



### Planning Committee

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

Plans List Item Number: 4

#### Reason for bringing to committee

Major Application and Section 106 Agreement

#### Application Details

**Location:** 72 AND 74, BROOK LANE, WALSALL WOOD, WALSALL, WS9 9NA

**Proposal:** PROPOSED DEMOLITION OF 72 AND 74 BROOK LANE WALSALL WOOD AND THE CONSTRUCTION OF 11 DWELLINGS.

**Application Number:** 20/1006

**Case Officer:** Leon Carroll

**Applicant:** N. Baird

**Ward:** Aldridge North And Walsall Wood

**Agent:** Spooner Architects

**Expired Date:** 01-Dec-2020

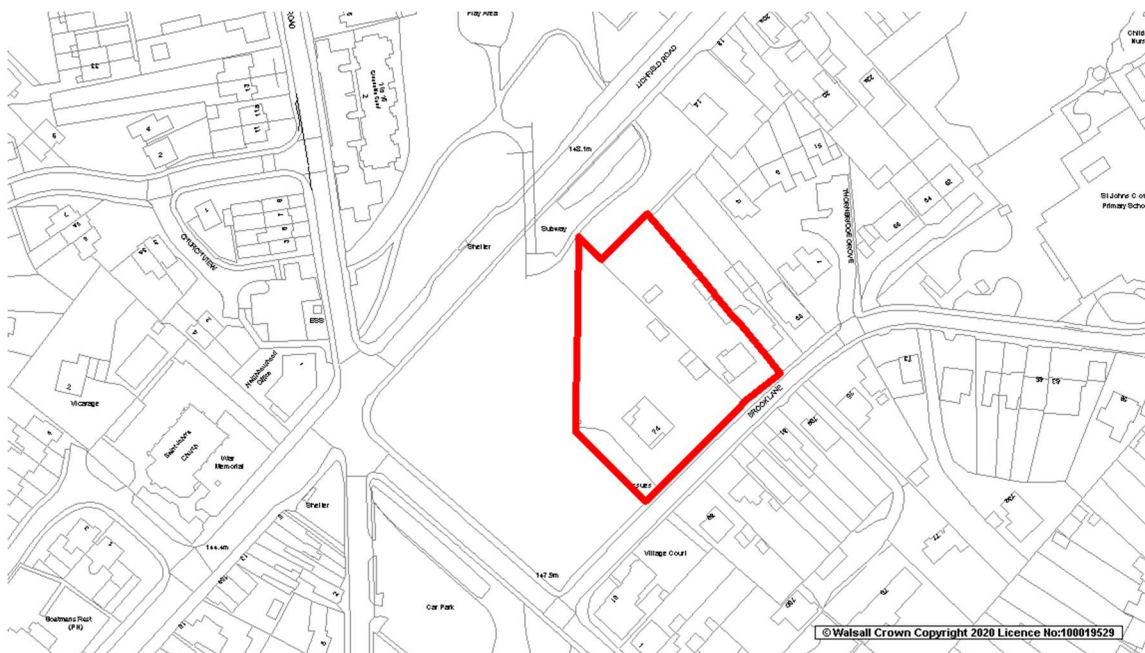
**Application Type:** Full Application: Major Use Class C3 (Dwellinghouses)

**Time Extension Expiry:** 26-Jan-2021

#### Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a Section 106 Agreement to secure Urban Open Space financial contribution and subject to

- The amendment and finalising of conditions;
- The submission of an updated drainage plan to reflect the revised layout at Plots 1 and 2.
- No objections from a statutory consultee on the above revision.



## Proposal

The proposal relates to the demolition of two existing bungalow dwellings and the construction of 11 dwellings along with access road. The proposal features 6 semi-detached and one detached dwelling facing onto Brook Lane with a further 4 detached dwellings arranged around a small cul-de-sac with a turning head for vehicles. The 6 semi-detached dwellings will each have three bedrooms, whilst the detached dwellings will comprise 2 four bedroomed dwellings and 3 five bedroomed dwellings.

## Site and Surroundings

The existing site originally contained two detached bungalow dwellings set in large gardens. No 74 is now derelict and boarded up whilst No 72 has already been demolished. To the west of the site is allocated open space whilst to the north is the A461 Lichfield Road. Walsall Wood local centre is located to the south west of the application site with Streets Corner local centre lying to the north. The surrounding area is generally residential in character with some commercial uses along with a primary school located to the east on Brook Lane.

## Relevant Planning History

No.72: 06/2121/OL/E12 - Outline: Demolition of existing bungalow and outbuildings and provision of residential development of 2 semi-detached bungalows. Layout and access only to be determined. GSC 7th February 2007.

## 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 8 – Promoting healthy and safe communities**
- **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.

### **National Planning Policy Guidance**

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

### **Reducing Inequalities**

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

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

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

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

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

### **Development Plan**

[www.go.walsall.gov.uk/planning\\_policy](https://www.go.walsall.gov.uk/planning_policy)

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

- GP2: Environmental Protection
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development

- ENV25: Archaeology
- ENV32: Design and Development Proposals
- ENV40: Conservation, Protection and Use of Water Resources
- T7 - Car Parking

### **Black Country Core Strategy**

- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- 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**

HC2: Development of Other Land for Housing  
 OS1: Open Space, Sport and Recreation  
 EN1: Natural Environment Protection, Management and Enhancement  
 EN3: Flood Risk

### **Supplementary Planning Document**

#### **Conserving Walsall's Natural Environment**

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

#### **Designing Walsall**

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

## Open space, sport and recreation

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

## Air Quality SPD

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

## Consultation Replies (*Officer comments in italics*)

### Archaeology

No objection to the proposal in principle, however the site is located in an area of potential archaeology due to settlements in this area in the post-medieval period. A condition is therefore recommended requiring a programme of archaeological work to identify and record any archaeology prior to and during development.

### Highways England

No comments to make

### Historic England

No comments to make

### Lead Local Flood Authority

The LLFA is satisfied with the submitted proposals and have no objection to the granting of planning permission subject to a condition to secure the implementation of the drainage scheme (*A further re-consultation will be carried out upon receipt of an amended scheme to reflect the latest revised development layout*).

### Local Highways Authority

In principle the Highway Authority has no objections to the development subject to conditions to ensure the safe operation of the development are provided.

### Natural England

No objection.

### Pollution Control

A construction management plan has been submitted as part of the application that details how dust, flying debris, and drag out onto the highway will be dealt with during the construction phase. No description is made however detailing either hours of work. It is therefore necessary for the applicant to include information on working hours, or for a condition to be included within any permission granted.

The application states electric vehicle charging points will be provided for each dwelling. Please include conditions requiring an Air Quality scheme to be provided.

### **Severn Trent Water**

STW have no objections to the proposals subject to the inclusion of a drainage condition:

### **Strategic Planning Policy**

The proposal would make more effective use of land to increase the supply of housing so is potentially supported by the NPPF, in particular paragraphs 59, 117 and 118. Number 74 has previously had planning permission for two dwellings, reference 06/2121/OL/E12, although this has long lapsed.

### **West Midlands Police**

WMP recommend a number of security measures including LED lights with daylight sensors to the front and rear of the proposed dwellings, and that boundary treatments should include secure fencing and gates.

## **Representations**

4 letters of objection were received. Grounds for objection were as follows:

- Traffic congestion, pedestrian safety and lack of parking at start and end of school day.
- Design not in keeping with surroundings.
- Loss of trees.
- Loss of privacy.

## **Determining Issues**

- Principle of development
- Design, Appearance and Impact on Local Character
- Impact on Amenity
- Highway Safety
- Flood Risk and Drainage
- Protected Species and Biodiversity
- Trees
- Planning Obligations
- Local Finance Considerations

## **Assessment of the Proposal**

### **Principle of Development**

The National Planning Policy Framework explains the importance of a sufficient amount and variety of land coming forward to boost the supply of homes. Paragraph 117 of the Framework requires LPA's to promote the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 118(c) of the Framework further advises that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.

Policy HC2 of the Walsall Site Allocations Document sets out the LPA's approach to the provision of housing on other previously developed sites not allocated for housing. Residential development on such sites will be encouraged provided it complies with additional requirements set out in the policy, including that the site is not allocated or safeguarded for other purposes, and that a satisfactory residential environment can be achieved, where people will choose to live, that will contribute to achieving the Vision, Sustainability Principles,

Spatial Objectives and Spatial Strategy of the BCCS and take account of other policies of this Plan.

The site is not allocated for other uses and is located in a sustainable location close to local centres and surrounded by existing housing. The site is approximately 250m from the amenities of Walsall Wood Local Centre and 160m from the nearest public transport. There are also a selection of schools and child care facilities within walking distance. The site is already in residential use, and the proposal would make more effective use of the land, making a contribution to local and national housing targets.

Part b) of SAD policy HC2 states that the design of developments on all sites should take account of its context and surroundings. Each site should achieve a density of at least 35 dwellings per hectare, except where a lower density would be in keeping with its surroundings, or part of the site is needed to provide open space or other facilities in accordance with other policies of this Plan.

The submitted proposal is for 11 dwellings on a 0.38 hectare site which provides a housing density of 28.94 dwellings per hectare. Whilst this falls short of the density requirement set out in policy HC2, the proposal as submitted provides a housing layout which is in keeping with the existing local character and spatial relationship between nearby dwellings. It is considered that a higher density of dwellings in this location would be poorly related to the local environment and would result in an overdevelopment of the site. Furthermore there are existing foul water sewer which crosses the site at its western edge in a north to south direction which would prevent the construction of new building in this location. The site is therefore somewhat constrained in available building land, and the layout has been designed to take advantage of this by positioning larger detached dwellings with corresponding larger rear gardens in the location of the existing sewer, whilst a higher density is achieved by the semi-detached dwellings with smaller curtilages on the Brook Lane frontage of the development.

Taking the above into consideration the development of the site for housing is considered acceptable in principle subject to all other material considerations set out in this report, and in accordance with policies HOU1 and HOU2 of the Black Country Core Strategy, policy HC2 of the Walsall Site Allocation Document and the National Planning Policy Framework.

### **Design, Appearance and Impact on Local Character**

The proposed development essentially comprises two parts with a linear form of development of 3 pairs of semi-detached dwellings and one detached dwelling on the Brook Lane frontage and a cul-de-sac to the rear of those dwellings with 4 detached houses arranged around a turning head. The Brook Lane frontage replicates the character of dwellings on the opposite side of the road in terms of layout. The layout of the 4 detached dwellings in the rear of the site is considered to be acceptable and provides for easy vehicular access and natural surveillance with all 4 dwellings facing into the turning head.

The design of the proposed dwellings is modern in appearance but with traditional features including dual pitched roofs with gabled sides whilst the detached dwellings have a front facing gable. The existing dwellings on Brook Lane are of varied ages and designs, with simple bungalows and larger detached and semi-detached houses. The proposed semi-detached dwellings are to be faced with red brown brick with interlocking concrete roof tiles, whilst the 5 detached dwellings are to be faced with red brown brick and render, again with concrete interlocking roof tiles. The proposed design, layout and use of materials are considered to be in keeping with the local vernacular and to maintain the character of the area. The proposal is therefore in accordance with saved policy ENV32 of the Walsall Unitary Development Plan and policies HOU2 and ENV3 of the Black Country Core Strategy.

## **Impact on Amenity**

There are no dwellings to the north west or south west of the application site. Immediately to the north east of the site is No 70 Brook Lane whilst directly opposite the development on the south east side of Brook Lane are 6 dwellings, Nos 79a to 89 Brook Lane. In terms of overlooking or loss of privacy, No 70 Brook Lane is positioned to the south east of Plot 11 with the front elevation of Plot 11 facing toward the rear of No 70. However, a separation distance of 25m between the two dwellings is considered sufficient to prevent any loss of privacy. The Brook Lane frontage achieves a minimum separation distance of 23.4m, that being between Plot 3 and Nos 85-87 Brook Lane. Taking into consideration the fact this is a front facing relationship across the highway, this separation distance is considered to be adequate. Distances between the rest of the Brook Lane frontage and dwellings opposite are all in excess of 25m.

No 70 Brook Lane is closest to the development being located alongside its eastern corner close to Plots 1 and 2. No 70 is a bungalow dwelling with a dual pitched roof and side facing dormer windows. Following a request from officers, in order to reduce the impact on the south west facing dormer window to No.70, Plots 1 and 2 have been positioned further back from Brook Lane to preserve the outlook from the window. Whilst the front corner of Plot 1 would be 4.7m from the face of the dormer window, it is likely that this neighbour's habitable room at first floor is served by dual aspect windows on both sides thus retaining an overall acceptable level of outlook and natural light to this room. On balance and in the absence of any evidence to the contrary, the proposal is not considered to result in significant additional loss of outlook or overshadowing to this neighbour. No objection was received from the occupants of No 70 Brook Lane to the original plans.

The proposed development provides a suitable level of amenity for future occupants, with each plot achieving a rear garden size of 68m<sup>2</sup> or above in accordance with the guidance in the Designing Walsall Supplementary Planning Document. The proposal is therefore in accordance with saved Policy GP2 of the Walsall Unitary Development Plan and paragraph 127(f) of the National Planning Policy Framework.

## **Highway Safety**

Following the resolution of some minor details relating to the site layout the Highway Authority is supportive of the proposed development. A number of planning conditions have been suggested to ensure the safe operation of the development, including the retention of visibility splays at all access points and the provision of a refuse bin collection point near the entrance to the private access road, for use on bin collection days. The proposed development is not considered likely to result in significant increases in traffic movements nor will it harm highway safety. Parking controls are in place along Brook Lane which is a relatively narrow road, including along the opposite side of the road to the proposed development. Cars currently park along the frontage of Nos 72-74 Brook Lane when dropping off and collecting children from the nearby primary school. However the proposed Brook Lane frontage will remove the ability for parents to park along this stretch of the lane and will therefore improve visibility for pedestrians and vehicles at peak times. The proposal is therefore considered to be in accordance with saved policies GP2, T7 and T13 of the Walsall Unitary Development Plan.

## **Flood Risk and Drainage**

The site is not in a location known for flooding and is in Flood Zone 1. However the Lead Local Flood Authority initially objected to the proposal due to inadequate information relating to drainage and flood risk due to surface water run off. The applicant subsequently provided a comprehensive foul and surface water drainage strategy and the LLFA advised that it was in support of the proposal provided the submitted drainage details were implemented prior to first occupation of the development. This will be secured via a planning condition, however the recent submission of an amended layout to take account of neighbouring amenity will require an amended drainage plan. The LLFA will be further consulted once this has been received.



## **Protected Species and Biodiversity**

The application was accompanied by a Phase 1 bat survey which inspected the existing buildings and surroundings on site and which found no evidence of bats.

The survey also concluded that the existing buildings on site provided poor roosting potential. However the report recommended precautionary measures during construction which will be secured via a planning condition, including that a licensed ecologist should be present to oversee the removal of the tiles on the roof of No 74 and the hanging tiles on the garage in the garden of No 72. If there is any evidence of bats during removal of the tiles work must stop and if it is not possible to reinstate the roost sites it may be necessary to obtain and appropriate derogation licence from Natural England.

Furthermore all work should be carried out carefully with the expectation that bats may be found. If bats are observed within the buildings at any time Natural England (0300 0601582) or the ecologist for this project must be contacted. Work must cease immediately and it may be necessary to obtain a European Protected Species Licence from Natural England before work can proceed.

A condition would be added to ensure works are carried out in accordance with the recommendations of this report to safeguard local bat populations.

## **Trees**

There is no special protection afforded to the trees on site or adjoining the western boundary, and approximately 6 trees along the Brook Lane frontage will be removed in order to facilitate the development. These trees have some amenity value and contribute to the character of the street scene, however it is considered that the loss of these trees can be offset via a scheme of replacement planting which will be secured by planning condition. The belt of mature trees which run along the western boundary of the site is to be retained. A further planning condition requiring the submission for approval of appropriate tree protection measures during construction will also be added to the decision notice.

## **Planning Obligations**

The proposed development of 11 dwellings triggers the requirement for a contribution to the provision of Open Space. In this case the required commuted sum for Urban Open Space amounts to £34,358 which will be secured via a Section 106 legal agreement. The location(s) on which this sum will be spent will be agreed with ward councillors.

## **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 11 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 proposal will make more effective use of the existing site and contribute to local and national housing needs. The development is of a good standard in terms of design and appearance, and will not have significantly adverse impacts on residential amenity and will provide a satisfactory standard of living for future occupants. The proposal will not result in harm to highway safety, ecology or trees and subject to receipt of a final amended drainage layout will not increase flood risk on or adjacent to the application site.

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 regarding impacts to adjacent neighbours outlook, amended plans have been submitted which enable full support to be given to the scheme.

## **Recommendation**

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a Section 106 Agreement to secure Urban Open Space financial contribution and subject to

- The amendment and finalising of conditions;
- The submission of an updated drainage plan to reflect the revised layout at Plots 1 and 2.
- No objections from a statutory consultee on the above revision.

## **Conditions and Reasons**

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

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

2: This development shall not be carried out otherwise than in conformity with the following approved plans: -

- Topographical Survey Dwg No 2006:01 received 18<sup>th</sup> August 2020
- Site Layout Dwg No 2006:02 Revision A received 16<sup>th</sup> April 2021
- Proposed Side Elevation Plots 1,2,4,5,6,7 Dwg No 2006:04 received 18<sup>th</sup> August 2020
- Proposed Plans and Elevations Plots 3, 8 and 10 Dwg No 2006:05 received 18<sup>th</sup> August 2020
- Proposed Elevations Plots 3, 8 and 10 Dwg No 2006:06 received 18<sup>th</sup> August 2020
- Proposed Plans and Elevations Plot 9 Dwg No 2006:07 received 18<sup>th</sup> August 2020
- Proposed Elevations Plot 9 Dwg No 2006:8 received 18<sup>th</sup> August 2020
- Proposed Plans and Elevations Plot 11 Dwg No 2006:09 received 18<sup>th</sup> August 2020
- Proposed Elevations Plot 11 Dwg No 2006:10 received 18<sup>th</sup> August 2020
- Proposed Garage Plans and Elevations Dwg No 2006:11 received 18<sup>th</sup> August 2020
- Site Location Plan Dwg No 2006:13 received 18<sup>th</sup> August 2020

- Proposed Plans and Elevations Plots 1, 2, 4, 5, 6 and 7 Dwg No 2006:14 received 11<sup>th</sup> December 2020
- Proposed Brook Lane Elevation Dwg No 2006:15 received 11<sup>th</sup> December 2020
- Phase 1 Bat Survey (Ridgeway Ecology dated 16<sup>th</sup> June 2020). Received 18<sup>th</sup> August 2020

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 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.

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

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

4. a) Prior to the commencement of the development hereby permitted an Air Quality Low Emission Scheme to install electric-vehicle charging points shall be submitted in writing to and approved in writing by the Local Planning Authority. This scheme shall be in accordance with the Black Country Air Quality Supplementary Planning Document.

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

c) Prior to the development being brought into use a written Low Emission Scheme Validation Statement that demonstrates the agreed Air Quality Low Emission Scheme has been installed shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. A scheme for recycling/disposing of waste resulting from construction works
6. Temporary 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

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.

6. Notwithstanding the submitted details, the hereby permitted development shall not be carried out other than in accordance with the recommendations and measures contained within the submitted 'Phase 1 Bat Survey (Ridgeway Ecology dated 16th June 2020)', received 18th August 2020.

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

7. a) Prior to the commencement of development:

1. details of protective fencing and ground protection to be installed around all retained trees shall be submitted in writing to and approved in writing by the Local Planning Authority
2. The approved protective fencing and ground protection shall be installed.
3. One month's written notice of the intention to commence development shall be given to the Local Planning Authority to allow the Council's Arboricultural Officer to fully inspect the installation of the protective fencing and ground protection

b) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

c) Nothing shall be stored or placed nor any fires started, any tipping, refuelling, disposal of solvents or cement mixing carried out inside the protective fencing or on the ground protection referred to in part a to this condition. Ground levels within protective fencing and on ground protection areas shall not be altered nor shall any excavation or vehicular access or drainage routes be made.

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

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

8. The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the following documents has been implemented:

- Proposed Drainage Strategy – M20.315-201-P2 (19/02/2021)
- Proposed Drainage Layout – M20.315-200-P2 (19/02/2021)
- Storm Drainage Details Calculations – M20.315-SD1-SD9 (19/02/2021)
- Drainage Details – M20.315-210 (19/02/2021)

Thereafter, the drainage scheme shall be retained and maintained in accordance with the submitted management and maintenance plan (M20.315-201-P2 – 19/02/21) by The Sprigg Little Partnership Limited.

Reason: In the interests of sustainable drainage and the prevention of flood risk in accordance with saved policy ENV40 of the Walsall Unitary Development Plan, policy ENV5 of the Black Country Core Strategy and policy EN3 of the Walsall Site Allocations Document.

9. a) Notwithstanding the submitted details shown on Site Layout drawing 2006:02 Revision A received 16<sup>th</sup> April 2021 and prior to the commencement of the development hereby permitted, details of a Refuse Bin Collection Point to be provided near the entrance to the private access road, for use on bin collection days 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.

Reason: On the basis that the access road is to remain private and it has not been demonstrated that a Council Refuse Vehicle can access and turn within the development, so collection will be undertaken from Brook Lane.

10. a) Prior to the first occupation the development hereby permitted, the parking and vehicle manoeuvring areas serving that each 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 into any highway drain.

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 saved policies GP2, T7 and T13 of the Walsall Unitary Development Plan.

11. Prior to the first occupation of Plots 2, 8, 9, 10 and 11, the main access road and footway shall be fully implemented being consolidated, hard surfaced and drained so that surface water run-off from the road does not discharge onto the highway or into any highway drain.

Reason: To ensure the safe and satisfactory operation of the development and in accordance with saved policy GP2 of the Walsall Unitary Development Plan

12. Prior to the main access road first coming into use, a vehicle footway crossing to align with the new access shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance with all statutory requirements.

Reason: To ensure the satisfactory completion and operation of the access, in accordance with saved policy GP2 of the Walsall Unitary Development Plan, and in the interests of highway safety.

13. Prior to the first occupation of Plots 1 to 7, vehicle footway crossings to align with the new accesses shall be installed in accordance with the Council's footway crossing specification

SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance with all statutory requirements

Reason: To ensure the satisfactory completion and operation of the access, in accordance with saved policies GP2, T7 and T13 of the Walsall Unitary Development Plan and in the interests of highway safety.

14. Each vehicular access point on the development shall, at all times, provide 2.4m x 3.4m pedestrian visibility splays, measured from the centre of each access at the back of the reconstructed footway, within which no planting or structures exceeding 600mm in height above footway level shall be permitted.

Reason: To provide adequate inter-visibility at the proposed remodelled access points in the interests of highway safety and saved policy GP2 of the Walsall Unitary Development Plan

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

- All external doors to individual flats and the external doors to the building to be PAS24; 2016
- All ground floor windows and over accessible roofs to be PAS24; 2016
- All ground floor windows and over accessible roofs to have not less than one pane of 6.4mm laminated glass.
- There should be an area of defensible space in front of all ground floor rear facing windows
- No Lead or metal should be used on the ground floor,
- Dusk until dawn lights (white light source) to be installed adjacent to each external door
- Mail boxes shall be located at the primary entrance/exit lobby point of the building, covered by CCTV, 1.5mm steel letterboxes of robust construction, lockable individual letterboxes, secure, anti-identity theft proof and wall mounted
- All external doors including those to the shared passage shall have a door entry phone system and electronic lock release
- All the dwellings shall be suitably with an intruder alarm by a registered SSAIB or NSI engineer to British Standard (BS EN 50131 Grade 2)

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

**END OF OFFICERS REPORT**