



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 30 November 2023

Plans List Item Number: 5

Reason for bringing to committee

Significant Community Interest.

Application Details

Location: Land between 120A and 108 Coltham Road, Willenhall, WV12 5QD

Proposal: PROPOSED RESIDENTIAL DEVELOPMENT OF 6 NO. DWELLINGS COMPRISING OF 2 SEPARATE TERRACES OF 3 NO. DWELLINGS COMPRISING 3 NO. 1 BEDROOMED DWELLINGS AND 3 NO. 2 BEDROOMED DWELLINGS. ACCESS FROM COLTHAM ROAD TO A SHARED, HARDSURFACED PARKING AREA WITH BIN AND CYCLE STORAGE AREAS (REVISED).

Application Number: 23/0104

Case Officer: Jeff Penfold

Applicant: Guiseppe Vernava

Ward: Willenhall North

Agent: Armstrong Walker

Expired Date: 01-May-2023

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

Time Extension Expiry: 15-Dec-2023



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Recommendation:

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a legal agreement to secure contributions to the Cannock Chae SAC 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

Proposed residential development of 6 no. dwellings comprising of 2 separate terraces of 3 no. dwellings comprising 3 no. 1 bedroomed dwellings and 3 no. 2 bedroomed dwelling. Access from Coltham Road to a shared, hard surfaced parking area with bin and cycle storage areas.

Site and Surroundings

The application site comprises an existing parcel of disused scrub / vegetation with areas of made / unmade hardstanding, both located and accessed directly off Coltham Road, Willenhall.

The site measures approximately 1006sqm and is enclosed to the flanks and rear by residential properties.

The immediate site context comprises two-storey dwellings of red brick / painted render finish constructed between the 1800s and early 2000s. The site has some topographical change, sloping downwards from the north to the south.

The site is located within a SSSI Impact Risk Zone, a Coal Development High Risk Area, the Bentley Character Area, and the Cannock Chase 15Km SAC Zone of Influence.

The site is not located within a flood risk zone as identified by the Environment Agency, nor a critical drainage area.

The site is not located near to any listed buildings and / or heritage assets, nor is the site within a conservation area.

Planning History

Ref: 07/0010/FL/W3 - Residential development of 9 flats and associated parking – Approved – 27 March 2007.

Ref: 09/0282/FUL - Conversion of retail units to two self-contained flats – Approved – 31 March 2009.

Ref: 12/0195/FUL - Convert 1 dwelling into 2no. 1-bedroom flats – Approved – 15 May 2012.

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 9 – Promoting sustainable transport
- NPPF 11 – Making effective use of land
- NPPF 12 – Achieving well-designed places
- NPPF 15 – Conserving and enhancing the natural environment.

On planning conditions the NPPF 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.

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 (UDP):

- 3.6 to 3.8 Environmental Improvement
- 3.9 Derelict Land Reclamation
- 3.11 Forestry and Trees
- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T13: Parking Provision for Cars, Cycles and Taxis.

Black Country Core Strategy (BCCS):

- Vision, Sustainability Principles and Spatial Objectives
- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV7: Renewable Energy
- ENV8: Air Quality.
- EQ2: Cannock Chase Special Area of Conservation

Walsall Site Allocation Document 2019:

HC2: Development of Other Land for Housing

Supplementary Planning Documents:

Conserving Walsall's Natural Environment

Designing Walsall

Open space, sport and recreation

Affordable Housing

Air Quality SPD.

Consultee Comments

Strategic Planning Policy: Support – see relevant section of this report.

Local Highways Authority: No objection, subject to conditions (see relevant section of this report).

The Coal Authority: No objections, subject to conditions concerning a pre-commencement condition (scheme of intrusive investigations & remediation works and / or mitigation measures) and a prior to occupation condition (signed statement) and informatives

PRoW: No objections – subject to conditions – See relevant section of this report.

Environmental Protection: Concerns raised – ‘A Contaminated Land and ground gas investigation is required, depending upon findings remediation needs to be agreed and implemented.

Applicant needs to undertake a noise survey to determine noise mitigation measures to ensure any future and existing residents will not be adversely affected by road traffic noise, and noise from the access road and car parking area.

Applicant will need to agree and implement a Construction Environmental Management Plan’.

Fire Officer: Concerns Raised – See Notes section of this report.

Police: No objections.

Severn Trent Water: No objections, subject to conditions requiring the submission of both foul and surface water drainage plans. See relevant section of this report.

Ecology / Biodiversity: No objections, subject to conditions. See relevant section of this report.

Housing Standards: No comments.

Waste Management: No comments.

Asset Management: No comments.

Clean and Green Services: No objections – ‘I have just looked at the plans for the proposed site and the layout looks ok for the waste collections. The only thing we will want from this site is the access to the car park to be a coded lock as we will not accept any fobs or keys to access this site. If this is a problem with the site, then the bin store will need to be allocated somewhere at the front so our crews do not need to enter site.’

Trees: No comments.

Neighbour and interested Parties Comments

18no. Letters of objection have been received raising the following concerns (officers comments are provided in italics):

- Type of housing (market, affordable housing or rented accommodation); The application form confirms the dwellings are market housing.

- Car parking provision / highway safety / increase in traffic / Access (Walkers Fold, Coltham Road)/ junction);.
- Purported inaccurate statements concerning current vandalism, fly-tipping;.
- Potential increase in Care in the Community placements;
- Safeguarding concerns to child and community welfare;
- Plans similar to those refused in 2007;
- Neighbouring Amenity / loss of privacy / noise disturbances;
- Lack of consultation / notification. Notifications were carried out in line with statutory requirements and site notice erected in line with council protocol.
- Potential impacts on rights of way for interested parties along nos. 106 and 108 Coltham Road.
- No disruption to Walkers Fold during construction.

1no. Petition (55no. signatures in total) has been received raising the following concerns:

- Method of consultation / notifications;
- Lack of consultation;
- Anti-social behaviour;
- Residents safety;
- Car parking levels / stress;
- Highways Safety.

Officer's Response: the concerns raised above are considered as part of this report. Matters concerning land ownership have been confirmed by the agent as acceptable and wholly within the applicant's ownership.

Determining Issues

- Principle / Sustainable Development
- Design / Visual Impacts
- Neighbouring Amenity
- Drainage / Flood Risk
- Highways Safety / Access
- Ecology / Biodiversity
- Public Rights of Way
- Local Finance Considerations.

Assessment of the Proposal

Principle / Sustainable Development

The application site lies within the main, built-up area of Willenhall which is identified as a sustainable Town Centre under BCCS Policy CEN2.

The council's policy team makes the following, observations:

"The proposal will add to the supply of housing and can be supported on strategic planning policy grounds by BCCS policy CSP2 and SAD policy HC2.

Plots 4 to 6 would have little on-site private amenity space, however this is similar to the existing flats at number 120. The site benefits from the adjacent public open space. Under emerging national legislation, provision for biodiversity net gain would also be required, either on part of the site or elsewhere.

The site lies within the 15km zone of influence of Cannock Chase SAC, so a contribution to mitigate the impact of the development on the SAC will be required.

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'.

As such, the works are deemed acceptable in this sustainable location, subject to the wider considerations within this report.

Design / Visual Impacts

The proposed works comprise 2no. separate terraces of 3no. dwellings comprising 3no. 2-bedroom dwellings and 3no. 1 bedroomed dwellings.

When viewed from the south of Coltham Road, Plots 1 – 3 will be set-back from the main building line of the adjacent buildings Nos. 120, 120A and 108 Coltham Road yet sited / handed on a northeast to southwest axis which is welcomed.

Whilst this siting effectively breaks the dominant front building line in this area, it is mitigated by the erection of a dedicated access / frontage to plots 1-3 which enhances the street-scene and provides a good degree of movement / accessibility around the 3no. dwellings.

The two-storey terraced plots 1-3 are suitably separated from the dwellings to the west (120a) and 108 Coltham Road so as to avoid a terracing effect. Broadly, the bulk, scale and massing of Plots 1-3 are deemed acceptable.

With regard to Plots 4-6, the existing situation at 120 Coltham Road sees two-storey dwellings inward facing into an enclosed courtyard area with a single storey extension. The existing properties are sited / handed in a north to south direction and continued to the north by a long single storey structure.

The works will replace the long single storey structure in this location with the two-storey terraced structure. If implemented, this rear section of the site will not likely be overly visible from the street-scene given the presence of the permanent plots 1-3 obscuring any such views to an effective degree.

Views to Plots 4-6 may be possible down the side access route / path to the west of the plot, yet overall will likely be read against the surrounding two-storey structures to not result in a visually prominent nor conspicuous structure. The works will also likely break-up the current continuous built form in this area given the proposed amenity space and resultant separation between plots 4-6 and the structures to its south west.

The proposed schedule of materials includes:

- Walls – Red facing brickwork;
- Roof – Concrete pan tiles;
- Windows – White UPVC;
- Doors – UPVC (various colours);
- Boundary Treatments – Masonry walls to boundaries of site, close board fencing.

No significant concerns are raised in respect of the above which is broadly reflective of neighbouring properties.

The proposed amount and location of doors and windows is deemed acceptable from a visual impact perspective.

Overall, the works as a whole will likely represent an acceptable introduction of bulk, scale and massing in this well-established urban area which will not likely detract from the overall character and appearance of the surrounding area.

As such, subject to conditions, the works are deemed acceptable in respect of design and visual impacts.

Neighbouring Amenity:

The northeastern and southwestern gable ends of Plots 1-3 will be mainly blank facing with only two windows in each at both ground and first floor levels serving hallway areas, and not habitable spaces / rooms.

Given the limited and infrequent use of such areas, it is not deemed necessary to restrict said windows to be obscurely glazed nor their opening style. Similar serving windows are located in the gable ends of both 120A and 108 Coltham Road and no significant concerns are raised in respect of loss of privacy nor intervisibility between the dwellings in these areas.

Plots 1-3 will be suitably sited so as to not break the 45-degree rule when taken from the rear elevations of Nos, 120A nor 108 Coltham Road.

The (southwestern-most) rear of plot 1 will likely introduce new built form near to the two-storey property to the rear of nos. 120 and 120A Coltham Road, with approximately 6.2m separation distance, which features a window at two-storey level.

Plot 1 will include a rear habitable window at two-storey height therefore significantly less than the 24m recommended distance as per SPD Annexe D. However, the works will not be directly opposite each other and likely only allow for oblique, limited views between them.

With regard to plots 4-6, the works provide increased separation distance between its southern gable end and the structures further to the south and this is welcomed.

As with plots 1-3, plots 4-6 include 2no. windows in the gable ends at both ground and first floor levels which serve staircases and not habitable rooms. As such, no significant concerns are raised in respect of neighbouring amenity (loss of privacy / intervisibility) between the southern gable end and the structures to the immediate south.

Given the proposed separation distance between plots 4-6 and the rear garden areas of Nos. 106 and 108 Coltham Road, no significant concerns are raised in respect of any loss of privacy / overlooking into the rear garden areas of said dwellings.

The south-western facing rear elevation of plots 4- 6 is suitably separated from dwellings further to the west so as to not give rise to any significant, detrimental amenity impacts.

Plots 1-3 are each provided with dedicated rear garden / amenity space all of which fall short of the minimum required 68sqm. However, given the works are sited in a sustainable location in close proximity to open spaces (e.g. Short Heath Park), no significant concerns are raised in this instance.

Plots 4-6 are provided with communal amenity space which falls short of the 60sqm requirement (20sqm per each dwelling). However, given the proximity to open spaces, the works are deemed acceptable in this respect.

Plots 1-3 provide for two-bedroomed properties providing for 3no. bedspaces set over two floors (2B3P). Plots 1-3 provide for a GIA of 70.84sqm which meet National Space Standards (70sqm).

Plots 4, 5 and 6 provide 1no., one-bedroomed properties providing for 2no. bedspaces set over two floors (1B2P). Each plot meets National Space Standards.

The works as revised now also maintain a rear access to Nos. 106 and 104 and this is welcomed.

It is always necessary for developments to take into account the residential amenity of neighbours and impact on the environment. In this case, the proposal complies with the principles of good neighbourliness and the protection of existing residential amenities.

As such, subject to conditions, the proposal would not likely lead to any materially harmful impact on residential amenity by way of loss of light, loss of outlook, loss of privacy or overbearing impact. It would therefore accord with saved UDP policy GP2.

Drainage / Flood Risk

The site is not located within a flood risk zone as identified by the Environment Agency, nor a critical drainage area.

Severn Trent Water confirm that they have no objection to the proposal subject to the inclusion of a condition to require the submission of drainage plans prior to the commencement of development. They also provide explanatory notes with regard to the location of sewers and the statutory protection of these. It is therefore recommended that a condition is applied to any decision to require the submission of these details..

As such, subject to conditions, the proposal is deemed acceptable in respect of drainage / flood risk.

Highways Safety / Access:

The works seek to provide off-street car parking provision for the 6no. dwellings in a secure car park area and this is welcomed so as to address concerns raised over car parking stress levels in the local area.

The council's highways engineers make the following observations:

Coltham Road is an unclassified road. There are footways on both sides and a zebra crossing a short distance to the south of the site.

The rear car park access looks to utilise the existing dropped kerb access. Adequate pedestrian inter-visibility is provided.

Adequate turning / space within the rear car park is provided.

The development looks to provide 9 spaces for the 6 dwellings. UDP T13 parking policy requires 12 spaces (2 per dwelling). Taking into account 2011 Census data for this part of the Ward shows that around 65% of households have only 1 car or no car at all, the level of provision is acceptable.

One parking space is allocated to no.108 Coltham Road within the applicant's control to compensate for the loss of the existing rear parking at this property.

Additional parking space is available within the development if needs be (fronting Plots 4 to 6) and there is also unrestricted parking on-street available if necessary.

The Highway Authority 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 2023 paragraph 111.

Conditions are recommended to secure the implementation of the parking and access area, the construction of the proposed cycle shelter, and a Construction Environmental Management Plan. Notes are also provided on keeping the highway clear.

As such, subject to conditions, the works are deemed acceptable in respect of highways safety / access.

Ecology / Biodiversity

The council's ecologist confirms that the development would have an impact on the Cannock Chase SAC and that mitigation is therefore required in the form of a planning obligation.

The council's adopted SPD 'Conserving Walsall's Natural Environment' requires a detailed bat survey to be submitted if certain criteria are met indicating that bats are likely to be present.

This application meets the criteria/ criterion set out below:

- If any part of the application site lies within 50m of open land. This includes parks, golf courses, cemeteries, agricultural land, river valley or other unmanaged open land.
- If any part of application site lies within 50m of the following habitat or features: woodland, mature trees, wetland, disused transport corridors, water courses, canals and all designated wildlife sites.
- Lies with a neighbourhood characterised by large mature gardens.

A site visit was undertaken on the 1st November 2023, by the Ecology Officer, to ascertain whether the single storey storage structures had any potential for roosting bats. From the survey it was determined that the structure was of single layer brick construction with a corrugated steel roof. From an internal inspection the steel roof was easily visible with no insulation layer or roofing felt in place to create cavities that could be used by roosting bats.

The brick work on the eastern side was noted to have areas of mortar missing, these did not lead to significant crevices that could be utilised by roosting bats.

While the survey was not a comprehensive preliminary roost assessment, it provides sufficient information on the structure to ascertain that the building had low to limited potential for roosting bats. As such no further bat surveys are required to support the

application. However, it is recommended that the residual risk is covered by a precautionary planning condition:

1. Cannock Chase Special Area of Conservation (SAC):

Pursuant to the Habitats Directive (92/43/EEC), where a plan or project is not connected with the nature conservation management of a European designated site, the competent authority must determine whether the plan or project is likely to have a significant effect on the site, either alone or in combination with other plans or projects. This is reflected in national law in the Conservation of Habitats and Species Regulations 2017 (“Habitats Regulations”), which place a duty upon competent authorities to consider the potential for effects upon sites of European importance prior to granting consent. This is referred to as a screening assessment. If likely significant effects are identified by the screening assessment, the competent authority must then undertake an Appropriate Assessment of the implications.

Approximately 20% of Cannock Chase falls within the Cannock Chase Special Area of Conservation (“SAC”), allocated primarily for its dry heathland. Council areas in the vicinity of the SAC have formed a Partnership and commissioned reports to assess impacts upon the SAC and how they arise. The evidence indicates that development which would increase visitors within 15km of the SAC may have a significant impact.

Walsall Council joined the Cannock Chase SAC Partnership on 17th October 2022 and has implemented Black Country Core Strategy Policy EQ2 which enables the collection of payments to mitigate against impacts arising from new relevant development falling within the 15km Zone of Influence of the Cannock Chase SAC. The mitigation payment of £329.83 per each net new dwelling is non-negotiable. Permission must be refused where appropriate mitigation is not provided pursuant to the Conservation of Habitats and Species Regulations 2017 (“Habitats Regulations”).

The Project has been screened to identify whether potential effect pathways between the Project and the SAC are present which are likely to result in significant effects upon the SAC. The screening exercise carried out on April 1st 2022 by the SAC Partnership authorities found likely significant effects on the SAC arising as a result of increased recreational activity from new residential development and related population growth that is likely to disturb the ground. A 21/12/12 Cannock Chase SAC Visitors Survey investigating visitor access patterns found that the majority (75%) of visitors originated from within a 15km distance of the SAC (also supported by 2018 visitor survey data) and The Cannock Chase SAC Planning Evidence Base Report Stage 2 (12/07/21) determined that within this 15km ‘zone of influence’, measures to reduce recreational pressure would be most effective.

The Habitat Regulation Assessment Stage 1: Screening Assessment has been undertaken using the available information associated with this planning application. The screening assessment is designed to check if an application is likely to have a significant effect on Cannock Chase SAC’s conservation objectives, based on available evidence. Should it be determined that no significant affects are likely, no further assessment in respect to the SAC is required. Please note as per guidance and CJEU ruling (case C323/17), mitigation measures cannot be taken into account at the screening stage of the HRA assessment.

The proposed application proposes a net increase of 6no. dwellings. This development would result in an increase in recreational disturbance resulting in significant harm of

the SAC and should progress directly to Stage 2 the undertaking of an Appropriate Assessment.

While Walsall Council, as the Competent Authority, will carry out HRA Stage 2: Appropriate Assessment, which will include the consultation of key stakeholders including Natural England, it will be the responsibility of the applicant to provide and secure suitable mitigation on which to base the Appropriate Assessment. Suitable mitigation should be in the form of the necessary mitigation payment of £329.83 per each net new dwelling which can be secured by a Unilateral Undertaking, s.111 payment or within a Section 106 Agreement when other obligations are required.

The applicant has agreed to provide the SAC mitigation payment via planning obligation which will need to be completed prior to planning approval being granted.

As such, subject to conditions and the agreement for the mitigation payment, the works are deemed acceptable in respect of ecology / biodiversity.

Public Rights of Way:

A definitive public right of way (PROW), known as Footpath 27 Willenhall (Wil27) is present directly alongside the red planning boundary outline.

The council's PRow officer requests additional details be provided in the form of:

1. A cross section to show the proposed new boundary treatment for plots 4-6 alongside public footpath Wil24, to confirm the position of the site boundary and build line in relation to the footpath edge and highway verge..
2. Confirmation of the proposed height of the development in relation to the current verge and footpath level and if a ramp or step is required? Any ramp or step will not be permitted to extend beyond the red planning boundary outline into the verge or footpath..
3. Confirmation of cross fall and/or drainage arrangements for the proposed concrete paving adjacent to footpath Wil27, to demonstrate there will be no discharge of surface water run-off from the development onto the adjacent highway.

The PRow officer comments further that the introduction of proposed dwellings with windows overlooking footpath Wil27 will have a positive impact on natural surveillance and safety for path users. The proposal for a keypad lock on the proposed gate connecting to footpath Wil27, to ensure residents access only, is supported.

As such, subject to conditions, the works are deemed acceptable in respect of public rights of way.

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 6 new homes.

The Government has indicated that, for 2019-20, 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. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

Conclusions and Reasons for Decision

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised in respect of design / visual impacts, neighbouring amenity, highways safety / access and ecology and amended plans have been submitted which enable full support to be given to the scheme.

Decision Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a legal agreement to secure contributions to the Cannock Chae SAC 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

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:

- Site Plans – Ref: 21-864-02 – Rev: B – Dated: September 2021.
- Plots 1 to 3 – Ref: 21-864-03 – Rev: B – Dated: September 2021.
- Plots 4 to 6 – Ref: 21-864-04 – Rev: A – Dated: September 2021.
- Site Layout Plan – Ref: 21-864-05 – Rev: A – Dated: December 2022.
- Site Elevations – Ref: 21-864-06 – Rev: A – Dated: December 2022.

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:

1. 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
 2. 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
 3. details of remedial works shall be submitted to and approved in writing by the Local Planning Authority
- b. Prior to the carrying out of building operations of the development hereby permitted the approved remedial works shall be carried out
 - 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 first occupation of any dwelling on the development, the access and parking area shall be consolidated, hard and drained so that surface water runoff from the area does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays.

b. One parking space shall be retained for the sole use of no.108 Coltham Road.

c. The access and parking areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development to compensate for the loss of the existing rear parking at no. 108 and in accordance with UDP policy T7 and T13.

5: Prior to the commencement of the development hereby permitted a plan showing the proposed new boundary treatment for plots 4-6 alongside public footpath Wil24 and the position of the site boundary and build line in relation to the footpath edge and highway verge shall be submitted in writing to and approved in writing by the Local Planning Authority. See note for applicant.

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.

6: Prior to the commencement of the development hereby permitted details of the height in relation to the current verge and footpath level of the proposed inward opening pedestrian access gate to connect to footpath 24Wil shall be submitted in writing to and approved in writing by the Local Planning Authority.

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.

7: 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. Following demolition of the building hereby permitted and removal of the demolition material but prior to any building or engineering operations a validation report shall be submitted in writing to 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.

8: i) Prior to the commencement of the development hereby permitted an acoustic assessment with consideration of 'Professional Practice Guidance on Planning and Noise for New Residential Development' and British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings', requirements including an Acoustic Mitigation Scheme shall be submitted in writing to and approved in writing by the Local Planning Authority.

ii) The Applicant shall implement the agreed acoustic mitigation measures.

iv) Prior to the occupation of the development hereby permitted a written validation document that confirms implementation of the agreed mitigation measures shall be submitted in writing to and approved in writing by the Local Planning Authority.

Reason: to protect the health and amenity of future occupiers/users in line with saved UDP policies GP2 and ENV14. .

9: a. Prior to the commencement of development 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 portacabins 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 (particularly as the contaminated land investigation has indicated that land is contaminated)

11. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

12. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

13. ADD re-covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc

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.

10: a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water including drainage arrangements for the proposed concrete paving adjacent to footpath Wil27 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.

11: a Prior to the development first coming into use, details of the proposed cycle shelter, which shall be covered and illuminated, shall be submitted in writing to and approved in writing by the Local Planning Authority and the facility shall thereafter be implemented in accordance with the approved details.

b. The cycle shelter facility 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.

12: 1) If bat/s or evidence of bats are found during these operations:

- Natural England or the ecologist for this project must be contacted.
 - The bat/s should not be handled or touched and the vicinity of the roost shall be immediately reinstated.
 - No further destructive works shall be carried out to the building until the need for Natural England licence has been established.
 - Within one week of finding bats or evidence of bats, a written report by the ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation.
 - Work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued
- 2) The development should include the provision of one bat box and one bird box and ensure the lighting proposed for the development will be minimised, where possible, and in accordance to the guidance available within Guidance Note 08/18 Bats and artificial lighting in the UK, bats and the Built Environment series, BCT, 2018.

Reason: to conserve local bat populations and to be in accordance with National legislation; wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural habitats, & c.) Regulations 1994 and Local legislation; Unitary Development Plan Saved policy ENV23: Nature Conservation and New Development.

Notes for Applicant

1. General Information for the Applicant:

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. 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.

2. Highways: 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 or any works pertaining thereto.

3. To ensure pedestrian safety and create a safe work area, a permit to work and/or temporary prohibition of traffic order may be required. Prior to commencement of any work associated with the development within, or adjoining footpath Wil27, the applicant must agree details of their proposed work with highways and apply for any necessary permits. Upon completion, the applicant must reinstate the path and verge to its present condition. For details go to Apply to temporarily close a public right of way (PROW) | Walsall Council, or contact PublicRightsofWay@walsall.gov.uk at least 28 days before commencement of any work within the footpath. No excavations,

scaffolding, hoarding, signage, storage of materials, or other activities associated with the proposed development are to be present within, over or underneath this footpath without prior agreement of the highways authority.

4. Note: Acoustics - 'Professional Practice Guidance on Planning and Noise for New Residential Development', ProPG, is available from the websites of the Institute of Acoustics (IOA), Chartered Institute of Environmental Health (CIEH), and/or the Association of Noise Consultants (ANC).

5. CL1 - Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2018; British Standard BS10175: 2011+A2:2017 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); Land contamination risk management (LCRM) or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2 - When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water, advice on this aspect can be obtained from the Environment Agency.

CL3 - Validation reports will need to contain details of the 'as installed' remediation or mitigation works agreed with the Local Planning Authority and the persons/business responsible for the Building Regulation compliance. For example, photographs of earthworks, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported 'clean cover' materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive, and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority. The Validation Report shall be written by a Technically Competent person/company.

CL4 - The desk study and site reconnaissance shall have regard to previous unknown filled ground and materials used and processes carried on. A further detail on the matters to be addressed is available in 'Model Procedures for the Management of Contamination' (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.

6. 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.

NOTE: we would not permit a surface water discharge into the public foul sewer, and recommend the applicant seeks alternative arrangements – please note, we would insist soakaways and other SUD techniques are investigated before considering a discharge to the public surface water sewer with restricted rates.

IMPORTANT NOTE: This response only relates to the public waste water network and does not include representation from other areas of Severn Trent Water, such as the provision of water supply or the protection of drinking water quality.

7. Fire: 'Please note required access widths for fire appliances and turning circles provided below. This information does not appear to have been supplied in the application.

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.

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwellinghouses, access for a pumping appliance should be provided to within 45m of all points inside the dwellinghouse. Every elevation to which vehicle access is provided should have a suitable door(s), not less than 750mm wide, giving access to the interior of the building.

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 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.’

8. Public Rights of Way:

The development must not encroach into the public footpath and verge, and there are to be no abrupt changes in level/ trip hazards in the area of the development directly adjacent to the verge/ footpath to ensure pedestrian safety. No cross section has been provided to confirm proposed levels and verify pedestrian safety.

END OF OFFICERS REPORT