



Planning Committee

Report of Head of Planning and Building Control on 20 June 2022

Plans List Item Number: 9

Reason for bringing to committee

Significant Community Interest and Council Owned Land

Application Details

Location: 6, LINDEN LANE, WILLENHALL, WV12 5NX

Proposal: PROPOSED 2 BEDROOM DETACHED BUNGALOW WITH PARKING TO THE REAR

Application Number: 21/1339

Case Officer: Helen Smith

Applicant: Mr Graham Griffiths

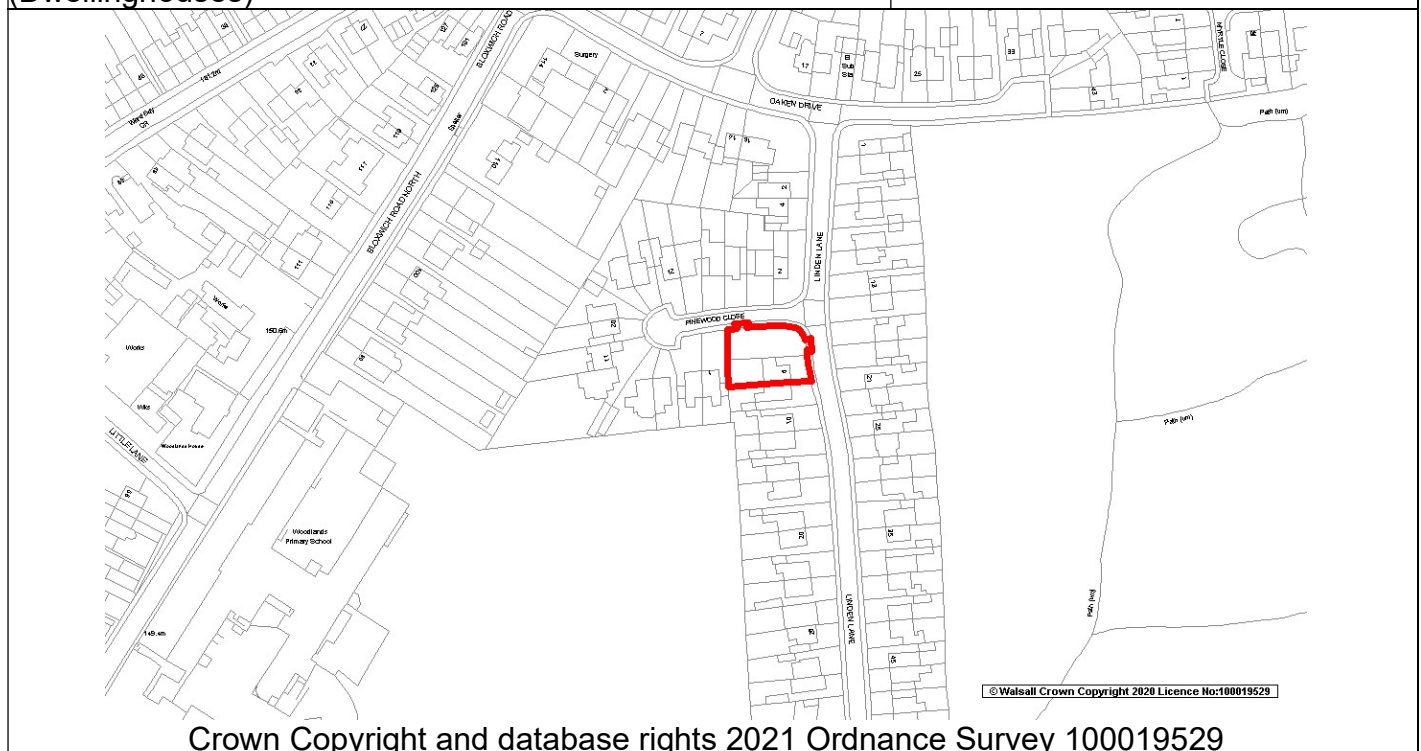
Ward: Short Heath

Agent: Hart of the Home Ltd

Expired Date: 27-Dec-2021

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

Time Extension Expiry:



Reason for bringing to committee:

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;

Proposal

This application proposes the construction of a two bedroom single storey bungalow (use class C3) with associated parking and landscaping on land adjacent to 6 Linden Lane.

Ownership Certificate B has been completed and the requisite notice served on Walsall Council in respect of this proposal.

The proposed new bungalow would sit to the western side of Linden Lane. Adjacent to 6 Linden Lane and will be used as a single dwelling, separate from 6 Linden Lane.

The proposed bungalow would match the existing building line of the bungalows fronting Linden Road.

The proposed bungalow would be set in 3.1 metres from the public footpath with the proposed rear garden fence set in 1.7 metres.

A detached garage has been removed from the plans and an area to the rear of the side would be utilised for parking. There would be a second parking space on the frontage both to be served by dropped kerb accesses. Three parking spaces (including garage) would be retained at 6 Linden Lane with access from the highway.

The bungalow would have an external footprint measuring 68.3 sq. m. The ground floor as proposed would consist of a lounge/dining area, kitchen, bathroom, entrance hall and two bedrooms.

It would measure 10.12 m in depth and 6.75 m in width. The ridge height of the new bungalow would be 5.31 m with an eave's height of 2.1 m.

To the front elevation, there would be 2 no windows proposed and a front door, to the side elevation facing Pinewood Close along with a bathroom window.

The side elevation facing 6 Linden Lane would be blank and to the rear elevation 2 no windows and a rear door are proposed.

The proposed bungalow will provide private amenity space of 70 sq. m with an approximate length of 8 m from the rear of the property to the rear fence. No 6 Linden Lane would retain a garden of similar proportions at 109 sq. m.

The bungalow has been designed in a similar fashion to the existing bungalows along Linden and is to be constructed from facing brickwork to the front elevation.

Bins would be stored within the proposed rear garden area. This application is supported by the following documents;

- Coal Mining Risk Assessment by The Coal Authority, deposited 17/2/22

Site and Surroundings

The subject site is to the western side of Linden Lane, Willenhall, and at the road junction with Pinewood Close. The property is within the Bentley Character area.

The street scene is characterised by a mix of bungalows which are similar in style and size to this proposal, along with pairs of semi-detached houses with a similar style. The area has a spacious character.

No. 6 Linden Lane would sit to the south of the proposed new bungalow and has an existing garage to the side along with its main entrance door. The garage has a side facing window.

House no's 2 to 6 Pinewood Close face across the public highway to the side elevation of the proposed bungalow with a separation distance of 19.1 metres.

No. 1 Pinewood Close is a bungalow that sits to the rear and west of 6 Linden Lane and to the south west of the application site. This neighbouring property has front facing habitable room windows and a former garage to the side. There is an access drive serving no. 1 adjacent to the proposed southern boundary of the application site.

The site is not within a Conservation Area and is within a High Risk Coal Development Area.

Relevant Planning History

None

Relevant Policies

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 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF (para 55) 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. 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. Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV17: New Planting
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- 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

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing
T4: The Highway Network

Supplementary Planning Document

Designing Walsall

- DW3 Character
- DW10 Well Designed Sustainable Buildings
- Appendix D

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

Consultation Replies

Clean and Green – No objections as this would include a standard household waste provision with bins to be presented on Linden Lane, if approved.

Coal Authority – No objections subject to the inclusion of planning conditions in respect of land stability

Environmental Protection – No objection subject to the inclusion of planning conditions in respect of air quality and a construction environmental management plan.

Fire Officer – No objections subject to compliance with Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England, if approved. An informative note can be included.

Local Highway Authority – No objections subject to the inclusion of planning conditions in respect of parking, footway crossing and boundary treatment on the frontage, if approved.

Severn Trent Water – No objections and do not require a drainage condition however they recommend the inclusion of an informative for the applicant in respect of public sewers.

Strategic Planning Policy – No objections

Representations

(Planning Officers' comments in italics and brackets below)

Objections have been received from 13 neighbouring households on the following grounds;

- Increased traffic and parking
- Unsightly development (*the proposal is similar to existing bungalows on Linden Lane*)
- Light
- Disruption during construction
- Overlooking
- Fencing next to the footpath (*fencing would be set in 1.7 metres from the public footpath*)
- Overdevelopment and cramped appearance
- Impact on informal neighbourhood watch (*not a material planning consideration and passive surveillance would continue*)
- Open plan character would be affected detrimentally (*restrictive covenants are a private legal matter and planning would not override these*)
- Building line infringement
- Drainage and rainwater run off
- Detached garage will obstruct view (*this has been removed from the amended plans and replaced with a parking space*)
- Detrimental impact on mental health from loss of view (*there is no right to a private view in current planning legislation and personal health circumstances are not a material planning consideration*)
- Impact on financial value of neighbouring properties (*not a material planning consideration*)
- Increased crime and unwanted visitors during construction (*no supporting evidence has been provided to show that there would be an increase in crime and unwanted visitors*)
- Not on the original plans for the estate (*the Local Planning Authority is required to assess planning applications as submitted*)

- A dropped kerb would stop parking outside the neighbour's house (*Pinewood Close is public highway and there is no designated parking in this location*)

Determining Issues

- Principle of Development
- Design, Layout and Character of the Area
- Amenity of Neighbours and Future Occupiers
- Drainage
- Ground Conditions
- Air Quality
- Parking and Access
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The proposed bungalow is to be sited in a well-established existing residential and sustainable location with access to local services. The proposal would add to the supply of housing and therefore can be supported on strategic planning policy grounds under the NPPF paragraph 60. The principle of the dwelling is acceptable in principle, subject to other material considerations set out below in this report.

The latest available figures show that the Council does not currently have a 5 year housing land supply and, in addition, 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 presumption in favour of sustainable development as described in the NPPF paragraph 11d is in effect

Design, Layout and Character of the Area

This application proposes the construction of a two bedroom detached bungalow with associated parking and landscaping. The proposal would be used as a single independent dwelling separate to 6 Linden Lane.

The proposed new bungalow would be of a similar height to the adjacent bungalow at 6 Linden Lane, and would reflect the design of the existing line of bungalows fronting 6 Linden Lane. Bungalows on Linden Lane have a similar size and scale to the proposal however the wider surrounding area has a mixed style and size.

The proposal would be of a similar scale to no. 6 and has been designed to reflect the local vernacular and the proposed overall layout is considered to be acceptable. The proposed set in of 3.1 metres from the proposed bungalow and public footpath on Pinewood Close is considered would avoid the proposal having a cramped appearance in the street scene and would retain a landscaped area. This is considered would retain visual amenity on this prominent street corner.

The new bungalow would sit forward of the building line to the rear on Pinewood Close however the existing garage at no. 6 Linden Lane does too. It is considered that as this proposal is for a bungalow in this corner position which is separated by a distance of 15.2 metres from 1 Pinewood Close then the impact on the street scene would be limited.

Planning permission for a similar development was granted by planning committee in April 2022 at 99 Birmingham Road, Aldridge and whilst thus does not create a precedent it is considered that this proposal has a similar position and layout in the street scene as this current development being considered (planning application reference 21/1447).

The proposed private amenity space provision for both the new bungalow and no. 6 Linden Lane would exceed the minimum recommended provision referred to in Appendix D of Designing Walsall SPD.

Taking into account the above, it is considered that the proposed siting of the bungalow is acceptable in this prominent location and the retention of a wide verge is considered would not have a detrimental impact on the character of the area or visual amenity for existing residents.

Planning conditions could be attached to any permission to secure the use of appropriate external materials and to remove certain permitted development rights.

Amenity of Neighbours' and Future Occupiers

The proposed new bungalow would have a side facing bathroom window facing existing houses on Pinewood Close. Bathroom windows are not habitable room windows and the usual minimum separation distances outlined in Appendix D of the designing Walsall SPD would not apply in this instance. Any approval would include a condition to ensure this window is obscure glazed and non-opening below 1.7m above finished floor level to minimise any potential additional / perceived overlooking to this neighbour.

The proposal would be viewed from no's 2 to 6 Pinewood Close across the public highway and with a separation distance of 19.1 metres. It is considered that this separation distance would result in this proposal having a limited additional impact on neighbours existing light, privacy and visual amenity.

The proposed bungalow would not extend any further forwards or rearwards than the adjacent bungalow at 6 Linden Lane. Consequently there would be a limited impact on the existing light, outlook and privacy for the occupiers of this dwelling.

No. 1 Pinewood Close sits to the south west of the application site and its rear elevation faces south. There would be a separation distance of 15.2 metres between no. 1 and the proposed bungalow and it is considered that this distance and orientation would limit the impacts of this proposal on neighbour's existing light, outlook and privacy. The removal of the detached garage next to the boundary with no. 1 is considered to be a positive change and permitted development allowances can be removed to safeguard residents' amenity in the future.

Rear facing habitable room windows would be screened from 1 Pinewood Close by proposed rear boundary fencing and on balance this is considered acceptable and would not result in significant impacts to neighbours amenity.

In summary the proposed new bungalow meets the separation distances recommended in Appendix D of SPD Designing Walsall and is considered would not cause any significant harm to the residential amenities of neighbouring properties in terms of outlook, privacy or daylight.

The proposed bungalow meets the Council's 45 degree guidance, as referred to in Appendix D, in relation to the adjacent bungalow. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

Comments made about disruption during construction works, if approved, are noted however whilst there will be some disturbance for neighbours' during any works it is considered that these would be for a limited time and safeguarding conditions can be included to limit the potential impacts.

Appendix D of the Designing Walsall SPD states that garden dimensions should be 12m in length or a minimum area of 68 sq. m for dwellings. The proposed garden would be 8m in length and 70 sq. m in area; as such it would comply with policy standards in regard to private amenity space.

An area of 109 sq. m would also remain to serve 6 Linden Lane which meets the SPD requirements. These gardens are considered would reflect the mixed size of gardens in the locality.

All primary use, habitable rooms of the development would have reasonably sized windows allowing for daylight. In terms of outlook, the bedrooms would have unobstructed views and are of an adequate size providing future occupiers with a satisfactory level of privacy and amenity.

A planning condition can be included in respect of security requirements for the new dwelling based on Secured by Design principles.

Drainage

Severn Trent Water have been consulted on this proposal and they have raised no objections to the proposal on drainage grounds and do not require a drainage condition to be applied.

The proposed parking area can be conditioned to include sustainable drainage to limit any storm water run-off.

Ground Conditions

The Coal Authority have advised that the Coal Mining Risk Assessment report has been based upon a review of Coal Authority data, historical mining records and geological information. The report's author concludes that there is a potential risk to the site from shallow underground coal mining legacy. The report also draws attention to a coal mining geological fault 30m north of the site and the potential risk of unrecorded mine entries present on the site.

Following their review of information the report authors comment that they consider that the site also lies within the boundary of a site from which coal has been removed by surface mining methods.

The submitted report makes recommendations for ground investigations to be carried out on the site in order to establish the exact situation as to the coal mining legacy present and to inform any remedial works and mitigation measures needed to ensure the site is safe and stable. The Coal Authority advises that the author of the report also notes that the designer of the ground investigation will need to consider that a suspected culvert or surface drainage channel passes within or adjacent to the site which may be related to historic coal mining.

The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development.

The Coal Authority advises that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. The Council's Environmental Protection team have been consulted and no ground gas protection measures have been required.

The Coal Authority have no objections to the proposal subject to the inclusion of planning conditions requiring the undertaking of intrusive site investigations, prior to the commencement of development. This is considered necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and migratory measures to be identified and carried out before building works commence on site.

This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework (2021).

Air Quality

The Council's Environmental Protection Team have advised that given the proximity of neighbouring residential premises the Applicant will need to implement measures to control noise, dust, debris, site drag-out, and working hours if the proposal is approved and a planning condition requiring a construction environmental management plan can be included.

Walsall Council has adopted the Black Country Air Quality Supplementary Planning Document (SPD) and the application falls under the Type 1 classification, which requires the installation of an electric vehicle charging point. This can be conditioned if approved.

Parking and Access

The Local Highway Authority considers that the proposed development would 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.

The Local Planning Authority supports the proposal subject to the inclusion of planning conditions in respect of parking, footway crossing and boundary treatment on the frontage, if approved.

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 one new home.

The Government has indicated that, for 2021-22, it will award £350 for each affordable dwelling, but the payment for all new homes (including both affordable and others) varies. There is no fixed payment of £1,000 per home: the sum will vary from £0 to an undisclosed figure. Essentially there is a fixed pot of money each year that is divided between all authorities depending on how many homes in total have been completed across the country.

The money is worked out based on performance in previous years (18 months in arrears), so the payment in 2022-23 will be based on the number of homes completed between October 2020 and October 2021.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the proposed new dwelling would reflect the design of the existing dwelling and other properties around the area.

The proposal is considered would have a limited impact on the character of the wider area and the amenity for neighbouring occupiers. The use of safeguarding conditions in respect of the materials to maintain its appearance will further ensure that the neighbours amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

This proposal is therefore considered to be acceptable and in accordance with local and national planning policies and guidance set out in this report.

Furthermore, the latest available figures show that the Council does not currently have a 5 year

housing land supply and, in addition, 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 presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect

Taking into account the above factors it is considered that the application should be recommended for approval. The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the proposed detached garage, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

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

Conditions and 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: -

- Location and Site Plan, drawing no. HH/20/163/001/Site Plan, deposited 18/05/22
- Drainage Layout, drawing no. 163.002 Rev A, deposited 18/05/22
- Existing and Proposed Side and Front Elevations, drawing no. 163-002 Rev A, deposited 18/05/22
- Existing and Proposed Side and Rear Elevations, drawing no. 163-005 Rev. A, deposited 18/05/22
- Existing Bungalow Floor Plan, drawing no. 163-002 Rev A, deposited 18/05/22
- Proposed Floor Plans, drawing no. 163-002 Rev A, deposited 18/5/22
- Coal Mining Risk Assessment by The Coal Authority, version 1.1, dated 11/2/22 and deposited 17/2/22.

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: a) Prior to commencement of the development hereby permitted:

- I. Details of intrusive site investigations for past coal mining activity shall be submitted in writing to and approved in writing by the Local Planning Authority;
- II. the approved details of intrusive site investigations shall be undertaken and a report of findings arising from the intrusive site investigations including the results of any monitoring shall be submitted in writing to the Local Planning Authority;
- III. details of remedial works shall be submitted to and approved in writing by the Local Planning Authority;

3: b) Prior to the carrying out of building operations of the development hereby permitted the approved details of remedial works shall be carried out

3: c) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

4: a) Prior to the commencement of development hereby permitted a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. A scheme for recycling/disposing of waste resulting from construction works
6. Temporary porta cabins and welfare facilities for site operatives
7. Site security arrangements including hoardings
8. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
9. Measures to prevent flying debris
10. Dust mitigation measures
11. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
12. Noise and vibration mitigation measures

4: b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

5: a) Prior to the commencement of the development hereby permitted Air Quality Low Emission Scheme shall be submitted in writing to and approved in writing by the Local Planning Authority, to install electric-vehicle charging points.

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

5: c) Prior to occupation of the development hereby permitted a Validation Statement demonstrating the agreed measures have been implemented submitted in writing to and approved in writing by the Local Planning Authority

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 and DEL1 of the Black Country Core Strategy and the Air Quality SPD.

6: a) 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.

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

6: 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: a) 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.

7: b) 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 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 building hereby permitted shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties.

8: 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 and ENV32 of Walsall's Unitary Development Plan.

9: a) 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, pedestrian 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, all retaining walls and all pedestrian gates shall be designed and

installed so they cannot open outwards onto a highway.

9: 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.

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.

10: Prior to first occupation of the development hereby permitted, the parking areas 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. These areas shall thereafter be retained and used for no other purpose.

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

11: Prior to occupation of the development hereby permitted until a vehicle footway crossing point to align with the new access, shall be implemented and thereafter retained for the lifetime of the development.

Reason: To ensure the satisfactory completion and operation of the access, in accordance with UDP Policy GP2 and in the interests of highway safety.

12: Prior to occupation of the development hereby permitted, a signed statement/ declaration prepared by a competent person confirming that the site has been made, safe and stable for the hereby approved development shall be submitted in writing to and agreed in writing by the Local Planning Authority. The statement/declaration shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity, including any specifications and photographic evidence before, during and following completion of the works.

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

13. 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;

- 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.
- 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 (inside of the boundary hedging) 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
- 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)
- 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, in accordance with Saved Policies GP2 and ENV32 of the Unitary Development Plan, DW2 of the Designing Walsall SPD and the National Planning Policy Framework 12

14: 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 additional side facing windows, doors, or other openings other than those shown on the approved plans, 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 policy GP2 of the Walsall's Unitary Development Plan.

15: 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 E (building 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.

16. 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, the proposed bathroom window facing Pinewood Close shall be obscure glazed to Pilkington (or equivalent) privacy level 4 and there shall be no opening parts lower than 1.7metres from the floor level of the rooms they serve and the window shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenities of the neighbours and to comply with saved policy GP2 of the Walsall Unitary Development Plan.

17. 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 any boundary treatment around the site frontages to the highway shall not exceed 600mm in height above footway levels.

Reason: To retain adequate inter-visibility at the access points and around the road junction in accordance with UDP Policy GP2 and in the interests of highway safety.

18: No solid fuel stove, fire or heating appliance or associated chimney or flue shall be installed in the development hereby permitted.

Reason: To ensure safeguarding of local air quality and to protect local residential amenity and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan

Notes for Applicant

Fire Officer Informative

Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

a. External access enabling fire appliances to be used near the building.

b. Access into and within the building for firefighting personnel to both:

i. search for and rescue people

ii. fight fire.

c. Provision for internal fire facilities for firefighters to complete their tasks.

d. Ventilation of heat and smoke from a fire in a basement.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult)

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwelling-houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling-house.

13.3 Access routes and hard-standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1.

Turning facilities should comply with the guidance in Table 13.1.

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 1, Table 13.1).

Water Supplies

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by

email on Water.Officer@wmfs.net

Sprinklers

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

- a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:
- b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

The approval of Building Control will be required to Part B of the Building Regulations 2010

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 1, Section 7)

The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

The Coal Authority

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

The Coal Authority advice that the applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

Parking and Access

SUDs

We also note that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the

Applicant for consultation purposes.

In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.

Environmental Protection

Air Quality Supplementary Planning Document

The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points:

The electric vehicle charging point provision for residential premises is a charging point per residential premise or Units with unallocated parking e.g. apartments – 1 charging point per 10 spaces, complying with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw.

Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded.

The charging unit is to be supplied by its own independent radial circuit.

Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following:

- West Midlands Low Emissions Towns and Cities Programme, Good Practice - Air Quality Planning Guidance,
- Black Country Air Quality Supplementary Planning Document (SPD),
- General Procurement Guidance for Electric Vehicle Charging Points, UK Electric Vehicle Supply Equipment Association (April 2015),
- Institute of Engineering and Technology (IET) Code of Practice for Electric Vehicle Charging Equipment Installation.

In respect of the Construction Environmental Management Plan no demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08:00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. (* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

Severn Trent Water Informative

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both

the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Please note if you wish to respond please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days.

Local Highway Authority Informative

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be required to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information and application forms please visit the Council's webpage under Transport and Streets - Parking Roads and Vehicles.
3. The new crossings shall not exceed five 900mm flat kerbs and two 900mm taper kerbs. All works within the public highway shall be in accordance with all statutory requirements

END OF OFFICERS REPORT