



## Economy, Environment and Communities, Development Management

### Planning Committee

Report of Head of Planning and Building Control on 29 April 2021

Plans List Item Number: 2

#### Reason for bringing to committee

Major application and Section 106 Agreement

#### Application Details

**Location:** BROADWAY NORTH RESOURCE CENTRE, BROADWAY NORTH, WALSALL, WS1 2QA

**Proposal:** ERECTION OF 14 NO. DWELLINGS, ALTERATIONS TO EXISTING ACCESS AND ASSOCIATED WORKS.

**Application Number:** 21/0006

**Case Officer:** Fiona Fuller

**Applicant:** Cameron Homes

**Ward:** Paddock

**Agent:** CT Planning

**Expired Date:** 16-Apr-2021

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

**Time Extension Expiry:**

#### Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and entering into a Section 111 and Section 106 Planning Obligation to secure an Urban Open Space Contribution and landscape management in perpetuity and subject to:

- No objections from the Lead Local Flood Authority;
  - Submission and agreement of additional ground contamination and noise impact information;
  - No objections from Pollution Control; and
- The amendment and finalising of conditions.



## Proposal

This application seeks full planning permission for the erection of 14 no. dwellings, alterations to existing access and associated works at the site of former Broadway North Resource Centre, Broadway North, Walsall.

The proposed dwellings have been designed as 14 detached buildings using the following 6 house types:

- Ferrers- 5 bedrooms in the pitched roof, pitched/ gable end design/ mono pitched roof porch with an integral garage.
- Honeysuckle – 4 bedrooms with pitched features storey design and detached garage
- Kelmscott – 5 bedrooms with a pitched roof, gable end and garage
- Sanderson – 5 bedrooms with a pitched roof, pitched features with gable ends and detached garage
- Warwick – 5 bedrooms with hipped roof and front pitched design and integral garage.
- Worcester - 5 bedrooms with a pitched roof, pitched features with gable ends with integral garage

The proposed dwellings will be constructed from materials which will be decided between the applicant and LPA with pitched features and simple projecting mono pitched roof above the entrance. The garden fences, including access gates are designed to be 1.8m high around the edges of the site including high planting.

The car parking arrangements will show two car parking spaces to the front or the side of each dwelling in addition to a mix of integral and detached garages.

The proposed garden sizes range from 166sq.m to 451sq.m.

The following supporting documents have been submitted in support of the application:

- Arboricultural Impact Assessment & Preliminary Method Statement – dated November 2020
- Design and Access Statement - received 15th January 2021
- Drainage Strategy - dated 16th December 2020
- Ecological Appraisal- dated December 2020
- Ground Investigation Report – dated 10th November 2020
- Report: Assessment of Noise from external Sources – dated December 2020
- Planning Statement – dated 22<sup>nd</sup> December 2020

## Site and Surroundings

The site has been cleared of buildings and previously included the former Broadway North Resource Centre which has been demolished in 2020 pursuant to an application for prior notification (app no. 19/1340).

A number of large trees are located within the site, larger to the front and southern boundary which are not protected. A woodland, which is understood to be the subject of a woodland Tree Protection Order, is located off site and adjacent the western site boundary with three storey apartment blocks beyond. The site is otherwise relatively open with areas of grassland and a former driveway.

To the north of the site, immediately abutting the site boundary is a two storey detached dwelling of post-war design. This style, size and type of housing prevails to the east and

north of the site which is typically characterised as suburban housing set within spacious plots behind front driveways. Broadway North is tree lined with wide footways reinforcing the suburban 'leafy' character of the area.

To the south of the site is the car park serving the Broadway Toby Carvery restaurant and, to the southwest, the largely single storey former BUPA Mali Jenkins Care Home which is currently vacant.

The site is not allocated for any particular use within the Council's adopted Site Allocation Document.

### **Relevant Planning History**

BC54803P – Extension to provide new entrance to mental health wing - Approved 22<sup>nd</sup> June 1998

19/1340 – Prior Notification for Demolition. Prior Approval Not Required. 19<sup>th</sup> November 2019

## **Relevant Policies**

### **National Planning Policy Framework (NPPF)**

[www.gov.uk/guidance/national-planning-policy-framework](http://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 10 – Supporting high quality communications
- NPPF 11 – Making effective use of land
- NPPF 12 – Achieving well-designed places
- NPPF 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF 15 – Conserving and enhancing the natural environment

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.

### 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](http://www.go.walsall.gov.uk/planning_policy)

### **Saved Policies of Walsall Unitary Development Plan**

- 3.6 to 3.8 Environmental Improvement
- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- T1 - Helping People to Get Around
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Spaces

### **Black Country Core Strategy**

- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth

- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

#### Walsall Site Allocation Document 2019

- HC1: Land allocated for New Housing Development
- OS1: Open Space, Sport and Recreation
- EN3: Flood Risk
- EN4: Canals
- T2: Bus Services
- T4: The Highway Network
- T5: Highway Improvements

### **Supplementary Planning Documents**

#### Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability

- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

Appendix D: Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. The requirement to design longer rear gardens to reflect an area's character is applicable and the guidelines should not mean to be the maximum achievable distances.

Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above (this standard will be applied more robustly at the rear than across roads at the front), 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m<sup>2</sup> for housing and 20 sq. metres useable space per dwelling where communal provision is provided.

Open space, sport and recreation

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

**Archaeology** - No archaeological implications and no objection.

**Design Council** – No comments received.

**Western Power** — No comments received.

**Economic Regeneration** — No comments received.

**Historic England** – No comments to make.

**Environmental Health** — No comments received.

**West Midlands Fire Service** – No objection and offered fire preventative informative.

**Lead Local Flood Authority** – No comments received.

**Friends of The Earth** – No comments received.

**Housing Standards** – No adverse comments

**Housing Strategy** – Preference for a higher density of development including 2 and 3 bedroom starter homes

**Natural England** – No objection and offered informative.

**Network Rail** – No comments to make.

**Public Lighting** - No comments received.

**RSPB** – No comments received.

**Severn Trent Water** – No objection subject to a drainage condition being imposed.

**Clean and Green** – Support and offered suggestion regarding bin collection.

**Community Safety Team** – No comments received.

**Highways England** – No objection

**Designing Out Crime** – No objection and offered security measures informative.

**Strategic Planning Policy** – Support

**Local Highway Authority** – No objection subject to conditions to secure highway improvements, provision of parking and vehicle access and a Construction Methodology Statement.

**Education Walsall** - No comments received.

**Walsall Healthcare NHS Trust** – No comments received.

**Public Health** – No comments received.

**Waste Management** - No comments received.

**Road Works Management** – No comments received.

**Transport for West Midlands** — No comments received.

**Pollution Control** – No objection subject to conditions regarding acoustic insulation, air quality and a Construction Management Plan.

**Area Partnership** - No comments received.

**Wildlife Trust** - No objection subject to an ecological condition being imposed.

**Tree Preservation Officer** - No objections subject to tree protection and landscaping conditions including re-planting of trees.



## Representations

87 neighbours were notified via letter, press advert and site notice about the planning application. There were 7 letters received (1 duplication). (*Officer comments in brackets and italics*)

This is a summary of the representations received:

- Concerned by the amount of dwellings being erected.
- Concerned by the amount of traffic generated from the development onto the Broadway North/ Broadway North is a busy road/ traffic is a serious issue/volume of traffic on Broadway into the development/ will be major safety hazard.
- Seeks reassurance that no vehicles will have a direction from Toby Carvery towards Walsall Town centre from turning into the drives of properties directly opposite the new housing.
- Impacts on neighbours privacy / overlooking / increased noise and activity from adjoining gardens.
- Affects right to light / loss of light to neighbours bedroom windows (*Right to Light is a private matter and is not a material planning consideration*).
- Impacts on the character of neighbour's property.
- Demolition of the Broadway North caused noise/ dust caused disturbance / intrusion. No compensation was offered/ doesn't wish this to happen again (*demolition is not a material consideration for this current planning application*).
  - The objector would like confirmation of the hours of operation to protect their home from increase dust/ noise disturbance.
  - Negative impact on the valued qualities (*the case officer is unable to ascertain whether the objector is making a material or non-material planning consideration issue*)
  - Confirmation boundary fence will not change/ altered and how fence would be maintained.
  - Removal of a hedge / fence across multiple home-owner gardens and impacts on existing character of gardens.
  - The configuration of the dwellings is acceptable /'pleasing.'
  - Trees with TPO will be maintained – what will happen to the other trees removed to ensure the integrity on the site/ trees will be replaced.
  - The objector didn't oppose the demolition of the GP surgery because it would serve the local community/ what happened to the surgery plans/ community use (*this current planning application makes it clear that the intention is to develop this site for residential use*).
  - The land would be sold for profit/ developer sold land (*this is not a material planning consideration*).
  - A resident wishes to purchase one of the properties (*this is not a material planning consideration*)

## Determining Issues

The following matters are considered to be appropriate in the consideration of the application:

- Principle of development
- Sustainability Assessment of the Proposal
- Design, character and layout
- Amenity of neighbours and intended occupiers
- Site Access, Highways and Parking Considerations
- Flood risk and drainage
- Ground Conditions
- Ecology
- Impact on the Natural Environment and TPOs

- S106 Obligation Requirements
- Local Finance Contributions

## **Assessment of the Proposal**

### **Principle of development**

The National Planning Policy Framework sets out a clear presumption in favour of sustainable development referring (at paragraph 14) to this being a 'golden thread running through both plan-making and decision-taking'. It notes that, for decision takers, this means approving development proposals that accord with the development plan. Section 6 of the National Planning Policy Framework for housing specifically states in para 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Walsall's Unitary Development Plan reconfirms the guidance as contained in the National Planning Policy Framework on sustainable development. Whilst this site is not allocated for any specific use, it is located in a predominantly residential location and in a sustainable location with good links to public transport and access to services and facilities.

BCCS Policy HOU2 states that all developments will aim to achieve a minimum net density of 17 dwellings per hectare. The provision of 14 dwellings in the current proposal would equate to a density of 17 dwellings per hectare so would remain acceptable under this policy.

The proposal would also bring previously developed land back into a positive use which is encouraged by local and national planning policies and guidance.

Whilst the Council's Housing Strategy Team stated their preference for a higher density of development to include smaller starter homes, BCCS policy HOU2 usually seeks a mix of house sizes for development over 15 dwellings which does not apply to this current proposal and there is no policy basis to require such a mix in this instance. Planning Policy do not object to the proposal.

The principle of development is considered acceptable subject to all other material considerations set out in this report.

### **Sustainability Assessment of Proposal**

The National Planning Policy Framework provides (para 187) that 'Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.'

In relation to paragraph 7 of the National Planning Policy Framework, the proposal is likely to contribute to a strong, responsive and economy through the creation of construction and related jobs and ongoing contribution to the local economy from the creation of up to 14 additional households in the area.

The proposal would contribute towards providing the supply of housing required to meet the needs of the present and the future generations in the area and by having the potential to create high quality built environment.

Overall, the proposal is considered to represent sustainable development.

### **Design, Character and Layout**

Walsall's Unitary Development Plan states that development will be of a high quality design that respects local distinctiveness, enhancing the character and appearance of the area. It states that within settlement limits proposals will be supported where they do not have a negative impact on the character and appearance of the surrounding locality. Walsall's Unitary Development Plan states all proposals should maintain or enhance the character of the surrounding area and should respect the scale and density of surrounding development. The existing surrounding buildings all generally have brick a façade and are predominantly two storey in height and comprise traditional property styles

An objector raised concerns on the grounds of distance and design of the proposed development. However the proposed plans and the supporting documents indicate that the design of the local setting has been taken into consideration. The LPA considers that the proposal has taken into account local characteristics in its design and layout and would be of a high quality design which would help to enhance the locality. Conditions would be included on any permission to secure the use of appropriate external materials.

### **Amenity of neighbours and intended occupiers**

Objections were received from seven neighbours on the grounds of overlooking and loss of privacy, noise, traffic/ highway issues, impact on residential and visual amenity issues.

Plots 7 to 10 provide a distance of around 13m between rear elevations and the shared boundary to the west with nearest occupiers of Loriners Grove apartments a further 50m beyond a mature wooded area along the boundary. No adverse impacts to these neighbours amenity would arise.

Plots 5 and 6 provide between 9.1m and 9.5m to the shared boundary with No. 158 Broadway North to the north and this is considered would not result in significant loss of privacy or additional overlooking to this neighbours rear garden area. This also reflects the local context, in particular with properties along Lincoln Road to the north which overlook the garden of No.146 Broadway at short distances.

Plot 1 is set just over 10m away from the nearest side elevation of No.158 which this neighbour states includes 2 side facing bedroom windows. It is unclear whether these windows both serve the same bedroom, or whether they are secondary windows. Whilst this falls slightly below the recommended 13m, this separation is considered would provide sufficient opportunity for natural light to reach these windows and to retain an overall satisfactory level of outlook to this neighbour. No habitable side facing windows are proposed in Plot 1 and conditions would be included to ensure the side facing bathroom / en-suite windows are obscure glazed and non-opening to safeguard neighbours amenity. Noise arising from use of the proposed residential gardens would reflect that of the locality and would not warrant a refusal.

Plot 10 would be sited 1.4m from the southern boundary adjacent to the vacant Mali Jenkins building which does not contain any residential use and this relationship is therefore considered acceptable in this instance.

In terms of future intended occupiers of the development itself, the layout provides plot orientations which achieve the necessary 24m separation between habitable windows with the exception of Plots 4 and 11 which is 15m. On balance, due to this relationship being across the access road and would be 'bought as seen' by future occupiers, this is considered to provide an acceptable level of amenity in this instance.

The proposed garden sizes exceed the recommended minimum standard and reflect the local character of the area and are acceptable. Conditions to secure acoustic glazing and ventilation to some of the plots would be added as a condition in line with Pollution Control recommendations.

Also, the proposed 1.8m high fence and hedgerow which further reduces impacts to amenity of neighbouring properties.

With regards to highways/ traffic issues. The highway (transportation) team were consulted and raised no objection was raised subject to conditions being imposed.

Furthermore, with regards to noise, a construction management plan will be secured to minimise any noise issues whilst the development is being constructed.

The proposal is considered unlikely to result in undue noise and disturbance for neighbouring residents over and above the existing situation.

### **Site Access and Highways**

Walsall's Unitary Development Plan requires vehicular access into and out of the site to be safe and an assessment made as to whether the existing local roads can suitably accommodate the impact of the proposal, whether adequate parking and turning spaces exist within the site and that the needs of pedestrian and cyclists have been met. This policy is considered to carry significant weight in the determination of the application as it complies with paragraph 32 of the National Planning Policy Framework which requires all schemes to provide safe access for all.

The provision of the access route onto the Broadway North will give further easy, quick, safe and generally sustainable vehicular access onto Broadway North for destinations further afield or into the town centre.

The Highway Authority were consulted and recommends a revised layout to provide a refuse bin collection point within 25m of the main carriageway of Broadway North, minimum 1.2m wide segregated pedestrian footway and conditions to secure highway improvements, provision of parking and vehicle access and a Construction Methodology Statement. No further comments have yet been received, and will be provided in the Supplementary Paper, or could be dealt with under delegation back to the Head of Planning and Building Control as set out in the officer recommendation.

### **Flood Risk/ Drainage**

Paragraph 100 of the National Planning Policy Framework makes it clear that inappropriate development in areas of flood risk should be avoided by directing development away from areas of highest risk. This carries significant weight in the determination of this application.

The site is located within Flood Zone 1, the lowest area of flood probability. A surface water drainage scheme has been provided and comments are being sought from the Lead Local Flood Authority on its acceptability. No comments have yet been received, and will be provided in the Supplementary Paper, or could be dealt with under delegation back to the Head of Planning and Building Control as set out in the officer recommendation.

Severn Trent Water has advised that they are satisfied with the drainage strategy which would be secured by condition.

### **Ground Conditions**

As the site will likely require gas and contamination protection, any planning permission will remove permitted development rights in order to control future developments (extensions) on the site.

The site is next to a very busy restaurant, Toby Restaurant, which has increased in popularity.

In particular, Plots 10 to 14 are particularly close. It is noted that attention to the boundary treatment is made in order to mitigate against any noise or odours emanating from the public house. The proposed mitigation measures have been incorporated into the development (acoustic glazing and ventilation), including garden areas (e.g. close-boarded fencing or acoustic fencing), which can be conditioned to remain for the life of the development. It is considered these conditions would meet the 6 tests

The site is bordered by existing residential development, site reclamation and construction activity is likely to have an impact on these properties. In order to address this conditions would be recommended that meets the 6 tests.

## **Ecology**

On receipt of the report, the Black Country Wildlife Trust was consulted and raised no objection subject to a an ecological planning condition being imposed to ensure that these measures are undertaken as part of the development.

## **Impact on the Natural Environment and TPOs**

The site has recently had approximately 40 individual trees removed to ground level along with 2 small groups of trees. The tree report that accompanies the application by Helicopter Trees states that the majority of them were in fair to good condition, the tree report further states that 2 of these trees were categorised under 'BS 5837: 2012 Trees in relation to design, demolition and construction – Recommendations' as 'A' which are trees of high quality and 10 of the trees were categorised as 'B' which are trees of moderate quality, normally you would expect some consideration be given to retaining such trees within any proposed development. The remaining trees were categorised as 'C' which are trees of low quality and they would not normally prove to be a constraint.

The removal of all the trees on site has effectively removed all tree constraints and therefore any possible arboricultural objections to the proposed site layout as indicated on site layout drawing no. 2258-03 Rev. F.

There is a woodland to the west of the site protected by a TPO, however, as long as the recommendations in the tree report and the Tree Protection Plan drawing no. D17236-03 are implemented then there should be no detrimental impact to these protected trees. A landscape scheme to mitigate for the loss of trees on this site would be secured by condition in line with the recommendations of the Tree Officer.

## **Section 111 and Section 106 Obligation Requirements**

The development of 14 houses falls below the size threshold to require affordable housing. A contribution to off-site open space would however be required in accordance with BCCS Policy DEL1, Saved UDP Policies GP3 and LC1, and the Open Space SPD.

Based on the proposed development and the Council's ready reckoner, the urban open space contribution required is £64,789. The nearest Urban Open Spaces is Walsall Arboretum Park, which is 178 metres away a metres away from the site.

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the 3 following statutory tests to make the development acceptable in planning terms:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

These tests are set out in The Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 and National Planning Policy Framework paragraph 56.

Based on the three tests in the legislation, it is considered that an urban open space contribution is considered necessary to make the development acceptable in planning terms. Members would be consulted to determine the specific area(s) for the contribution to be used towards.

The provisions of an in perpetuity Management Strategy for the areas of landscaping within the development site would be required.

The applicant has agreed to the above provisions, including a Section 111 Agreement as the site is currently under Council ownership.

### **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 14 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**

The development is considered to be in accordance with the local plan and the NPPF. The proposal would introduce new houses.

The proposed development will contribute to the housing targets for Walsall Council and is not considered to have any significantly adverse impact on the character of the area, residential amenity or community and highway safety. Taking into account the above factors it is considered that the application should be recommended for approval.

It is considered there are no adverse impacts that would significantly or demonstrably outweigh the benefits of delivering up to 14 houses in this location. Hence, in this instance the presumption in favour of sustainable development is considered to apply in accordance with the National Planning Policy Framework and most importantly supported by Local Plan.

### **Positive and Proactive Working with the Applicant**

Officers have spoken with the applicant's agent and in response to concerns raised 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 entering into a Section 111 and Section 106 Planning Obligation to secure an Urban Open Space Contribution of £64,789 and landscape management in perpetuity and subject to:

- No objections from the Lead Local Flood Authority;
- Submission and agreement of additional ground contamination and noise impact information;
- No objections from Pollution Control; and
- The amendment and finalising of conditions.

## Conditions and Reasons

1: This development must be begun not later than 3 years after the date of this decision.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended.

2. This development shall not be carried out other than in conformity with the following plans and documents: -

- Design and Access Statement – received 15th January 2021
- Application Form – dated 22nd December 2020
- Arboricultural Impact Assessment & Preliminary Method Statement – dated November 2020
- Drainage Strategy dated – 16th December 2020
- Ecological Appraisal - dated December 2020
- Ground Investigation Report – dated 10th November 2020
- Drawing No. 2258-01-LOCATION PLAN – Title: Location Plan – dated - 08/12/20
- Report: Assessment of Noise from external Sources – dated December 2020
- Notice One – dated – 21/ 12/2020
- Planning Statement – dated 22nd December 2020
- Drawing No. 2258 – FERRERS – Title: House Type Ferrers - 2334 sqft Planning Drawing –dated 02/12/20
- Drawing No. 2258 – HONEYSUCKLE – Title: House Type Honeysuckle - 1833 sqft Planning Drawing – dated - 02/12/20
- Drawing No. 2258 – KELMSCOTT – Title: House Type Kelmscott - 2193 sqft Planning Drawing – dated - 02/12/20
- Drawing No. 2258 – SANDERSON – Title: House Type Sanderson - 2061 sqft Planning Drawing –dated 02/12/20
- Drawing No. 2258 – WARWICK – Title: House Type Warwick - 2164 sqft Planning Drawing – dated - 02/12/20
- Drawing No. 2258 – WORCESTER – Title: House Type Worcester - 2146 sqft Planning Drawing – dated - 02/12/20
- Drawing No. 2258-11-STREETSCENE – Title: Proposed Streetscene (Rev B) – dated 03/12/20
- SCHEDULE OF SUBMITTED DOCUMENTS – dated 22 December 2020
- Drawing No. 2258-03-SITE LAYOUT – Title: Proposed Site Layout (Rev G) – dated 03/12/20
- Drawing No. SK02 – Title: DEVELOPMENT ACCESS -VEHICLE SWEEP PATH – dated -15/12/20
- Drawing No. SK03 – Title: DEVELOPMENT LAYOUT - VEHICLE SWEEP PATH – dated - 15/12/20
- Drawing No. 2258-02-TOPO SURVEY – Title: Topographical Survey – dated - 03/12/20
- BROADWAY NORTH CENTRE: BS5837 TREE SURVEY - Date: September 2020

- Drawing No. SK01 – Title: DEVELOPMENT ACCESS ARRANGEMENTS-dated -15/12/20
- Drawing No.20-051/502B – Title: Engineering Appraisal -dated –Sept 2020

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).

3a. 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.

3b. 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.

4. 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 B (additions to the roof),
- Class C (other alterations to the roof),
- Class E (building incidental to the enjoyment of a dwelling house),
- Class F (hard surfaces incidental to the enjoyment of a dwelling house),

shall be installed in any part of this development.

Reason: To protect future occupiers from potential gas ingress and to safeguard the amenities of the occupiers of adjoining premises and to comply with saved policies GP2, ENV32 and ENV10 of the Walsall Unitary Development Plan.

5a. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

5b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Reason: To ensure the safe and satisfactory operation of the development and in accordance with UDP Policy GP2.

6. The development shall be constructed to meet the following minimum security measures and thereafter retained for the life time of the development:

- Security for residents particularly when entering and leaving.
- External LED lights with daylight sensors to all external doors, including the front and rear walls of houses/lighting to side aspects where there is a driveway.
- Alarm and CCTV installers should be approved by NSI, SSAIB or both.
- Active windows are advised to side driveway aspects for natural surveillance.
- PAS 24: 2016 standard doors for houses and apartments.

Reason: To ensure the safety and security of the development itself and the safety and security of patients, visitors and employees in accordance with Saved Policy GP2 of the



Unitary Development Plan, DW2 of the Designing Walsall SPD and the National Planning Policy Framework.

7. The recommendations and guidelines as detailed in the Arboricultural Impact Assessment & Preliminary Method Statement by Helicopter Trees Professional Arboricultural Consultancy report no.HTL17236-A dated November 2020 (including Tree Protection Plan drawing no. D17236-03 dated 24/11/20), shall be fully implemented and the tree protection fencing erected prior to the commencement of any works on site and retained until the completion of development.

Reason: To safeguard the trees protected by Tree Preservation Order adjacent the site to the west and other trees adjacent the site to the north, east and south.

8. No development shall be carried out until a detailed landscaping scheme for the site has been approved in writing by the Local Planning Authority to include replacement trees. The approved scheme shall be implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development.

9. The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and document -

Ecological Appraisal- dated December 2020

Reason: To conserve local protected species and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

10 i) Prior to built development commencing a Remediation Statement setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted in writing to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

ii) The remedial measures as set out in the Remediation Statement required by part (i) of this condition shall be implemented in accordance with the agreed timetable.

iii) If during the undertaking of the approved remedial works or during the construction of the approved development unexpected ground contamination not identified by the site investigation is encountered, development shall cease until the Remediation Statement required by part (i) of this condition has been amended to address any additional remedial or mitigation works required and has been submitted in writing to and agreed in writing by the Local Planning Authority.

iv) A validation report setting out and confirming the details of the remedial measures implemented, cross referencing those measures with the approved Remediation Statement, together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted in writing to and agreed in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

v) The development shall not be carried out otherwise than in accordance with the approved Remediation Statement.

Reason: To ensure safe development of the site and to protect human health and the environment. In addition, to meet the requirements of the National Planning Policy Framework (2019) 170 and 178 and in compliance with Policies GP2 and ENV32 of the UDP.

11 i. Prior to the first occupation of the development hereby permitted acoustic glazing with a minimum apparent sound reduction property of R'w 38 dB shall be installed to properties fronting Broadway North (plots 1, 2, 3, 13 and 14).

ii. Prior to the first occupation of the development hereby permitted acoustic ventilation with a minimum apparent sound reduction property of Dn,e,w 38 dB in the open position shall be installed to properties fronting Broadway North (plots 1, 2, 3, 13 and 14).

iii. Prior to the first occupation of the development hereby permitted a written Validation report to confirm compliance with parts (a) and (b) of this condition shall be submitted in writing to the Local Planning Authority.

iv. No acoustic insulation, glazing or ventilation shall be installed otherwise than in accordance with parts (a) and (b) of this condition. The approved acoustic insulation, glazing and ventilation shall be maintained for the lifetime of the development

Reason: In order to protect the amenities of the future occupiers of the premises and in compliance with Policies GP2 and ENV32 of the UDP.

12. i. Prior to the development being brought into use an Air Quality Low Emission scheme to install electric-vehicle charging points that has been agreed in writing with the Local Planning Authority shall be fully implemented. This scheme shall be in accordance with the Black Country Air Quality Supplementary Planning Document.

ii. Prior to the development being brought into use a written Low Emission Scheme Validation Statement shall be provided to the satisfaction of the Local Planning Authority that demonstrates the agreed Air Quality Low Emission Scheme has been installed.

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

13. 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:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures
- xiii. ADD re-covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc.

(13)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.

14. 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 en-suite and bathroom side facing windows in all plots within the hereby permitted development 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 windows 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.

15. Prior to the first occupation of any dwelling on the development, all of the required highway works on Broadway North to facilitate safe access to the development shall receive technical approval and be fully implemented to the satisfaction of the Highway Authority. The works shall include;-

- i) Modification of the central lane hatching to facilitate a right turn lane,
- ii) A central island pedestrian refuge with tactile paving,
- iii) The removal of any redundant existing signage.
- iv) Modification of the existing dropped kerb access to align with the new access road as necessary.

The relocation of the existing street lighting column to accommodate the access widening works shall be with the agreement in writing with the Local Planning Authority.

Reason: To ensure the safe and satisfactory operation of the development in accordance with UDP Policy GP2, T4 and in the interests of highway safety.

16. a) Prior to the first occupation of any dwelling on the development, the access road and the parking and vehicle manoeuvring areas serving that dwelling shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or adoptable highway or into any highway or adoptable highway drain.

16.b) 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.

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

- i) where the parking and turning facilities for site operatives and construction deliveries will be located,
- ii) full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

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

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

### **Notes for Applicant**

#### **Highways**

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 expected to enter into an agreement under S38/S278 of the Highways Act 1980 with the Highway Authority for all adoptable highway works and works within the existing public highway. For further advice please contact Highway Development Control Team at [Stephen.Pittaway@Walsall.gov.uk](mailto:Stephen.Pittaway@Walsall.gov.uk)

#### **Clean and Green**

All properties will require a 140ltr grey bin for general waste and a 240ltr green bin for recycling. All bins should be presented at the edge of each property on the day of collection.

#### **West Midlands Fire Service**

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)

Natural England:

England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

### **Severn Trent Water**

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 to this email please send it to [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days. Alternately you can call the office on 0345 266 7930

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

### **West Midlands Police**

The close environment with no through route will assist security.

Alarms and lighting will be important.

There should be open frontages for natural surveillance.

Secure rear gardens, locking side gates located as close to the front building line as possible.

There is little reference to crime in the design and access statement, and planning statement

External LED lights with daylight sensors to all external doors, including the front and rear walls of houses.

This to provide security for residents particularly when entering and leaving. (SBD Homes 2016 page 40 25.2).

Similar lighting to side aspects where there is a driveway.

Active windows are advised to side driveway aspects for natural surveillance.

Alarm and cctv installers should be approved by NSI, SSAIB or both.

Please see <https://www.nsi.org.uk/> and <https://ssaib.org/>  
I would recommend security using the principles of Secured By Design.  
Below is a link to secured by design guides, including Housing, police approved crime reduction information.  
<https://www.securedbydesign.com/guidance/design-guides>

The applicant to refer to crime prevention and home security advice contained within SBD New Homes.

Please see :  
[https://www.securedbydesign.com/images/downloads/HOMES\\_BROCHURE\\_2019\\_NE\\_W\\_version\\_2.pdf](https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NE_W_version_2.pdf)

Dwelling entrance door-sets (SBD Homes 2019 page 29, 21.1-8).  
PAS 24: 2016 standard doors for houses and apartments.  
Please see: <https://www.securedbydesign.com/guidance/standards-explained>  
For garage / house security.  
<https://www.securedbydesign.com/member-companies/accredited-product-search>  
Where integral doors exist house to garage ensure security.  
Consider combined fire and security door-sets. See attached door-set brochure.

## **Contaminated Land**

### **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. For example, photographs of earth works, 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.

**END OF OFFICERS REPORT**