedestrian areas; hard surfacing areas, minor artefacts and structures (e.g. street furniture, refuse storage areas, cycle stores etc). The works approved as part of this condition shall be completed in accordance with a approved details and a timetable which has been submitted to approved in writing by the Local Planning Authority. The hard landscape works shall thereafter be retained for the life of the development.

11. No development shall commence (excluding demolition, site clearance and initial ground works) until details of public realm enhancement works have been submitted to and approved in writing by the Local Planning Authority. The public realm works shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

12. No development (excluding demolition, site clearance and initial ground works) shall commence until details of works of public art have been submitted to and approved in writing by the Local Planning Authority. The works of public art shall thereafter be provided in accordance with the approved details prior to first occupation of the development and be maintained for the life of the development.

13. No development shall commence (including demolition, site clearance and initial ground works) unless an Ecological Survey and Assessment of the site, which has ordinarily been carried out within twenty-four
months prior to the commencement of development, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved recommendations and method statement(s) of the agreed ecological survey and assessment.

14. Prior to the commencement of development (excluding site clearance and ground works), a scheme containing the details of arrangements for air extraction from internal operations likely to emit grit, dust, odour and fumes, for the control and discharge of grit dust, odour and fumes to atmosphere, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced and operated at all times when the process served is in use. The equipment shall thereafter be maintained in accordance with the manufacturer's equipment specifications throughout the life of the development.

15. Prior to the commencement of development (excluding site clearance and ground works), a scheme containing full details of arrangements for internal air extraction, odour control, and discharge to atmosphere from cooking operations, including any external ducting and flues, shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in the approved scheme shall be installed in their entirety before the use hereby permitted is commenced. The equipment shall thereafter be maintained in accordance with the manufacturer's instructions and operated at all times when cooking is being carried out unless otherwise agreed beforehand in writing with the Local Planning Authority.

16. No development shall commence and no buildings, compounds, structures or enclosures which are required temporarily in connection with the development hereby permitted shall be placed or erected on the site or on adjacent land until details have been submitted to and approved in writing by the Local Planning Authority. (Notwithstanding the provisions of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or
any order revoking or re-enacting that Order with or without modification). The compound and other buildings and works shall thereafter be provided in accordance with the approved details and shall not be located anywhere else on the site or adjacent land without the prior written approval of the Local Planning Authority. The compound and other buildings and works shall thereafter be removed within 3 months of the last dwelling being occupied.

17. No development shall begin (excluding ground clearance works) until an assessment of the risks posed by any contamination has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

18. Where the approved risk assessment (required by CL01a) identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.

19. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme (required by CL01b) shall be implemented and a verification report submitted to and approved by the Local Planning Authority, before the development (or relevant phase of the development) is first occupied/brought into use.

20. No development shall begin (excluding ground clearance works) until an assessment of the risks posed by any ground gases or vapours has been submitted to and approved by the Local Planning Authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.

21. Where the approved risk assessment (required by CL02a) identifies ground gases or vapours posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted to and approved by the Local Planning Authority.

22. Unless otherwise agreed in writing with the Local Planning Authority, the approved scheme (required by CL02b) shall be implemented and a
verification report submitted to and approved by the Local Planning Authority, before the development (or relevant phase of the development) is first occupied/brought into use.

23. No development shall commence (excluding demolition, site clearance and initial ground works) until precise details of the access have been submitted to an approved in writing by the Local Planning Authority. The access shall thereafter be constructed in complete accordance with the approved details prior to first occupation of the building. The access shall thereafter be retained for the life of the development.

24. Work shall not begin on the demolition and construction of the development until a method statement for the control of dust and emissions arising from the demolition and construction of the development has been submitted to and approved by the Local Planning Authority. All works which form part of the approved scheme shall be implemented throughout the construction and demolition phase of the development.

25. No above ground development shall commence until details of electric vehicle charging bays with a vehicle charging point, to be provided in accordance with the Council's standard (Parking Standards SPD) have been submitted and approved in writing by the Local Planning Authority. Such details shall include signs and bay markings indicating that bays will be used for parking of electric vehicles only whilst being charged. Prior to first occupation, the electric charging points and bays shall be installed in accordance with the approved details and shall thereafter be maintained for the life of the development.

26. Development shall not commence/ not be occupied until an Economic and Community Development Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall address as a minimum, measures to increase the number of jobs available to local people at the site and the development of initiatives that support activities which will upskill local unemployed people of working age so as to support them into sustained employment. The development shall be implemented in accordance with the approved
27. No development shall be commenced (excluding demolition, site clearance and initial ground investigation works) until details of the proposed retaining structures, including sections and calculations to prove the structure is capable of supporting likely future loadings have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall thereafter be occupied until the retaining structure has been provided in accordance with the approved details.

28. The development hereby approved shall not be first occupied until a parking and serving management plans have been submitted to and approved in writing by the Local Planning Authority. The parking and serving arrangements shall, thereafter be managed in accordance with the approved details for the life of the development.

29. The development shall not be occupied/used until details of secure and covered staff cycle storage and shower facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.

30. The development shall not be occupied/used until details of secure and covered cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details prior to the first use/occupation of the development and shall thereafter be retained and maintained for no other purpose for the life of the development.

31. The development shall not be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority, including details of a Travel Plan Co-ordinator, Staff Travel Survey, Car Parking Management, Public Transport, Walking and Cycling initiatives, Publicity and Marketing, Set targets and monitoring and to join Company Travel Wise in Dudley together with a timetable for the
implementation of each such element. The Travel Plan shall be implemented in accordance with the details approved by the Local Planning Authority and remain operational for the life of the development.

32. Prior to the commencement of above ground works a written schedule of the types, colours and textures of the materials to be used on the external surfaces of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

33. No above ground development shall commence until details of the positions, design, materials and type of boundary treatment or means of enclosure have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until these works have been carried out in accordance with the approved details and shall thereafter retained for the lifetime of the development unless otherwise agreed in writing with the Local Planning Authority.

34. The development shall not be first occupied until a schedule of landscape maintenance to the areas of open space, including details of its implementation for a minimum period of five years from first planting has been submitted to and approved in writing by the Local Planning Authority. The open space and any communal areas shall thereafter be cared for in accordance landscape maintenance scheme.

35. The development shall not be first occupied until details of the future management of the open space and any communal areas (excluding private gardens) which are not to be transferred to the Council have been submitted to and approved in writing by the Local Planning Authority. The open space and any communal areas shall thereafter be maintained and managed in accordance with the approved details for the life of the development.

36. The development shall not be first occupied until a plan detailing the establishment and maintenance of habitats on the site for a period of 5
years from the first use of the site has been submitted to and approved in writing by the Local Planning Authority. The habitats shall thereafter be maintained in accordance the approved details for the period of time as specified above.

37. Prior to first occupation the approved buildings for B2 use shall be constructed to provide sound attenuation against internally generated noise of not less than 35 dB averaged over the frequency range of 100-3150Hz. The approved works shall be retained for the life of the development unless agreed in writing with the Local Planning Authority.

38. No goods or materials shall be stored or deposited on any part of the site outside the building hereby approved except for cars parking within defined parking areas.

39. Prior to the first occupation or use of the development details of the type and location of bat roost provision on the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation or use of the development the agreed provision shall be installed on site and thereafter maintained and retained for the lifetime of the development.

40. Prior to the first occupation or use of the development details of the type and location of bird nesting provision on the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to the first occupation or use of the development the agreed provision shall be installed on site and thereafter maintained and retained for the lifetime of the development.

41. The nature conservation enhancement and mitigation works shall be carried out in accordance with the recommendations within the submitted nature conservation report prior to the completion of the development. Any planting required as part of the submitted nature conservation reports (including the boundary hedge(s)) shall be planted out within or before the end of the first planting season following the completion of the development. The nature conservation enhancement and/or mitigation works shall thereafter be retained and maintained in accordance with the recommendations of the nature conservation report/assessment / or for the life time of the development.
42. The rating level of sound emitted from any fixed plant and/or machinery associated with the development & industrial activities at the use hereby approved & loading and unloading operations associated with the approved development, shall not exceed background sound levels by more than 5dB(A) between the hours of 0700-2300 at the nearest / any sound sensitive premises and shall not exceed the background sound level between 2300-0700 at the nearest / any sound sensitive premises. All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the Local Planning Authority.

43. No external sound amplification equipment shall be used on the site throughout the life of the development.