BLACKBROOK VALLEY AREA LOCAL DEVELOPMENT ORDER

Adopted March 2018
1 INTRODUCTION

1.1 In summary, this Local Development Order (LDO) provides a simplified planning regime for the Blackbrook Valley Area which includes part of the DY5 EZ with a focus on incentivising and easing the progression of suitable industrial employment development, to facilitate the development of new high value manufacturing units and the expansion of existing industrial uses, thereby aligning with the aspirations of DY5 EZ.

1.2 The LDO covers the specific area of the Blackbrook Valley Industrial area within Dudley Metropolitan Borough as detailed on the map in Schedule 1. The LDO has been developed to enable permitted industrial development as set out in Schedule 2. Development needs to comply with the provisions of Schedule 3 and 4 to be deemed LDO compliant. Applicants are required to follow a notification procedure by submitting the relevant documentation to the Local Planning Authority (LPA) to be checked for compliance with the terms of the LDO, with a decision normally issued within 28 days.

1.3 The purpose of creating this LDO is to help deliver area based economic growth and regeneration, with a focus on enabling industrial employment development, through a simplified planning regime, specifically without the usual requirement to process a formal planning application submission.

1.4 It is intended that this LDO will help realise the aims of DY5 – Dudley’s Business and Innovation Enterprise Zone (DY5 EZ) which includes a number of vacant employment sites that fall within the LDO area, along with meeting other strategic planning and regeneration objectives, notably those resulting from the allocation of the LDO area within the Black Country Core Strategy (BCCS), as a Potential Strategic High Quality Employment Area (SHQEA) forming part of Regeneration Corridor (11a).
1.5 The benefits of having an LDO include:-

- Avoiding unnecessary delays and adding a degree of certainty to the planning process
- Removing concerns relating to the cost of, and the uncertainties associated with, submitting a planning application
- Increasing the speed of change for businesses by providing greater flexibility for development to respond quickly to changing markets and economic growth opportunities
- Enhancing the image of the area as a site for enterprise and investment with a view to securing its status as a Strategic High Quality Employment Area
- Promoting investment in Dudley Metropolitan Borough and the DY5 EZ.
- Demonstrating that Dudley Council is adopting a positive approach towards business investment.

2. NATIONAL PLANNING POLICY CONTEXT

2.1 Within the National Planning Policy Framework (NPPF), the Government states that it is committed to ensuring that the planning system does everything it can to support sustainable economic growth, and that planning should operate to encourage and not act as an impediment to sustainable growth (para 19).

2.2 The use of LDOs is encouraged, in particular where this would promote economic, social or environmental gains for the area, such as boosting enterprise (para 199).
3 THE BLACKBROOK VALLEY AREA

3.1 This area, which is the subject of this LDO (The Blackbrook Valley Area), is delineated within Schedule 1 and covers the predominantly industrial area in the north east of the EZ between Pedmore Road and Saltwells Local Nature Reserve (LNR), centred on Peartree Lane and Narrowboat Way.

3.2 Two arms of the Dudley Canal course through this area meeting at Parkhead Locks (Conservation Area). The proposed route of the Metro runs along the path of the disused railway line which forms the northern boundary of this area. There are 2 Metro Stations currently proposed within this area – at Cinder Bank and Pedmore Road.

4 THE DY5 ENTERPRISE ZONE (DY5 EZ)

4.1 The overall vision for the DY5 EZ is the provision of a high technology office hub for the Black Country, connecting advanced manufacturing to office and industrial sites via a new sustainable metro link. It is anticipated that the DY5 EZ will place Brierley Hill on the national and international map as a location of choice for business innovation in both advanced manufacturing and digital and professional services with low cost, high quality, business accommodation which is well connected to the regional transport infrastructure.

4.2 The DY5 EZ builds on the Black Country’s long held historic manufacturing advantage and will revitalise the existing vacant office space to house the technical knowhow and central office function for the region. The Blackbrook Valley is one area that can accommodate the manufacturing and industrial growth for the region. Advanced Manufacturing strengths include material manufacturing in iron, steel, plastic and rubber along with instrumentation, process control and technical equipment.
4.3 The DY5 EZ was officially launched in April 2017. Relevant key facts about the benefits of the DY5 EZ are:

- Up to £55,000 per year business rate discount is available over a 5 year period
- There will be improved infrastructure available – in particular, a new metro line scheduled to open in 2023
- Low cost, high quality accommodation for both office and industrial uses will be made available
- A one-stop shop for business and skills support
- The area is close to Birmingham, an international airport and ideally situated for easy access to the rest of the UK
- Superfast broadband will be available

4.4 The DY5 EZ covers an area of 70 ha and within 25 years, it aims to deliver

- The creation of 300 new businesses
- The reoccupation of 18,000 m² of vacant office
- Up to 110,000 m² of new office space
- 36,000 m² of new technology space
- 65,000 m² of new industrial space
- 7,000 net new jobs
- GVA Uplift of £600m per annum into the local economy
- Up to £165m in business rates uplift over 25 years

4.5 The Blackbrook Valley Area forms a relatively distinct area within part of the overall DY5 EZ, comprising a relatively robust, almost homogeneous industrial area.

4.6 The strategy of the DY5 EZ for this area is to grow this existing industrial base with an emphasis on providing further industrial employment development with a particular focus on High Value Manufacturing sector.
4.7 The LDO will provide a mechanism to enable the delivery of development for a number of vacant sites which form part of the DY5 EZ. The DY5 EZ Sites within the Blackbrook Valley Area comprise:-

A. New Road – 0.70 ha  
B. Hulbert Drive – 2.50 ha  
C. Narrowboat Way – 1.48 ha  
D. Brewins Way – 0.73 ha  
E. Grazebrook Park – 0.47 ha

5 THE LOCAL PLAN

5.1 Within the Black Country Core Strategy (BCCS), The Blackbrook Valley Area falls within Regeneration Corridor 11a (RC11a). One of the stated opportunities for RC11a is to enhance the employment base to provide good quality new sites and premises for high technology and modern manufacturing businesses through site assembly and the use of vacant sites.

5.2 Aligned with this opportunity, the BCCS also identifies the Blackbrook Valley as a Potential Strategic High Quality Employment Area (SHQEA) and therefore subject to Policy EMP2 of the plan. Policy EMP2 states that it is intended that such areas will be characterised by (high quality) manufacturing and logistics uses within Class B1 (b) and (c), B2 and B8 Uses.

5.3 That policy also states that an additional 1000 ha (approx) of high quality employment land is required within SHQEA within the Black Country up to 2026 in order to meet strategic planning objectives.
5.4 The high quality manufacturing and logistics focus for this area is confirmed within the Dudley Borough Development Strategy Development Plan Document (DBDS), where the Peartree Land/Narrowboat Way area is identified as High Quality Employment Area (E11A.1) and the Hillcrest Business Park area (on the opposite side of Cinder Bank) as a Local Quality Area (E11A.6).

5.5 A summary of the relevant planning context is shown on the map attached at Appendix 1.

6 HOW THE LDO WILL OPERATE

6.1 Prior to the commencement of development, a Local Development Order (LDO) Compliance Application Form (LDO – CAF) shall be completed by the applicant and submitted to the Council, along with associated documents set out in Schedule 3.

6.2 The application will be accompanied by a fee of £462. This being the fee equivalent to that levied nationally for a standard change of use planning application. The Council has the discretion to amend the fee during the period in which this LDO is operational.

6.3 Within 28 days of the submission of this form, the Council shall issue a decision notice as to whether or not the proposed development is permitted under this Order, or whether further information is required to determine if the proposed development is in accordance with the Order.

6.4 If further information is required to make an assessment, and a decision cannot be reached within 28 days, the Council will seek to agree a reasonable extension of time with the applicant. Should minor changes be required to ensure compliance with this Order, where feasible, the Council will endeavour to seek amendments with the applicant rather than issue a response of non-conformity. Again this may require an extension of time with the applicant.
6.5 Failure by the Council to issue a response within the agreed timescale will be seen as automatic acceptance of the proposal.

6.6 Prior to the Council determining whether the proposed development is permitted under this Order, relevant stakeholders shall be consulted including the Canal and River Trust and Environment Agency as necessary.

6.7 If the proposal is not considered to be permitted under this Order, a planning application will be required.

6.8 For the avoidance of doubt, this LDO does not exclude applicants from applying for planning permission for developments that are not permitted by this Order, and if it is deemed that a formal planning application is required, the Council will process any formal application promptly to minimise undue delay.

6.9 Any development determined to comply with this Order but which is later found to not accord with its terms and conditions, including the standard conditions set out in Schedule 4 of this Order, shall be liable to planning enforcement proceedings.

7 LIFETIME OF THE LDO

7.1 The LDO and the terms within it will be active from the day of its adoption until 31\textsuperscript{st} March 2028. The LDO will therefore cease to apply on the 1\textsuperscript{st} of April 2028.

7.2 Development which has started under the provisions of this LDO prior to its expiry must be completed within 2 years from the date of its commencement. Any development that has started under the provisions of this LDO will be allowed to be completed in the event that the order is revoked or revised, providing that the development is completed within 2 years from the date of its commencement.
8 CONSULTATION

8.1 At a Cabinet Meeting on the 26th October 2017, Members approved the draft LDO as a basis for public consultation for a 6 week period from Friday 3rd November 2017 to Friday 15th December 2017.

8.2 The LDO was consulted upon under the relevant procedures and protocols set out in Dudley Council’s Statement of Community Involvement (SCI). These included:

   a) e-mailing companies and landowners operating within the LDO area (where an e-mail address existed)
   b) e-mailing relevant parties, including statutory consultees on the Local Plans Database
   c) e-mailing attendees of the DY5 Launch Event in June 2017
   d) putting up around 20 Site Notices within the LDO area:
e) through social media messaging

f) e-mailing internal consultees, including councillors

8.3 Most of the consultation responses were supportive of the broad aims and terms of the LDO in seeking to facilitate industrial growth and thus provide jobs while ensuring that this would not lead to any significant adverse environmental impacts. The comments received, particularly where they were thought to be not over-onerous to business growth and investment, were largely incorporated with the revised, final version of the LDO.
9 LEGAL STATEMENT

9.1 This Local Development Order (the “Order”) is made by Dudley Metropolitan Borough Council (the ‘Council’) and shall be known as The Blackbrook Valley Area Local Development Order 2017 (the ‘Order’).

9.2 The Order is made under the powers conferred on the Council as Local Planning Authority (LPA) by Part 4 of the 2004 Planning and Compulsory Purchase Act as amended by Section 188 of the Planning Act 2008. These statutes provide the legislation to enable local authorities to prepare and implement Local Development Orders to apply to any part of their administrative area.

9.3 The processes involved in making this Order is regulated by The Town and Country Planning (Development Management Procedure) (England) Order 2015, and additional, supplementary legislation is as follows:-

i. Section 188 of The Planning Act 2008 removed the requirement for LDOs to implement Local Plan policies

ii. Section 5 of the Growth and Infrastructure Act 2013 repealed the power of the Secretary of State to intervene in the preparation of a LDO prior to its adoption

iii. The Growth and Infrastructure Act 2013 (Local Development orders) (Consequential Provisions) (England) 2013 removed the requirement for an LDO to be approved by the Secretary of State prior to it being adopted by an LPA and replaces this with a requirement for the LPA to submit a copy of the Order and associated Statement of Reasons to notify the Secretary of State (via the National Planning Casework Unit) within 28 days of its adoption.

9.4 The Order relates to land (the ‘Area’) in the Council’s administrative area which comprises the land edged in red and depicted on the plan attached at Schedule 1 (the ‘Plan’).
9.5 The key and additional depictions on the Plan shall have effect for the interpretation of this Order but where there is any inconsistency between the wording of the Order and the Plan, the wording of this Order shall take precedence.

9.6 This Order authorises development within the area defined in Schedule 1 of the type set out in Schedule 2 subject to:
   (a) the definitions, limitations and restrictions in Schedule 2;
   (b) compliance with Schedule 3; and
   (c) compliance with the conditions set out in Schedule 4.

9.7 Definitions in the Town and Country Planning (Use Classes) Order 1987 (as amended) apply in the interpretation of the Schedules within this LDO unless expressly stated otherwise.

9.8 This Order does not override any additional licenses required for the operation of the development and Building Regulations approval.

9.9 In the event that it is considered that development permitted under this Order, once commenced, has unnecessarily stalled or been abandoned in an unfinished state, the Council may have recourse to issuing a Completion Notice, as authorised by Section 94 of The Town and Country Planning Act 1990.

9.10 This Order was adopted by the Council on the 21st of March 2018, came into force on the 1st of April 2018 and shall remain in force until 31st March 2028. The Order will therefore cease to apply on the 1st of April 2028 when it shall expire.

9.11 During its lifetime or on expiry the Order may be renewed in the same or a different form when it will be subject to re-consultation.

9.12 The Council has made this Order for the reasons set out in the Statement of Reasons that appears with this Order.
9.13 The Schedules form part of this Order and the words in the Schedules have the same meanings as provided in the body of this Order unless expressly stated otherwise.

9.14 The e-mail address for submission of all communications in relation to operation of this Order is localplan@dudley.gov.uk

Authorisation

Helen Bawden

Chief Officer - Regeneration and Enterprise

Date: 21st March 2018
LIST OF SCHEDULES

SCHEDULE 1 - MAP OF THE BLACKBROOK VALLEY AREA SUBJECT TO THE PROVISIONS OF THIS LDO

SCHEDULE 2 - DEVELOPMENT PERMITTED BY THIS LDO, LIMITATIONS AND EXCLUSIONS

SCHEDULE 3 - APPLICATION REQUIREMENTS AND GUIDANCE

SCHEDULE 4 – STANDARD CONDITIONS
SCHEDULE 1: MAP OF THE BLACKBROOK VALLEY AREA SUBJECT TO THE PROVISIONS OF THIS LDO
SCHEDULE 2 – DEVELOPMENT PERMITTED BY THIS LDO, LIMITATIONS AND EXCLUSIONS

1. THE FOLLOWING DEVELOPMENT IS PERMITTED BY THIS ORDER:-

A. ANY DEVELOPMENT WHICH FALLS WITHIN ONE OR MORE OF THE FOLLOWING LAND USES

B1 b – research and development
B1 c – light engineering
B2 – general industrial
B8 - storage and distribution

B. ANY ON-SITE WORKS ANCILLARY TO, OR TO GIVE EFFECT TO, THESE USES

  a) New buildings including extensions to existing premises
  b) External alterations including recladding of the building’s exterior, replacement of doors and windows and the installation of new doors and windows
  c) The installation, alteration or replacement of other external plant, apparatus and machinery
  d) The formation of an access into the site
  e) Vehicle and cycle parking and servicing measures, controls and bays
  f) Landscaping and nature conservation enhancements
  g) Boundary treatment
  h) External lighting and CCTV systems
  i) Permeable hard standing
  j) Renewable energy measures, including solar panels
  k) Sustainable drainage systems

1 Land Uses as prescribed within the Town and Country Planning (Use Classes) Order 1987 (as amended)
2 B1a offices uses are also permitted but only as an ancillary use and directly associated with the Primary B1b, B1c, B2 or B8 Use of the planning unit.
2. DEVELOPMENT PERMITTED BY THIS ORDER SHALL BE SUBJECT TO THE FOLLOWING LIMITATIONS AND STANDARDS

a) No part of the building, plant, machinery or other structures on the site shall exceed 8 metres in height within 5 metres of any canal boundary or 15 metres in height in any other case

b) No new development shall exceed 5,000 sq m gross floorspace

c) No part of the development shall be within 15 metres of the curtilage of a residential unit

d) No boundary treatment shall exceed:
   i. 1 metre in height and be located within 2 metres of a public highway;
   ii. 2 metres in height where it adjoins the boundary to any canal or conservation area;
   iii. 3 metres in height in any other case,
   and shall not comprise galvanised steel palisade fencing and/or barbed wire/razor edged fencing

e) No building shall be temporary in nature, comprising, for example, shipping containers or mobile buildings

f) The total area covered by buildings, following the construction of the new building, structure or extension shall not exceed 70% of the total area of the planning unit

g) No part of the development shall encroach into the Saltwells Local Nature Reserve

h) The formation of a trade counter shall not exceed more than 10% of the gross internal floor area

i) Demolition of buildings shall be permitted, where it is to facilitate development permitted by this Order, and where the building(s) are not identified as a Heritage Asset.
3. THE FOLLOWING DEVELOPMENT IS NOT PERMITTED BY THIS ORDER

a) Any development which is not development authorised by this Order including exceeding the thresholds set out in Schedule 2B

b) The proposed development is considered, individually or cumulatively, to give rise to significant or substantial impacts that cannot be adequately mitigated in accordance with the relevant condition as to mitigation in Schedule 4 to this Order

c) The development would require an Environmental Statement pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

d) Any development which involves the processing and/or storage of Hazardous Waste and/or Materials

e) The development would require Listed Building or Scheduled Ancient Monument Consent, or the Council is of the opinion that the development would adversely affect an existing or future Heritage Asset and/or its setting, including the Parkhead Locks Conservation Area

f) Any development that would breach a condition or limitation of an existing and implemented planning permission, or would breach the provisions of any Planning Obligation

g) Landfilling with waste and other disposal of waste into or onto land for other purposes, incineration of waste (with or without energy recovery), screening of building materials, treatment and recovery of organic waste (including composting) scrap metal recovery (including vehicle dismantling and end of life vehicle recovery), hazardous waste treatment and recovery, and waste transfer;

h) Any development which would affect or require the stopping up and/or diversion of a Definitive Public Right of Way or canal towpath

i) Any development that would affect a Highway Improvement Line or existing railway line, either abandoned or in use, including its embankments and any sidings

j) Any development which primarily comprises or includes the open storage of machinery and/or materials and products
k) Any development which would require the creation of a new vehicular access onto the following main roads: A4036 (Pedmore Road), A459 (Cinder Bank) and the A461 (Dudley Southern By-Pass)

4. COMMUNITY INFRASTRUCTURE LEVY
There is currently no Community Infrastructure Levy (CIL) Charge applicable to development falling within the area which is the subject of this Order, providing that that the development is in accordance with the other provisions within this Order. However, the Council retains the discretion to amend the CIL rate and focus during the period in which this LDO is operational via a review of the CIL charging schedule.
SCHEDULE 3 - APPLICATION REQUIREMENTS AND GUIDANCE

1. COMPLETION OF A LOCAL DEVELOPMENT ORDER (LDO) COMPLIANCE APPLICATION FORM (LDO – CAF)

2. DETAILS OF THE PROPOSED DEVELOPMENT REQUIRED FOR SUBMISSION OF A LDO – CAF
The LDO – CAF shall be accompanied by a fee of £462 and full details of the proposed development including as relevant, but not limited to a:-
A. Location plan
B. Site layout plan, which includes the means of access and parking
C. Elevation drawings
D. Boundary treatment/means of enclosure
E. Details of any external plant

3. REQUIREMENTS FOR THE SUBMISSION DETAILS TO ADDRESS
The following issues will be addressed as part of the LDO – CAF submission where they are deemed relevant to the development - in most circumstances this will include a) b) c) and d), and potentially issues e), f) and g).

a) Environmental Impact Assessment Screening Request
Proposed developments wishing to take advantage of this LDO will be screened by the LPA as part of the LDO compliance notification process. Any developments which require an Environmental Impact Assessment (EIA) would need to be assessed through a formal planning application submission as such developments would fall outside the scope of this LDO – as stated in Schedule 2 (3) (C).

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3 This fee equates to the current fee chargeable on standard change of use planning applications, and may be subject to change at the discretion of the LPA
Reason: to establish whether the development would require an Environmental Statement pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

b) Ground Condition Statement including remediation measures
Prior to the submission of the LDO-CAF, a Ground Condition Statement, including a Coal Mining Risk Assessment, shall have been agreed in writing by the LPA. The agreed Statement and any measures and actions required shall then form part of the submission documents. The Statement shall comprise an assessment of the risks posed by any contamination of the site including the risks posed to Controlled Waters as necessary, as well as also assessing any potential impacts to the existing stability and water quality of the canal infrastructure. Such an assessment shall be carried out in accordance with authoritative UK guidance. Furthermore, where the approved risk assessment identifies contamination posing unacceptable risks, a detailed remediation scheme (including a verification plan) to protect the development from the effects of such contamination must form part of the Statement.

Reason – To ensure that any land contamination and unstable land present is identified and assessed and that there are appropriate, effective and viable remedial measures available to address land so affected – for compliance with Dudley Borough Development Strategy (DBDS) Policies D3 (Incompatible land uses) and D4 (Unstable Land).

c) Parking
Parking provision shall meet the maximum standards set out in the Council’s Parking Standards Supplementary Planning Document (SPD), unless this can be evidenced to the contrary and agreed by the LPA.
Reason – to ensure that development makes adequate and safe parking provision for vehicles, including electric vehicles and service vehicles and cycles without leading to any significant negative impacts on highway safety or the freeflow of the highway network - in compliance with Black Country Core Strategy (BCCS) Policies TRAN2 (Managing Transport Impacts) and TRAN4 (Creating coherent networks for cycling and walking) and DBDS Policies S17 (Access and impact of development on the transport network) and S18 (Cycling)

d) Landscape Scheme
A detailed landscaping scheme shall form part of the submission. This landscape scheme shall address site specific requirements, for instance the retention of mature trees which are protected or add value to the public realm, provision and appropriate planting alongside shared boundaries with designated nature conservation sites and the canal network, as well as strategic environmental objectives, in particular the enhancement of the wider industrial area and the joining up of green infrastructure, including cycle and footpath networks and wildlife corridors. These details can include green roofs and walls, and are required to give a particular focus on the planting of native species and nature conservation enhancements.

Reason – to ensure that development makes an effective contribution towards enhancing this area as a high quality employment area, as well as providing a well designed development which assimilates within and enhances existing green infrastructure and provides an uplift in biodiversity, in accordance with BCCS Policies EMP2 (Actual and Potential Strategic High Quality Employment Areas) ENV1 (Nature Conservation) and ENV3 (Design Quality), and DBDS Policies S19 (Dudley Borough’s Green Network), Policies S7 (Landscape Design) and S21 (Nature Conservation).
e) Drainage and Flood Risk

i. Any development proposed which is over 1 hectare in size and/or within Environment Agency defined Flood Zones 2 and 3, or within Flood Zone 1 and comprise an area which has critical drainage problems, will require the submission of a Flood Risk Assessment and prescribe any flood risk amelioration measures as necessary.

ii. The proposal shall include a Sustainable urban Drainage System (SuDS), preferably a natural SuDS / Swale, unless this can be demonstrated to be impractical.

Reason – To ensure that the potential for the development to be at risk from future flood events is identified and that there are appropriate, effective and viable measures available to counter any such risk and also to prevent the development exacerbating flood risk in the wider area, and to promote sustainable drainage systems – in accordance with BCCS Policy ENV5 (Flood Risk and Sustainable Drainage Systems) and DBDS Policy S4 (Flood Risk).

f) Ecological Survey

A Phase 1 Ecological Survey will be required for any development encroaching into, or within 50 metres of, a designated nature conservation area – i.e. the Saltwells Local Nature Reserve or Sites of Local Importance for Nature Conservation (SLINC), including those within the canal corridors, and canal tunnel entrances. That Survey shall identify any mitigation and/or enhancement measures deemed necessary.

Reason – to provide the necessary information to ensure that there is no impact on protected species’ habitat of other areas of nature conservation value, or, if such an impact arises, there are viable and effective measures available which can mitigate against that impact, as well as increasing biodiversity within the local area overall – in accordance with BCCS Policy ENV1 (Nature Conservation) and DBDS Policy S21 (Nature Conservation enhancement....)
g) **Improving access to the labour market**

Any development resulting in more than 1000 sq m of floorspace shall provide a statement detailing as to how that development will contribute towards the recruitment and training of local people.

*Reason – in order for the development to provide for local jobs and training opportunities, in accordance with the job creation objectives of the DY5 EZ and BCCS Policy EMP5 (Improving access to the labour market)*

4. **Guidance on sustainable development measures**

To ensure that development seeks to achieve sustainability objectives, the design and layout of the development shall address the potential for incorporating the following measures and features:

a) The incorporation of renewable energy measures – in accordance with BCCS Policy ENV7 (Renewable Energy) as articulated through the guidance contained within the Renewable Energy SPD

b) Development alongside the canal network shall positively relate to the opportunity presented by the waterway and achieve high standards of design including being responsive to, and sensitively integrated in with, the Historic Environment as appropriate – in accordance with DBDS Policy S25 (Canals)

c) Development shall attain a BREEAM “Very Good” or above standard – in accordance with BCCS Policy ENV3 (Design Quality)
SCHEDULE 4 – STANDARD CONDITIONS AND INFORMATIVES

CONDITIONS

1. Commencement Condition
Development which is determined as LDO compliant by the LPA, as being in compliance with the terms and provisions of this LDO, shall commence within 2 years of the date of this decision.

Reason – in the interests of proper planning, to ensure that the development remains in accordance with the pervading planning framework and that the economic benefits accruing through this LDO have the opportunity to be realised within a reasonable timescale – in accordance with the strategic ambitions and objectives of the DY5 EZ and the Black Country Core Strategy (BCCS), particularly BCCS Policies CSP1 (The Growth Network) and EMP2 (Actual and Potential Strategic High Quality Employment Areas).

2. Use Class Condition
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) 2015 (GPDO), as amended, or succeeding orders, the development hereby approved by this LDO shall only be used for B1b, B1c, B2 or B8 Uses or a combination thereof as the primary use of the planning unit, and for no other purposes, including, subsequently, for

A. dwellinghouses under Class PA of The Town and Country Planning GPDO (England) (Amendment) Order 2016, or

B. for a temporary use under the provisions of Schedule 2, Part 3 Class P or Schedule 2, Part 4, Class D of the 2015 Order.

Reason – to ensure that the development helps meets the strategic ambitions and objectives of the DY5 EZ and is accordance with the delivery of high quality industrial employment uses, in accordance with the area’s designation as a Potential Strategic High Quality Employment Area and therefore to comply with BCCS Policy EMP2 (Actual and Potential Strategic High Quality Employment Areas).
3. Environmental Protection Condition
A. Where development comprises a new building or extension, such development shall be constructed so as to provide sound attenuation against internally generated noise of not less than 35db average over the frequency range of 100 – 3150 hz
B. Any industrial processes associated with the development shall be primarily carried out within a building
C. Any industrial processes associated with the development shall be operated in such a way as to not cause statutory noise nuisance
D. Adjoining occupiers shall be protected from the vibration resulting from any new proposed development / process

Reason – To ensure that the amenity of the occupiers of any nearby residential neighbourhoods and the quality of the local environment is not adversely impinged upon as a result of the transmission of noise and vibrations and odours and fumes from the development – to accord with Dudley Borough Development Strategy (DBDS) Policies D2 (Incompatible Land Uses) and D5 (Noise Pollution)

4. Land Contamination Condition
All development shall be carried out having regard to any actual or potential land contamination at the site, including any land instability issues resulting from the coal mining legacy of the area. The responsibility for the safe redevelopment of the site in this regard rests with the developer. The agreed remediation scheme shall be implemented on site in complete accordance with approved details set out in the agreed Ground Conditions Statement, unless otherwise agreed in writing by the Local Planning Authority. Furthermore, following implementation and completion of the approved remediation scheme 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 the verification plan.
Reason - That any land contamination and or ground gases present are identified and dealt with in an effective and appropriate manner, and that the development is suitable for use and does not present any unacceptable risks to people, property or the wider environment – for compliance with DBDS Policies D3 (Contaminated Land) and D4 (Unstable Land).

5. Drainage Condition
A. Surface water and foul drainage shall drain to separate systems
B. No surface water from the site shall discharge onto the public highway or into the canal unless the relevant body(ies) have agreed to this
C. The Sustainable Drainage System shall be implemented in full prior to the occupation of the development and thereafter maintained, and any excess surface water discharge from the site shall equate to a Greenfield Run-Off Rate
D. The recommendation of any Flood Risk Assessment shall be implemented in full
E. All chemical/fuel storage tanks must be surrounded by bund walls of suitable construction and sufficient height to contain the contents of the tanks and associated pipework in the event of a spillage.

Reason – To ensure that development does not give rise to, or exacerbate, the potential for the pollution of watercourses and groundwater and/or the risk of flooding, and that development is appropriately flood resilient and resistant – in accordance with BCCS Policy ENV5 (Flood Risk, Sustainable Drainage) and DBDS Policy S4 (Flood Risk)

6. Highways Condition
A. The development shall not be occupied until its vehicular access is connected to the adopted highway network and the parking areas are formally laid out in accordance with the submitted plans
B. All servicing of the development shall take place from within the site and not from the public highway and adequate turning space shall be provided on the site such that vehicles can enter and exit in a forward gear
C. The development shall provide for secure, safe and accessible cycle parking and electric vehicle charging points.
Reason – to ensure that development makes adequate and safe provision for access and egress by vehicles users, cyclists, pedestrians and other users of the highway, and that there is no resulting significant impact on highway safety or the freeflow of the highway network – in compliance with BCCS Policies TRA1 (Priorities for the Development of the Transport Network) TRA2 (Managing Transport Impacts) and TRA4 (Creating coherent networks for Cycling and Walking), and DBDS Policies S17 (Access and Impact of developments on the Transport Network) and S18 (Cycling).

7. Landscape and Nature Conservation Condition

A. The submitted landscape scheme shall be implemented in full in the first available planting season following the completion of the development, and thereafter be maintained by the owner or occupier(s) of the site or persons instructed by the owner or occupier(s)

B. The recommendation of any Ecological Report on measures to mitigate against the loss of habitat for protected species and/or enhance biodiversity shall be implemented in full.

Reason – to ensure that the development helps enable the regeneration of the wider area by providing an appropriate environmental uplift which is maintained, while ensuring any impacts on protected species’ habitat of other areas of nature conservation value are mitigate against, as well as increasing biodiversity within the local area overall – in accordance with BCCS Policy ENV1 (Nature Conservation) and ENV3 (Urban Design), and DBDS Policies S7 (Landscape Design) and S21 (Nature Conservation)

8. Local Community Benefit Condition

The recommendations of any statement on local employment and training initiatives opportunities generated by the construction and/or operation of the development shall be implemented.
Reason – *in order for the development to provide for local jobs and training opportunities, in accordance with the job creation objectives of the DY5 EZ and BCCS Policy EMP5 (Improving access to the labour market)*

INORMATIVES

A. The applicant is advised that any surface water discharge to the waterway will require prior consent from the Canal and River Trust. As the trust is not a land drainage authority, such discharges are not granted as of right – where they are granted, they will usually be subject to the completion of a commercial agreement. Contact: john.thompson@canalrivertrust.org.uk
APPENDIX 1 – Blackbrook Valley LDO – Relevant Planning Context