

Planning Committee

Report of Head of Planning and Building Control on 21 July 2022

Plans List Item Number: 2

Reason for bringing to committee

Major Application

Application Details

Location: FORMER EAGLE WORKS AND SHAKESPEARE INN SITES, LAND AT THE JUNCTION OF SOMERFORD PLACE, SUMMER STREET AND PINSON STREET, WALSALL.

Proposal: DEMOLITION OF ALL STRUCTURES ON THE SITE AND THE REDEVELOPMENT FOR 51 DWELLINGS TO COMPRISE 9 NO. 1 BED 2 PERSON APARTMENTS, 22 NO. 2 BED 3 PERSON APARTMENTS, 10 NO. 2 BED 4 PERSON HOUSES, 6 NO 3 BED 5 PERSON HOUSES AND 4 NO. 4 BED 6 PERSON HOUSES FOR AFFORDABLE RENT WITH ASSOCIATED INFRASTRUCTURE, INCLUDING AMENITY SPACE, LANDSCAPING, CAR PARKING, CYCLE PARKING, BIN STORES AND BOUNDARY TREATMENTS.

Application Number: 22/0035

Case Officer: Ann Scott

Applicant: Fitzpatrick Group and Green Square Accor

Ward: Willenhall South

Agent: RCA Regeneration Limited

Expired Date: 15-Apr-2022

Application Type: Full Application: Major Use Class C3 (Dwellinghouses)

Time Extension Expiry: 31-Jul-2022



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Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to the amendment and finalising of Conditions
- And if members consider appropriate secure a Section 106 Agreement for an off-site public open space contribution.

Proposal

Demolition of all structures on the site and the redevelopment for 51 dwellings to comprise 9 no. 1 bed 2 person apartments, 22 no. 2 bed 3 person apartments, 10 no. 2 bed 4 person houses, 6 no 3 bed 5 person houses and 4 no. 4 bed 6 person houses for affordable rent with associated infrastructure, including amenity space, landscaping, car parking, cycle parking, bin stores and boundary treatments.

Site and Surroundings

The site occupies the former Eagle Works and Shakespeare Inn Sites, on 0.93 hectares of land at the Junction of Somerford Place, Summer Street and Pinson Street Walsall.

Relevant Planning History

19/01355 – Outline application for the demolition of the existing factory units and the erection of 54 dwellings comprising 20 houses and 34 flats (access, layout and scale to be considered). – Withdrawn 07-05-2021.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the **NPPF** relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF (para 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted,

enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the '2010 Act ') sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty "PSED" on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV5: Stabling and Riding of Horses and Ponies
- ENV6: Protection and Encouragement of Agriculture
- ENV7: Countryside Character
- ENV9: Environmental Improvement Initiatives
- ENV10: Pollution
- ENV12: Hazardous Installations
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV16: Black Country Urban Forest
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV26: Industrial Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H1: Renewal of Existing Residential Areas
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing
- H4: Affordable Housing
- T1 - Helping People to Get Around
- T2 - Bus Services
- T4 - The Highway Network
- T5 - Highway Improvements
- T6 - Traffic Calming
- T7 - Car Parking:
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Spaces NOTE
- LC3: Children's Play Areas
- LC4: Allotment Gardens
- LC8: Local Community Facilities

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure

- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- HOU5: Education and Health Care Facilities
- EMP1: Providing for Economic Growth
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- EMP3: Local Quality Employment Areas
- EMP4: Maintaining a Supply of Readily Available Employment Land
- EMP5: Improving Access to the Labour Market
- EMP6: Cultural Facilities and the Visitor Economy
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN4: Regeneration of Town Centres
- CEN5: District and Local Centres
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- CEN8: Car Parking in Centres
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN3: The Efficient Movement of Freight
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

RC1: The Regeneration Corridors
 HC1: Land allocated for New Housing Development
 HC2: Development of Other Land for Housing
 HC3: Affordable Housing and Housing for People with Special Needs
 HC4: Accommodation for Gypsies and Travellers and Travelling Show People
 IND1: Existing High Quality Industry
 IND2: Potential High Quality Industry
 IND3: Retained Local Quality Industry
 IND4: Local Industry Consider for Release
 IND5: New Employment Opportunities
 SLC1: Local Centres
 SLC2: Local Centres Development Opportunities
 OS1: Open Space, Sport and Recreation
 LC5: Greenways
 EN1: Natural Environment Protection, Management and Enhancement

EN2: Ancient Woodland
EN3: Flood Risk
EN4: Canals
EN5: Development in Conservation Areas
T2: Bus Services
T3: The Rail Network
T4: The Highway Network
T5: Highway Improvements

Supplementary Planning Documents

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

Open space, sport and recreation

- OS1: Qualifying Development
- OS2: Planning Obligations
- OS3: Scale of Contribution
- OS4: Local Standards for New Homes
- OS5: Use of Contributions
- OS6: Quality and Value
- OS7: Minimum Specifications
- OS8: Phasing of On-site Provision for Children and Young People

Affordable Housing

- AH1: Quality of Affordable Housing
- AH2: Tenure Type and Size
- AH3: Abnormal Development Costs
- AH4: Provision Location
- AH5: Off Site Provision

Air Quality SPD

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

Other Policy/guidance:

- National Design Guide
- Historic England Good Practice Advice Note 3: The Setting of Heritage Assets.
- Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets.
- Black Country Historic Landscape Characterisation (2009).
- Willenhall Conservation Area Appraisal and Management Plan.

Consultation Replies

Planning Policy – 14/2/22

- Whilst we understand that viability issues mean that it may not be possible to provide nil grant affordable housing on this site through a S106. in any case
- 14/3/22 The proposal is supported on strategic planning policy grounds. See the detailed policy references in the comments to Development Team attached to the Planning Statement. Note that the paragraph numbers in the current (2021) NPPF are slightly different to those stated.
- The affordable housing contribution will be subject to vacant building credit, with a reduction equivalent to the floor space of the existing buildings to be demolished.
- Reference should continue to be made to our earlier comments dated 22 March 2022. The additional documents received on 11th May 2022 raise no new strategic planning policy issues.

29/6 – **Conservation Officer** – Concerns with regard to design of dwellings some of the heights not being in keeping with the locality. The main building former Middleton's Works is a non-designated heritage asset and is being considered for local listed status.

Community Safety Officer – Overall support but concerns regarding some of the parking locations to the side of proposed properties which may present a security risk as the cars can be used as a climbing aid, together with the proposed gates/fences being out of sight.

Police architectural liaison officer – no objections.

Lead Local Flood Authority

22/6/22 –LLFA have no objections to the grant of full permission.

Exceedance Plans illustrating flow paths in the event of exceedance of the drainage system. To include building FFLs. Maintenance Please state the parties responsible for the maintenance of the proposed surface water system including contact details and address details. To include a schedule of planned activities with the frequencies of required maintenance.

Housing standards – refer to the bathrooms in the proposed flats that have no windows and advise that either a window or mechanical extract ventilation is required.

Highway Authority – The Highway Authority supports the proposal and considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2021 paragraph 111. Conditions are suggested in relation to parking, turning and manoeuvring areas to be implemented prior to occupation. Cycle shelters to be provided and all highway works to be completed prior to occupation of the dwellings.

Highways England – no objections.

Environmental Protection – Air quality assessment required to advise on whether the site is suitable for development and if so any mitigation required prior to us assessing the application.

22/6 requires the applicant to:

- (i) Prevent installation of a solid fuel appliance
 - (ii) Agree an Air Quality Low Emission Scheme in writing
 - (iii) Agree a Construction Management Plan
 - (iv) Prior to demolition, an asbestos survey shall be undertaken and a report produced identifying any asbestos containing material and measures to remove it.
 - (v) Following the requirements of the Supplementary Ground Investigation Report submit and agree a Remediation Statement and a Remediation Statement.
 - (vi) The requirements of the acoustics survey will need to be met and acoustic mitigations measures agreed in writing with the Local Planning Authority.
- Conditions to address the above have been provided.

Natural England – No objections or comments to make.

Historic England – do not wish to offer any comments. Advise that the LPA seeks the views of their specialist conservation and archaeological advisors.

Archaeology – There are no archaeological implications for this proposal.

Coal Authority – 8/2/22 Objection - substantive concerns the application falls within the defined high risk area; therefore within the application site and the surrounding area there are coal mining features any hazards which need to be considered in relation to the determination of the planning application. The application is accompanied by a CMRA dated February 2020. From the report findings the Coal Authority has no objections to the proposed approached to the investigation and remediation but highlights that Given that the stand-off radius reflects the area of potential instability associated with the shaft, the Coal Authority would expect the applicant to outline suitable measures to mitigate against ground movement for those external parts of the site which fall within this area of potential instability. Until the above matter is satisfactorily addressed, the Coal Authority's Planning & Development Team must OBJECT to the planning application.

21/6/22 – **Coal Authority** withdraws its objections subject to conditions in relation to remedial works being carried out in full, Mitigation measures in the submitted Coal Mining report are carried out and a statement prepared by a suitably qualified person confirming the site has been made safe and stable to be submitted and agreed in writing with the LPA.

West Midlands Fire Officer – Advice on fire safety standards provided.

Representations

3 letters of third-party comment/objections with regards to the following matters.

- Parking issues/congestion/highway safety
- Street scene and loss of privacy
- Environment and pollution
- Adverse impact on residential amenity
- Potential for damage to existing property from demolition of buildings

Determining Issues

- Principle of Development
- Heritage Assessment
- Housing need
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Crime and antisocial behaviour
- Highways
- Ecology
- Flood Risk / Drainage
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations
- Local Finance Considerations
- Other key issues

Assessment of the Proposal

Principle of Development

The revised NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. The application is mostly on commercial land in a sustainable location. The NPPF also says that housing applications should be considered in the context of the presumption in favour of sustainable development.

The application is on a parcel of land used as former industrial premises. The site lies near to a junction with a number of roads including Somerford Place, Summer Street and Pinson Street Walsall and is an allocated site for housing references, IN0073.1 SHLAA and IN0073.2 SHLAA.

In addition, the Willenhall Framework plan is a document that is a 10 year vision and delivery strategy for the future housing growth and development of Willenhall. The Cabinet supported taking forward the Willenhall Framework Plan at the meeting on the 9th February 2022. The document has limited weight at the present time as it is not yet adopted as a Supplementary Planning Document.

The principle of development for housing is supported in accordance with the BCCS Policies CSP1,

HOU1, SAD Policy HC2, and the NPPF paragraphs 68 and 119.

Heritage Assessment

The application is accompanied by a heritage assessment in accordance with the advice in the NPPF Paragraph 194. Which requires applicants to describe the significance of any heritage assets affected. The existing factory building is not yet “locally listed” but is now being put forward for local listing due to the historic links to the manufacturing industry in Willenhall and its present condition and historic merit. It is presently a non-designated heritage asset as defined in the NPPF, and is a 20th Century purpose brick built factory circa 1939 known as The “Eagle Works”. Some later alterations were added to the West Side of the factory in the mid to late 20th Century. Some internal alterations have taken place in the latter part of the 20th century to provide office and facilities for the use of the site as part of the Middleton Paper Company that took the premises on in the latter half of the 1970’s approximately 1979. The submitted heritage statement does describe the significance of the building in accord with paragraph 194, suggests that the likely use of the building for future industrial use in the future is unlikely but does indicate that the impact of the existing building on the site is positive and is a local landmark, but is in a state of disrepair. Many original features are retained including some original critical windows which are largely covered up but some may require either repair or replacement.

Nearby there is a garage at the junction of Wolverhampton Street and New Road and is a non-designated heritage asset as defined in the NPPF. In addition there are two nearby listed buildings The Portobello War Memorial and 54 New Road (The Locksmiths House Museum).

Other heritage assets nearby identified include St Stephens Church, and a number of locally listed properties on New Road including numbers 33, 71, 72, 75 and 82-94, and numbers 15-16 Wolverhampton Street. The heritage statement submitted advises that the proposal does not cause harm to anything of significance.

The conservation officer has expressed concerns with regard to the flats and the proposed flat roof. In addition some of the dwellings incorporated dormers and an irregular pattern of fenestration which was considered out of keeping with the character of the area. In addition some of the heights of the proposed dwellings were irregular and not reflective of the pattern of development in the locality.

The garage at the junction of Wolverhampton Street and New Road is considered to be a non-designated heritage asset. The demolition of Eagle Works and the erection of flats would have some harm to the significance of this NDHA, that level of harm would be low to medium.

The proposed buildings including the flats and houses are of a contemporary design using simple elevational treatment and the use of brick, tile and render. The flats are flat primarily flat roofed and some of the dwellings incorporate flat roofed dormers. There are no objections in principle to the proposed design of the flats and dwellings which are functional and use modern material but are different in scale and design to nearby dwellings of traditional design and construction. Some of the flats incorporate glazed balconies to facilitate additional amenity space for occupiers. Whilst the Conservation Officer objects to the design of the taller housing and considers that some of the details are not reflective of the character of the area. On balance the benefit to the locality from the resulting dwellings, would overcome the minor issues in relation to the design of the flats and dwelling houses. In relation to the fenestration treatment some of the window proportions are more typical of modern contemporary development and will have their own character in terms of the contribution of the new development to the wider area. The area is characterised by older terraced housing of Victorian and Edwardian era circa 1890’s to 1910 in particular along Summer Street, along with post war council housing circa 1947-1950s. Materials are largely brick, tile and white or cream render to the fronts of properties. Opposite the site on Summer Street is a large composite clad elevation to existing commercial premises, which will be developed as part of this application

and will therefore be demolished as the Eagle Works brick building is intended to be demolished.

Paragraph 203 of the NPPF states the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

Policy ENV26 Industrial Archaeology of the "saved policies" in the Walsall UDP seeks to ensure that the Council will define buildings and structures of industrial archaeology interest. In considering proposals for development, the Council will have regard to the industrial/ and or historical importance of the site or building. There will generally be a presumption against the granting of planning permission for development schemes which involve the demolition or damaging of significant buildings or sites relating to the Boroughs Traditional Industries. Restoration and appropriate adaptation will be encouraged. Where development proposals affect buildings that do not merit retention the council will make positive recommendations for recording and preservation of artefacts and features.

It is considered that the submitted heritage statement considers the appropriateness of the conversion of the building to another use or its use for industrial purposes in the future to be limited due to the poor condition of the building. The site is also in an area at high risk of flooding and it is considered any necessary mitigation measures to facilitate the use of the building for residential purposes would be difficult to achieve given the poor condition of the building internally and externally. The building would be in need of refurbishment to make it suitable for habitation again for either commercial or residential purposes. Together with the site being in a high flood risk area on balance it is considered that the conversion of the building would not be likely to be practical for a residential use. Therefore it is considered that the proposal to demolish the building and build flats on this part of the site is more sustainable in the longer term.

Paragraph 201 of the NPPF advises that where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset planning authorities should refuse consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss. If the following apply, the nature of the heritage assets prevents all reasonable uses of the site and no viable use of the heritage asset can be found in the medium term through appropriate marketing that will enable its conservation. Conservation by grant funding of some form or not for profit, charitable or public ownership is demonstrably not possible and the harm or loss is outweighed by bringing the site back into use. It is considered that the site is allocated for residential development and paragraph 11d) is in effect. On balance the grant of permission to demolish the building for a replacement residential development would outweigh the substantial harm or total loss and is necessary to achieve substantial public benefits of granting permission for 51 dwellings on the wider site.

The Conservation Officer has recommended that if the building is to be demolished then a condition requiring a 'building recording survey' in accordance with Historic England's Understanding Historic Buildings: A guide to good recording practice (2006) to Level 3 shall be commissioned by an accredited archaeologist and shall be submitted to and approved in writing by the local planning authority.

Housing Need

The proposal is in a sustainable location in the built up area of Walsall on an allocated housing site. The affordable housing scheme proposed is therefore supported on strategic planning policy grounds by BCCS policies CSP1 and HOU1, SAD policy HC2 and NPPF paragraphs 68 and 119.

The Black Country Core Strategy Policy HOU1 Delivering Sustainable Housing Growth seeks to

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create a network of cohesive, healthy, and prosperous communities and for the provision of sufficient land to provide for sustainable housing growth.

The latest available figures show that there was a 5 year housing land supply as at April 2021, however the Council failed the Housing Delivery Test published in January 2022 based on low levels of delivery over the last 3 years. This means that the size of the required supply buffer has increased resulting in the supply at the time of preparing this report being slightly less than 5 years, and the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect.

Design, Layout and Character

The proposed development is designed around separate parcels of land forming part of the whole development which is centred largely around the old Eagle Works where existing buildings will be removed to facilitate the housing development and Summer Street.

Policy ENV26 states 'there will be a presumption against the granting of planning permission for development schemes which involve the demolition or damaging of significant buildings or sites relating to the Borough's traditional industries'. The policy also states 'restoration and appropriate adaptation will be encouraged. The discussion in relation to the loss of the building is set out in the heritage section of this report.

The proposed buildings including the flats and houses are of a contemporary design using simple elevational treatment and the use of brick, tile and render. The flats are flat primarily flat roofed and some of the dwellings incorporate flat roofed dormers. Whilst they are out of keeping with the traditional pattern of development in the locality other than the dwellings fronting the main street pattern. There are no objections in principle to the proposed design of the flats and dwellings which are functional and use modern material but are different in scale and design to nearby dwellings of traditional design and construction. Some of the flats incorporate glazed balconies to facilitate additional amenity space for occupiers. Some dwellings are taller than the traditional properties of the locality however the site is to be developed as a holistic approach and the design incorporates features including finished floor levels and heights of buildings necessary to achieve flood risk measures due to the flood risk status of the site. The flood risk is discussed in that section of the report.

The proposal is considered to accord with Unitary Development Plan Policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals), Black Country Core Strategy Policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness) and ENV3 (Design Quality) and SPD Policies DW1, Sustainability, DW2 Safe and welcoming places, DW3 Character, and DW5 Ease of movement of the Designing Walsall urban design document. Together with the design advice in Chapter 12 of the NPPF Achieving well-designed places. Together with the SPD Policies in Designing Walsall DW1 Sustainability, DW2 Safe and Welcoming Places, DW3 Character and DW10 Well Designed Sustainable Buildings.

Amenity of Neighbours and Amenity of Future Occupiers

The proposed development will be situated in the proximity of existing residential properties together with other commercial businesses nearby. Some objections have been received from third parties with regard to parking issues/congestion/highway safety impact on the street scene and a loss of privacy. In addition to an adverse impact on the environment and pollution and the potential for damage to existing property from demolition of buildings.

The proposed dwellings are not considered to create any undue overlooking or overbearing situation. However, it is not discounted that the proposal will generate a degree of noise and disturbance during construction but these matters can be controlled by a condition to secure a

construction management plan and hours of operation to avoid unnecessary disturbance to nearby occupiers. In addition, it is considered appropriate to restrict permitted development rights to ensure that no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house without the prior consent of the Local Planning Authority. The proposal is considered to accord with the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW6 (Legibility). Of the Designing Walsall SPD.

The proposed balconies are considered to be a key design feature which will not only provide valuable amenity space for the occupants of the apartment building but will also assist in the provision of natural surveillance which is a key attribute in the prevention of crime, fear of crime and antisocial behaviour. Natural surveillance is considered in the design policies in the Designing Walsall SPD Policy DW2 Safe and Welcoming places.

The proposal is considered to accord with the Saved Unitary Development Plan Policy GP2 (Environmental Protection), and Policies DW1 (Sustainability), DW2 (Safe and Welcoming places) and DW6 (Legibility). Of the Designing Walsall SPD.

Crime and Antisocial Behaviour

The proposal is not considered to have the potential to result in harm to the amenities of the locality from crime and antisocial behaviour subject to conditions. The design of the development gives opportunities for pedestrian access through the site and includes balconies and fenestration details including the communal stair access areas which feature large full height windows which are intended as part of the design to increase the level of natural surveillance.

This application is considered to accord with Saved Unitary Development Plan Policy GP2 (Environmental Protection), Site Allocation Document Policy HC2 (Development of Other Land for Housing), the aims of Appendix D (Numerical Guidelines for Residential Development) of the Designing Walsall SPD and the National Planning Policy Framework 2021.

Highways

The Highway Authority have no objections to the proposal subject to conditions requiring some changes to the parking spaces for plots 41 to 43 Somerford Place and Pinson Road are classified roads, the B4464 and the B4484 respectively. Both are District Distributors. All three roads are bus routes.

The site is highly sustainable being within reasonable walking distance of Willenhall District Centre with a wide range of public and commercial facilities and public transport.

The parking spaces to Plots 41 to 43 are considered too close to the Pinson Road/Somerford Place roundabout. The position of the proposed building (Plot 41 to 43) virtually up to the highway boundary will severely impair inter-visibility for drivers egressing the parking spaces to vehicles exiting the roundabout into Pinson Road from a westerly direction and vice-versa.

A Revised Plan will be required relocating these 3 spaces away from the junction.

91 parking spaces for the 51 dwellings is proposed. This equates to a 178% level of provision. Taking into account the site's sustainable credentials, the level of provision is considered acceptable. The development is unlikely to have a significant impact in traffic terms. There will be a benefit by the removal of some commercial traffic from the streets. The highway authority consider conditions necessary to provide a CEMP to include methods of demolition and off-site improvements to footways. Subject to the changes the application is considered to accord with "saved policies" T7 - Car Parking T13: Parking Provision for Cars, Cycles and Taxis, and the Black

Ecology/Trees/Landscape

The proposal will affect some trees on the site which will be likely to be affected from the resulting development either by removal or from impact of the built development. A tree protection condition is considered necessary to protect those trees to be retained on the submitted tree protection drawing. Whilst some landscaping measures are demonstrated on the submitted drawings. A condition In addition a condition to secure additional landscaping to augment and integrate the development into the surrounding locality is considered appropriate. Standard tree protection conditions are also considered appropriate to protect the existing trees during construction there are no objections in principle to the proposal in relation to the impact on existing trees within the site.

The proposal is considered to accord with the Unitary Development Plan Policies ENV14 (Development of Derelict and previously developed sites), ENV18 (Existing Woodlands, Trees and Hedgerows) and ENV23 (Nature conservation and new development).

Flood Risk / Drainage

The application site lies mainly in flood zone 1 to the South and the North of the application site but also is partly in Flood Zone 2 and partly adjacent to flood zone 3, but is accompanied by a flood risk assessment to demonstrate the risk of flooding to the site from fluvial flood risk.

Paragraph 159 of the NPPF seeks to ensure that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at the highest risk either now or in the future. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

If it is not possible for development to be located in areas at lower risk of flooding taking account of wider sustainable development objectives the exception test will need to be applied and should be informed by a site specific flood risk assessment depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that the development would provide wider sustainability benefits to the community that outweigh the flood risk and the development will be safe for its lifetime, taking account of the vulnerability of its users without increasing flood risk elsewhere.

Mitigation measures provided in the Flood Risk Assessment suggest a minimum finished floor level of 600mm above AOD for the housing and 300 mm above AOD for the apartments. Together with other SUDS methods to provide for surface water run-off these measures include the potential for drainage attenuation within the site. In accordance with standing advice.

Appropriate conditions are considered necessary to secure measures for foul and surface water run-off. There are no objections to the proposal from the LLFA who consider that the submitted information to amend the proposed drainage strategy have overcome their concerns.

The proposed development is considered to be in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

Ground Conditions and Environment

The application site was previously used to manufacture paper. It is unknown as to whether or not there is any existing contamination on the site. The submitted Coal Authority Report advises of legacy shallow coal mining activity and the presence of a former Mine Entry (CA Ref no. 395298-023). The Coal Mining Authority recommend appropriate conditions in relation to remedial

treatment is required together with the submission of a signed statement to incorporate a signed statement from a suitably qualified person confirming the site has been made safe. Subject to a condition to secure the above scheme of investigation for contamination potential the proposal is considered to accord with “Saved” Unitary Development Plan Policy ENV10: Pollution and The Black Country Core Strategy ENV8 Air Quality.

Planning Obligations

Policy HOU3 of the BCCS, and the Affordable housing SPD requires provision of 25% affordable housing on qualifying sites of 15 units or over. In accordance with policies GP3 and LC1 of the UDP, policy DEL1 of the BCCS and Urban Open Space SPD the proposal triggers the need for urban open space.

The developer has submitted a Viability Assessment Report which concludes that the development would not be viable if any s106 contributions were sought. The proposal is to provide 100% affordable housing at 100% affordable rent. The Affordable Housing SPD indicates that 25% social rent housing should be provided.

The Viability Assessment has been independently corroborated with a recommendation that s106 contributions would not be appropriate if the development is to go ahead. It is therefore recommended that planning obligations be waived in this instance although it should be noted that without a Section 106 the Council cannot guarantee the delivery of at least 25% affordable housing affordable rent tenure.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to ‘local finance considerations’ when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 51 new homes.

The Government has indicated that, for 2020-21, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling.

Other key issues

In relation to the development of the site going forwards. The existing building formerly Middleton Works which is being considered for local listing status. It is considered that the likelihood of a use coming forward for the existing building in the future is very limited. The building would be in need of refurbishment to make it suitable for habitation again for either commercial or residential purposes. Together with the site being in a high flood risk area on balance it is considered that the conversion of the building would not be likely to be practical for a residential use. Therefore it is considered that the proposal to demolish the building and build flats on this part of the site is more sustainable in the longer term. Given that flood risk measures will be built into the new replacement flats to ensure that the development is not adversely affected by or increases the risk of flooding to nearby properties. In accordance with the advice in the NPPF Chapter 14 Meeting the challenge of flood risk and coastal change.

Open Space Contributions

In relation to Open Space contributions as set out in the Planning Obligations Section of the report. The developer has submitted a Viability Assessment Report which concludes that the development

would not be viable if any s106 contributions were sought. Committee Members may wish to secure contributions for open space if they consider it is appropriate to do so via a Section 106 legal agreement.

Conclusions and Reasons for Decision

Officers have worked with the applicant and their agents positively and creatively to provide an opportunity to address the concerns raised by the Council and by consultees and interested parties. A satisfactory way forward has been negotiated and the amendments have been submitted which overcome previous concerns to the extent that the application can now be supported.

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

Officers have spoken with the applicant's agent and in response to concerns raised regarding visual impact and character and appearance of the proposed building, amended plans have been submitted which enable full support to be given to the scheme.

Positive and Proactive Working with the Applicant

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern and allowing opportunities for the proposals to be amended.

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to the amendment and finalising of Conditions
 - and if members consider appropriate secure a Section 106 Agreement for an off-site public open space contribution.

Conditions / Reasons

1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

2020031 04H Site Plan
2020031 08B Site Location Plan
2020031 10 Site Block Plan
2020031 15A Street elevations 1 of 2
2020031 16A Street elevations 2 of 2
2020031 20 Flat layout plans
2020031 21A Ground floor flat plans
2020031 22A First floor flat plans
2020031 23A Second floor flat plans
2020031 24A Roof plans
2020031 25 Plots 1-21 Front Elevations
2020031 26 Plots 1-21 Rear Elevations

2020031 27 Plots 38-43 Elevations/front/side/rear
2020031 28A Plots 44-47 Elevations front/side rear
2020031 31 2B House
2020031 32 3B House
2020031 33 4B House
2020031 2B4P Wide House
AEL-18432-TCNLP Tree Constraint New Layout Plan
AEL-18432 Existing Tree Constraint Plan
AEL- 18432-TIP Tree Impact Plan
AEL-18432-TPP Tree Protection Plan
AEL-18432-TSP Tree Shadow Plan
AEL-18432-TWP Tree Work Plan

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3 Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

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

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

4. Prior to occupation of the development hereby permitted, the parking and vehicle manoeuvring areas set out on plan 2020031 04H Site Plan shall be consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, together with the demarcation and retention of parking bays. These areas shall thereafter be retained and used for no other purpose for the lifetime of the development.

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

5. Prior to commencement of any building operations above the damp proof course of the development hereby permitted details of the proposed finished floor levels, ridge and eaves heights of the buildings hereby permitted shall be submitted in writing to and approved in writing by the Local Planning Authority.

a. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties.

b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and thereafter be retained for the lifetime of the development.

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

6. Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

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

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

a. The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

8. a. Prior to the commencement of the development hereby permitted a Construction Methodology Statement shall be submitted in writing to and approved in writing by the Local Planning Authority detailing where the parking and turning for site operatives and construction deliveries will be located and including full details of wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

b. This provision shall be retained during construction in accordance with the approved details.

Reason In order to minimise on street parking during construction and the potential disruption to the free flow of traffic on the public highway in the interests of highway safety.

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

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

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

Reason: To prevent potential contamination of the ground due to any potentially hazardous materials associated with the buildings or their previous use in accordance with saved policies GP2

and ENV14 of Walsall's Unitary Development Plan.

10 a: Prior to the commencement of development hereby permitted an Air Quality Low Emission Scheme for the installation of electric-vehicle charging points and Ultra-Low NOx boilers shall be submitted in writing to and agreed in writing, with the Local Planning Authority.

b: The development hereby permitted shall not be carried out otherwise than in accordance with the approved scheme and the approved details shall thereafter be retained for the lifetime of the development.

c: Prior to the first occupation of the development hereby approved an independent validation report shall be submitted in writing to and agreed in writing, with the Local Planning Authority that demonstrates the approved mitigation measures have been carried out in accordance with the approved details.

Reason: in the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

11a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

c. Prior to occupation of the development hereby permitted until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

12. Prior to commencement of the development hereby permitted the following details shall be submitted in writing to and approved in writing by the Local Planning Authority:

a. A plan showing the location of and allocating a reference number to each existing tree on the site which has a stem with a diameter measured over the bark at a point 1.5metres above ground level exceeding 75mm showing which trees are to be retained and the crown spread of each retained tree

b. Details of the species diameter (measured in accordance with paragraph a) and the approximate height and an assessment of the general state of health and stability of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs iii and iv apply

c. Details of any proposed topping or lopping of any retained tree or of any tree on land adjacent to the site

- d. Details of any proposed alterations in existing ground levels and of the position of any proposed excavation within the crown spread of any retained tree or any tree on land adjacent to the site, from any retained tree or any tree on land adjacent to the site equivalent to half the height of that tree.
- e. Details of the specification and position of fencing and of any measures to be taken for the protection of the retained trees from damage before or during the construction of the development.
- f. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

Reason: To safeguard the existing trees on the site in accordance with saved policy ENV18 of Walsall's Unitary Development Plan.

13. Prior to the commencement of development:

- a. details of protective fencing and ground protection to be installed around all retained trees shall be submitted in writing to and approved in writing by the Local Planning Authority
- b. The approved protective fencing and ground protection shall be installed
- c. One month's written notice of the intention to commence development shall be given to the Local Planning Authority to allow the Council's Arboricultural Officer to fully inspect the installation of the protective fencing and ground protection
- d. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.
- e. Nothing shall be stored or placed nor any fires started, any tipping, refuelling, disposal of solvents or cement mixing carried out inside the protective fencing or on the ground protection referred to in part a to this condition .Ground levels within protective fencing and on ground protection areas shall not be altered nor shall any excavation or vehicular access or drainage routes be made.
- f. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Saved Policy ENV18 of the UDP and Conserving Walsall's Natural Environment SPD.

14. Prior to commencement of any building operations above the damp proof course of the development hereby permitted details of the proposed finished floor levels, ridge and eaves heights of the buildings hereby permitted shall be submitted in writing to and approved in writing by the Local Planning Authority in accordance with the submitted Flood Risk Assessment.

- a. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties.
- b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

Reason: In the interests of the amenities of the area in accordance with saved policies GP2

(Environmental Protection) and ENV32 (Design and development proposals), and ENV40 (Conservation, protection and use of water resources) of Walsall's Unitary Development Plan, NPPF Chapter 10 Meeting the Challenge of Flood Risk and Coastal Change, Black Country Core Strategy Policy ENV5 Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

15. Prior to the commencement of development hereby permitted, a 'building recording survey' in accordance with Historic England's Understanding Historic Buildings: A guide to good recording practice (2006) to Level 3 shall be commissioned by an accredited archaeologist and shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure there is a record of this non-designated heritage asset in accordance with Paragraph 205 of the NPPF.

16. Notwithstanding the information shown on submitted plans, the development hereby permitted shall not be carried out otherwise than to meet the following minimum security measures and thereafter the security measures shall be retained for the lifetime of the development;

- All external doors to individual dwellings to be PAS24; 2016
- All ground floor windows and over accessible roofs to be PAS24; 2016
- All ground floor windows and over accessible roofs including French doors and patio doors to have not less than one pane of 6.4mm laminated glass.
- All shared external doors for flatted development shall have a door entry phone system and electronic lock release linked to each flat
- Mail boxes for the flatted development shall be constructed of a minimum 1.5 metre steel construction, being lockable individual letter boxes, secure anti-theft proof and wall mounted located at the primary entrance/exit lobby point of the building, covered by CCTV
- lighting within flatted internal communal areas shall be PIR activated
- Dusk until dawn lights (white light source) to be installed adjacent to each door including either side of garage doors
- 1.8m high closed board fencing with 0.3m trellis topper to be erected around the perimeter of each dwelling.
- All garden access gates shall be of the same construction of the perimeter fencing, self-closing, facing the street, lockable with a key front and rear, designed to not create any climbing aids
- No Lead or metal shall be used on the ground floor.
- All the dwellings shall be suitably with an intruder alarm by a registered SSAIB or NSI engineer to British Standard (BS EN 50131 Grade 2)
- Recycling and refuse areas to be secured at the rear of the flatted properties in a lockable storage facility
- All energy meters shall be placed at the front of the dwellings

Reason: To ensure the safety and security of the development and its occupiers, given the isolated nature of the development in compliance with NPPF 12 and saved policy ENV32 of Walsall's Unitary Development Plan.

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house;

- Class A (enlargement, improvement or other alterations),
- Class AA - enlargement of a dwelling-house by construction of additional storeys
- Class B (additions to the roof),
- Class C (other alterations to the roof),
- Class D (porches),
- Class E (building incidental to the enjoyment of a dwelling house),
- Class F (hard surfaces incidental to the enjoyment of a dwelling house),

Shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

18. Notwithstanding the details submitted of the development hereby permitted and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, there shall be no installation of any solid fuel stove, fire or heating appliance in the development hereby permitted for the lifetime of the development.

Reason: To ensure safeguarding of local air quality in accordance with BCCS Policy ENV8.

19. a) Prior to the first occupation of the any dwelling on the development, all access ways, vehicle manoeuvring areas and parking spaces for that dwelling shall be fully implemented, the areas being fully consolidated, hard surfaced in tarmacadam or similar material and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays.

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

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

20. a) Prior to the first occupation of any flat on the development, full details of the proposed cycle shelters, which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and the facilities shall be fully implemented in accordance with the approved details.

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

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

21a. Prior to the first occupation of any dwelling on the development, the following highway related works shall be fully implemented to the specification of and to the of satisfaction of the Highway Authority;

b The relocation of the existing Speed Humps in Summer Street,

c The widening of the existing footways fronting the development in Summer Street to 2 metres together with the repositioning/adjustment of any street furniture, including street lighting columns as required,

d The installation of vehicular footway crossings at all new access points,

e The removal and reinstatement of all redundant footway crossings back to full kerb height. The visibility splays at all vehicle access points on the development and shown on Site Layout 04H, shall be kept free at all times of structures and planting exceeding 600mm in height above highway levels.

Reason: In the interests of highway safety.

22. Prior to the commencement of the development, including demolition, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing;

a. where the parking and turning facilities for site operatives and construction deliveries will be

located,

- b. full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.
- c. b) The demolition and construction of the development shall be in accordance with the approved details.

Reason: In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety.

END OF OFFICERS REPORT