

## Planning Committee

Report of Head of Planning and Building Control on 25 April 2024

Plans List Item Number: 5

### Reason for bringing to committee

Applications on Council owned land or Council assets where the Council intends to dispose of that land or asset with the benefit of planning permission and where the value of the land or asset would be increased by more than £100,000.

### Application Details

**Location:** Land Adjacent 26, Haley Street, WILLENHALL, Walsall

**Proposal:** PROPOSED 2 NEW PAIRS OF SEMI-DETACHED DWELLINGS COMPRISING OF 2 NO. 2 BEDROOM HOUSES, 1 X 3 BEDROOM HOUSE & 1 NO. 4 BEDROOM HOUSE ON VACANT LAND ADJACENT TO 26 HALEY STREET. OFF-STREET PARKING AND VEHICULAR ACCESS FROM HALEY STREET (AFFECTS PROW NDA40)

**Application Number:** 22/1715

**Case Officer:** Helen Smith

**Applicant:** Walsall Housing Group

**Ward:** Short Heath

**Agent:** Bernard Taylor Partnership Ltd

**Expired Date:** 15-Feb-2023

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

**Time Extension Expiry:** 26-Mar-2024



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## Recommendation:

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a S106 to secure the relocation/replacement of a lamppost and Cannock Chase Special Area of Conservation financial mitigation and subject to:
  - No new material considerations being received within the consultation period;
  - The amendment and finalising of conditions;
  - No further comments from a statutory consultee raising material planning considerations not previously addressed;
  - Finalising ground contamination and ecological and landscaping enhancements

## Proposal

This planning application seeks planning permission for 2 pairs of semi-detached houses in a tandem layout on an area of unused green space land located off Haley Street. Council records indicate that the site was originally a playground, and the site boundary was enlarged to provide an improved proposed layout.

Plot no's 1 and 2 would have 2 bedrooms whilst plot no's 3 and 4, located towards the rear of the site would have 3 bedrooms. The proposed new dwellings would have a gable roof design with a front first floor gable feature and would be built of brick.

A new access driveway would be installed to the south of the site and would be separated from the neighbouring house, no. 24 Haley Street by a public right of way.

Each house would have 2 off-street parking spaces and private amenity space ranging from between 40m<sup>2</sup> (plot no. 1) and 142.3m<sup>2</sup> (plot 3). The proposal includes a refuse bin collection point at the entrance to the application site.

Front and rear facing habitable room windows are proposed for the new dwellings and plots 1 and 2 would have ground floor side facing windows.

The application is supported by the following documents:

- Stage 1 Risk Assessment (Ground Investigation)
- Contaminated Land Site Investigations
- Arboricultural Impact Assessment
- Biodiversity Net Gain Information
- Habitat Regulation Assessment
- Preliminary Ecological Appraisal Report
- Swept Path Analysis
- Waste Management Plan

## Site and Surroundings

The surrounding area is residential in character comprising of a mix of detached houses and bungalows along with pairs of semi-detached and terraced houses of varying design and age.

There are existing residential properties with private rear gardens adjacent to the site boundaries including 24 and 26 Haley Street and 74, 76 and 78 Shepherd Drive.

There is a Non-Definitive Public Right of Way (NDA40) that runs along the southern boundary of the application site.

The application site lies within the Cannock Chase Special Area of Conservation 15km Zone of Influence.

There are no protected trees on the application site or close to the shared boundaries. Council records indicate that there were 2 Black Poplar Trees located on the opposite side of Haley Street to the application site.

The application site is a Coal Low Development Risk Area.

## Relevant Planning History

None

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

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

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

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

### **National Planning Policy Guidance**

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

### **Reducing Inequalities**

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

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

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

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

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

## **Development Plan**

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

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

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

### **Black Country Core Strategy**

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality
- EQ2 - Cannock Chase Special Area of Conservation

### **Walsall Site Allocation Document 2019**

- HC2: Development of Other Land for Housing
- EN1: Natural Environment Protection, Management and Enhancement
- T4: The Highway Network
- T5: Highway Improvements

### **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
- DW10 Well Designed Sustainable Buildings
- Appendix D

## Consultation Replies

**Ecology** – No objections

**Environmental Protection** – No objections subject to planning conditions requiring the provision of a Construction Environmental Management Statement, solid fuel heating and the carrying out of an intrusive site investigation.

**Local Access Forum** – No objections

**Fire Officer** – No objections and recommend an informative note for the applicant is included.

**Local Access Forum** – No objections

**Local Highway Authority** – No objections to the revised layout subject to the inclusion of planning conditions in respect of hard-surfacing and drainage of the parking spaces, footway crossing alterations, parking in front of plots 1 and 2 and the provision of a construction environment management statement. Informative notes for the applicant are recommended.

**Police Architectural Officer** – No objections subject to the principles of Secured by Design being implemented. An informative note can be included for the applicants.

**Public Rights of Way Officer** – No objections subject to the inclusion of an informative for the applicant.

**Public Lighting** – No objections subject to S106 agreement for the re-location of the existing lamppost.

**Severn Trent Water** – No objections subject to the inclusion of a drainage condition and an informative note for the applicant to avoid vehicle impact damage.



**Strategic Planning Policy** – No objections on policy grounds.

**Tree Officer** – No adverse comments received.

**Waste Management** – commented that the initial proposed bin store and collection point were considered not suitable so bins will need to be presented on the footpath on collection day. An amended plan has been provided relocating the proposed bin collection point.

## Representations

*(Local Planning Authority comments are in brackets and italics below)*

Councillor Whitehouse supports the proposal on the grounds that this would bring a derelict and previously overgrown site back into use and delivers much needed housing in the local area. The designs seem to be in-keeping with the local street scene and are similar to those opposite the site.

Four neighbours have objected to the proposal on the following grounds *(two residents now support the proposal)*:

- Noise
- Air pollution
- Noise and disturbance from children playing
- Parking should be to the front
- Highway safety
- Visitor parking on the highway
- Increased traffic movements
- Make Haley Street one-way for traffic *(this would be a separate matter for the Local Highway Authority to consider if advice is sought from the residents)*
- Install yellow lines on the eastern side of Haley Street *(this would be a separate matter for the Local Highway Authority to consider if advice is sought from the residents)*
- Anti-social behaviour on the public right of way from motorcycles and quad bikes *(this would be a separate matter for the Public Rights of Way Officer to consider if advice is sought from the residents)*

Two neighbours support the proposal.

## Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Public Rights of Way
- Ecology
- Flood Risk / Drainage
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations

- Cannock Chase Special Area of Conservation and HRA
- Local Finance Considerations

## **Assessment of the Proposal**

### **Principle of Development**

This site was formerly a playground but has been disused for many years. As such, the proposal will make use of previously developed land to provide additional housing, so is supported by SAD policy HC2, BCCS policy CSP2, and NPPF (Dec. 2023) paragraphs 60, 123 and 124.

This application site is in a sustainable location located within a well-established residential area close to amenities and services. The NPPF seeks to deliver a wide choice of quality homes to create sustainable, inclusive, and mixed communities.

The latest available figures show that the Council does not currently have a 5-year housing land supply, and, in addition, the Council failed the Housing Delivery Test published in January 2022 based on low levels of delivery over the last 3 years. This means that the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect.

Taking into account the aforementioned it is considered that in this instance the principle of the change of use of the land to residential use and the construction of 4 new dwellings is considered appropriate subject to all other matters being satisfactory.

The amended plans enlarge the site area and provide a more satisfactory layout. The proposal can therefore be supported on planning policy grounds

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

The amended plans enlarged the proposed site area and are considered would provide a more satisfactory residential layout. The character of the area is defined by residential uses, including detached, semi-detached and terraced, two storey dwelling houses with mostly gable roof designs.

Street scene drawings have been provided to demonstrate how the proposed new dwellings would integrate with the existing street scene.

The proposed houses with a brickwork face and gable roofs would pick up on the characteristics of the properties in the immediate vicinity. The plot sizes are similar in size to neighbouring houses, which has a mixed character, and they are considered to be appropriate for this location.

The proposed position of plot no's 1 and 2 in line with the front elevations of neighbouring houses is considered would have a limited impact on the existing character of the area whilst making efficient use of brownfield land.

A planning condition can be included requiring details of the proposed materials to be used to safeguard the appearance of the proposed development, if approved



The design and layout of the development is considered appropriate and in compliance with policy with the exception of the smaller private rear gardens for plot no's 1 and 2. Whilst these are less than the recommended minimum area of 68m<sup>2</sup> referred to in Appendix D of Designing Walsall SPD, at 40 and 41m<sup>2</sup> it is considered on balance that this is acceptable in this instance as there is Urban Open Space located to the east at Rough Wood and Fibbersley Playing Fields to the south-west within walking distance.

Furthermore, as a presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect it is considered that a shortfall in private amenity space standards in this instance would not support a refusal reason on these grounds.

An amended plan has been provided confirming that the site accessway is 4.2 metres wide kerb to kerb and a footpath would be provided.

The proposal is supported by a proposed boundary treatment plan which proposes to make good existing fenced boundary along the northern edge of the site to the footpath with 300mm trellis added to the fencing along the parking area. There is existing 1.8 metres high fencing along this boundary with 26 Haley Street to the footpath and the addition of 300mm trellis on top has been sought. 0.9 metres high railings are proposed along the southern boundary alongside the public right of way and along the southern private garden boundary of plot 3 there would be 1.8 metres high timber fencing with 300mm trellis on top alongside the public right of way. A 2.1 metres high brick wall is proposed along the western boundary of the site. Further clarification and amendments to this are likely to be required in a boundary treatment condition is proposed.

The proposal demonstrates the re-use of brownfield land and saved UDP Policy ENV14 encourages the reclamation and development of derelict and previously developed land wherever this is technically feasible. In this instance it is considered that the re-use of this site for residential purposes on balance would be a positive re-cycling of existing under-utilised land within an existing residential area.

### **Amenity of Neighbours and Amenity of Future Occupiers**

Plot no's 1 and 2 would sit to the front (east) of the application site between no's 24 and 26 Haley Street. No. 26 is separated from the application site by a detached garage and has a side facing non-habitable room window. The side elevation of No. 24 has no windows and this neighbouring house is separated from the application site by a public right of way (NDA40). The proposed position of this pair of semi-detached houses is considered would have a limited impact on neighbours existing outlook, light, and amenity.

Plot no's 1 and 2 would face across the public highway towards facing habitable room windows in the front elevations of no's 25 and 27 Haley Street across a separation distance of 20.2 metres. Whilst this separation distance would be 3.8 metres less than the recommended 24 metres referred to in Appendix D of Designing Walsall SPD, this standard is applied more robustly to the rear of residential properties than the front which is in the public realm.

There would be a habitable room window to window separation distance of 39 metres between the front elevations of plot no's 3 and 4 and the rear elevation of plot no's 1 and 2 in a poor style tandem development. Notwithstanding this, it is recognised that this separation distance would exceed the recommended 24 metres referred to in Appendix D of Designing Walsall SPD and would provide adequate privacy for future occupiers.

Plot no's 3 and 4 are situated towards the rear (west) of the application site and at right angles to dwelling no's 74, 76 and 78 Shepherd Drive. These neighbouring houses and flats have front and rear facing habitable room windows which do not directly face windows in the proposed new dwellings.

Plot no. 3 would sit further back and to the north of no. 74 Shepherd Drive however it is considered that as there would be a separation distance of 10.1 metres between the two properties and the new dwellings orientation to the north, the impacts on neighbours existing outlook, light and amenity would be limited.

The separation distance between flat no's 76 and 78 Shepherd Drive and the proposed new dwellings on plot no's 3 and 4 would be 17 metres and it is considered that the angled relationship when combined with the separation distance and orientation to the north-east would result in there being a limited impact on neighbour's existing outlook, light and amenity. Although, it is recognised that this form of development does expose the rear garden boundaries of plots 1 and 2 to public access and the risk of unauthorised access, however, some of this concern can be mitigated with improved boundary treatments to reduce opportunities of unauthorised access and should it happen assist in tracking where access was achieved.

The impacts of the proposed new dwellings have been assessed and it is considered that the proposal would have a limited additional impact on existing neighbours' amenity and would on balance provide an acceptable level of amenity for future occupiers subject to conditions for additional safety measures being installed in the homes to assist in protecting future occupiers, such as upgraded windows, doors, boundary treatments, external lighting and alarms to name a few.

To protect resident's amenity a planning condition would be included to remove householder permitted development allowances for extensions and roof alterations not included as part of this proposal because of the constraints of the site and limited garden size for plot no's 1 and 2.

The application site plan includes a separate bin storage and collection area however Walsall's Waste Management Team have stated that bins will need to be present on the footpath on the bin collection day.

To protect existing residents' amenity during any approved construction works the submission of a Construction Environment Management Statement could be conditioned 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

## **Local Highway Authority**

The Local Highway Authority consider that the re-located entrance drive to the south of the site will provide better visibility at the shared access point onto Haley Street and would allow the boundary treatment between the shared access driveway to be of a more open nature, in the form of open railings. This is considered will improve natural surveillance of the public right of way with it being more open allowing shared light from the street light to filter access onto the development access road.

The access road has been widened from 3 metres to 4.2 metres which would be wide enough for two standard oncoming motor cars to pass, minimising the potential for vehicles to reverse out onto or stop on Haley Street when accessing the access driveway.

The Local Highway Authority has confirmed that they have no objections to the amended proposal on highway grounds subject to the inclusion of planning conditions.

## **Public Rights of Way**

An adopted footpath, known as Footpath NDA40 runs between Haley Street and Shepherd Drive, directly adjoining the red planning boundary outline. Following changes to the proposed site layout and boundary treatments alongside the public footpath, there are no Public Rights of Way objections to the proposal.

The Public Rights of Way officer's earlier concerns about an area of unused land have been resolved. There was a grassed/ planting area between the footpath and amenity space for plot 3 which could have become a litter trap however the proposed layout and boundaries have been amended and this concern is no longer an issue.

These revisions are welcomed as they will help to enhance natural surveillance and overlooking of the public footpath, helping to enhance safety and security of the proposed dwellings and public footpath.

## **Ecology**

A Preliminary Ecological Appraisal Report dated January 2024 has been provided in support of the planning application. This report concludes that no further surveys are required, and the following mitigation measures are recommended:

- Consideration for common amphibians and hedgehogs during habitat clearance.
- RAMs for reptiles.
- Bird boxes targeting local species should be incorporated into the scheme to mitigate for the loss of suitable breeding bird habitat.
- Lighting consideration for bats.
- Soft felling for the individual trees on site.
- Eradication of any non-native invasive flora (if necessary).

The report states that at the time of the assessment the site was found to comprise bare ground bordered by bramble scrub and a block of woodland to the west. The report advises that the site had recently been cleared for site investigation works and was previously colonised by dense bramble scrub, anticipated to have provided value for a range of fauna. This has been considered throughout the report.

The site was found to have value or potential value for bats, birds, reptiles, common amphibians, and hedgehog.

Specific enhancement recommendations for the site include the following:

- Planting of linear features such as hedgerows and trees between garden plots where possible, to add commuting features within the site.
- The inclusion of 'hedgehog highways' to facilitate movement across the site. This includes holes of 13 x 13cm at the bases of fence panels, leaving a sufficient gap beneath gates and/or leaving brick spaces at the bases of brick walls

Walsall Council does not require 10% BNG for any application submitted prior to the commencement of the national mandated biodiversity net gain. However, in accordance with the National Planning Policy Framework, the Local Planning Authority does look for development to result in a net gain in biodiversity. The comparison between these requirements, is that to be in accordance with the NPPF a development only needs to show that it has achieved 1% net gain, and this does not cover the requirement of the use of the DEFRA metric.

As a result, the level of requirement needed by the application is reduced from what has been submitted in the current submitted reports. To meet the net gain requirement, the Council's Ecologist would seek for the landscaping to be designed to provide native habitats and incorporate native species. Areas along the drive and outside the garden spaces can be made into wildflower grassland and hedgerows can be installed along the curtilage and site borders. The submission of a landscaping plan to address this can be included.

In respect to the request to provide Walsall a monetary contribution in lieu of achieving biodiversity net gain. There is currently not a process in place to undertake this. While the applicant may choose to use offsite net gain, it would be the responsibility of the applicant to find a suitable location to undertake this. The legislation does not require this provision at the present time and if it were a S106 agreement would be required.

### **Flood Risk / Drainage**

The application site is located within Flood Zone 1 which is considered has a low probability of flooding from rivers and as the development site is less than 1ha in Flood Zone 1 a Flood Risk Assessment is not required.

Severn Trent Water have no objections to the proposal subject to the inclusion of a drainage condition and informative note for the applicant.

### **Trees / Protected Trees**

An Arboricultural Impact Assessment has been provided in support of the proposal. The report recommends protection for the retained trees by Tree Protection Fencing to form a Construction Exclusion Zone and the locations for this protective fencing have been identified on a plan.

Trees identified as T3, T4 and G2 (group) in the report would be removed and a mitigation re-planting scheme has been provided and is considered in the report to provide sufficient new tree planting to include native species which would provide long term tree cover.

The submitted report states that the location of proposed buildings in relation to the existing trees has been assessed, and while there will be partial shade cast by trees, this is considered to be on balance at a tolerable level without resulting in overshadowing to any buildings or habitable areas. Due to the location of retained trees, future growth of trees is not considered in the report to be an issue to the Proposed Development and minor pruning of lateral branches will address any issues where the canopy of trees encroaches towards the proposed buildings.

The application site has no trees subject to Tree Preservation Orders and no adverse comments have been received from the Council's Tree Officer. Tree protection and a re-planting scheme can be conditioned if the application is approved.

### **Ground Conditions and Environment**

Environmental Protection team have advised that the LCRM: Stage 1 Risk Assessment Hayley Street, Walsall Project Ref: GUK-0523-01 Groundsmith's Geotechnical Engineers has stated that a Phase II Intrusive Site Investigation for ground contamination and ground gas should be conducted to advise on any remedial measures.

In view of the submitted geotechnical report conclusions, Environmental Protection have suggested planning conditions to address this along with informative notes for the applicant for use if the planning application is granted approval. The planning agent has advised that further information will follow as the initial report was a baseline assessment of the site and has now been superseded by more recent intrusive site investigations and once the last remaining round of gas monitoring is completed this will be forwarded to the Local Planning Authority for review by the Environmental Protection Team.

Building Control Regulations were updated in June 2022, introducing new requirements for electric vehicle charging points within England. Building Regulations 2010, Approved Document S, 'Infrastructure for the Charging of Electric Vehicles' requires for the installation of charging points. Environmental Protection recommend the inclusion of an informative note for the applicant if the proposal is approved.

Environmental Protection consider that the proposed construction activities have the potential to cause local disturbance and environmental impacts, such as noise, dust, and debris. To address these concerns the submission of a Construction Environmental Management Statement can be conditioned to ensure that no works commence on the site until a suitable 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.

The planning application does not contain details or state whether a solid fuel heating appliance (e.g. stove, open grate, multi-fuel burner) will be installed within the proposed development, and Environmental Protection have suggested a planning condition in respect of these installations. However, the installation of solid fuel stoves is covered by the Building Regulations 2010 (as per Approved Document J) and the inclusion of a planning condition would fail to meet the 6 tests where alternative legislation addresses this matter.

## **Planning Obligations**

The Council's Public Lighting Officer has advised that the new bellmouth entrance to the site would leave the existing lighting column too close to the kerb edge and in danger of vehicle impact. They have confirmed that this is why lighting columns are routinely sited at the rear of paths.

The Public Lighting Officer has confirmed that the existing lighting column will need to be replaced/relocated (dependent on structural condition) and that this will be chargeable to the developers and on this basis, they have no objections. A S106 agreement would be required to address this requirement as this would directly relate to the development which has been agreed in principle.

## **Cannock Chase Special Area of Conservation (SAC) and HRA**

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

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

Walsall Council joined the Cannock Chase SAC Partnership on 17th October 2022 and has implemented Black Country Core Strategy Policy EQ2 which enables the collection of payments to mitigate against impacts arising from new relevant development falling within the 15km Zone of Influence of the Cannock Chase SAC. The mitigation payment of £329.83 per each net new dwelling is non-negotiable (amount payable per dwelling shall increase from 01/04/24). Permission must be refused where appropriate mitigation is not provided pursuant to the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations").

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



The applicant's/agent's submitted HRA information stated that the applicant agrees to making a financial contribution in mitigation of the partnership's requirements.

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

The proposed application is situated approximately 13km from Cannock Chase SAC and proposes a net increase of 4 no. dwellings. This development would result in an increase in recreational disturbance resulting in significant harm of the SAC and should progress directly to Stage 2 the undertaking of an Appropriate Assessment.

While Walsall Council, as the Competent Authority, will carry out HRA Stage 2: Appropriate Assessment, which will include the consultation of key stakeholders including Natural England, it will be the responsibility of the applicant to provide and secure suitable mitigation on which to base the Appropriate Assessment. Suitable mitigation should be in the form of the necessary mitigation payment of £329.83 per each net new dwelling (amount shall be increased from 01/04/24 by indexing linking) which can be secured within a Section 106 Agreement as other obligations are required.

The applicant will be required to provide the SAC mitigation payment, in this instance via S106 (as there is also the replacement/movement of the streetlight via the S106) which will need to be completed prior to planning approval being granted and has been agreed in principle.

### **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 4 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**

This is a previously developed site is situated in a residential area in a sustainable location. The principle of residential development of the site is therefore considered appropriate and complies with Policies HOU2 and CSP4 of the BCCS, Policy HC2 of the SAD and ENV14 of the UDP.

The layout is considered acceptable and in compliance with policies GP2, ENV32 and T13 of the UDP and Appendix D of Designing Walsall.

The design of the new properties is considered appropriate and includes key characteristics of the surrounding properties and would comfortably within the street scene, in compliance with policy ENV32 of the UDP.

Access and parking arrangements would comply with policies GP2 and T13 of the UDP.

It is considered that the development would have a limited impact on the amenities of surrounding occupiers in compliance with policies GP2 and ENV32 of the UDP and Appendix D of Designing Walsall.

The requirements of the Cannock Chase SAC financial mitigation have been met and this can be incorporated into a combined S106 agreement along with replacement lamppost requirements.

This proposal is therefore considered to be acceptable and in accordance with local and national planning policies and guidance set out in this report. Taking into account the above factors it is considered that the application should be recommended for approval. The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment

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

Officers have spoken with the applicant's agent and in response to concerns raised 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 a s106 to secure the relocation/replacement of a lamppost and Cannock Chase Special Area of Conservation financial mitigation and subject to:
  - No new material considerations being received within the consultation period;
  - The amendment and finalising of conditions;
  - No further comments from a statutory consultee raising material planning considerations not previously addressed;
  - Finalising ground contamination ecology and ecological and landscaping enhancements

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: -

- Location Plan, drawing no. HS-BTP-00-LP-DR-A-4109\_100.A, deposited 20/02/24.
- Site Plan as Existing, drawing no. HS-BTP-00-XSP-DR-A-4109\_101.A, deposited 20/02/24.
- Proposed Site Plan – Option 1, drawing no. HS-BTP-00-SP-DR-A-4109\_105.S deposited 16/04/24.
- Proposed Floor Plans – 3B5P Semi-Detached, drawing no. HS-BTP-00-ZZ-DR-A-4109\_115, deposited 20/02/24.
- Proposed Floor Plans – 2B4P Semi-Detached, drawing no. HS-BTP-00-ZZ-DR-A-4109\_111.E, deposited 20/02/24.
- Proposed Elevations – 3B5P Semi Detached, drawing no. HS-BTP-00-E-DR-A-4109\_116, deposited 20/02/24.
- Proposed Elevations – 3B5P Semi Detached, drawing no. HS-BTP-00-E-DR-A-4109\_110F, deposited 20/02/24.
- Proposed Elevations – 2B4P Semi Detached, drawing no. HS-BTP-00-E-DR-A-4109\_109F, deposited 20/02/24.
- Proposed Elevations – 2B4P Semi Detached, drawing no. HS-BTP-00-E-DR-A-4109\_112.F, deposited 20/02/24.
- Proposed Boundary Plan, drawing no. HS-BTP-00-DR-A-4109\_108.F, deposited 16/04/24.
- Demolition Plan, drawing no. HS-BTP-00-DR-A-4109\_102.A, deposited 20/02/24.
- Constraints Plan, drawing no. HS-BTP-00-XSP-DR-4109\_104.B, deposited 20/02/24.
- LCRM: Stage 1 Risk Assessment V1, project ref: GUK-0523-01, dated 15/5/23, deposited 18/05/23.
- LCRM: Stage 1 Risk Assessment Plates, project ref: GUK-0523-01, deposited 18/05/23.
- LCRM: Stage 1 Risk Assessment Appendix A, project ref: GUK-0523-01, deposited 18/05/23.
- LCRM: Stage 1 Risk Assessment Appendix C, project ref: GUK-0523-01, deposited 18/05/23.
- LCRM: Stage 1 Risk Assessment Appendix B, project ref: GUK-0523-01, deposited 18/05/23.
- LCRM: Stage 1 Risk Assessment Appendix B, project ref: GUK-0523-01, deposited 18/05/23.
- Indicative Below Ground Drainage Layout, drawing no. 5018961-RDG-XX-ST-PL-C-0501-P1, deposited 21/12/22
- Waste Management Plan, drawing no. HS-BTP-00-D-DR-A-4109\_121, deposited 20/02/24.
- Swept Path Analysis; Fire Appliance, drawing no. 1901/SP/01, deposited 20/02/24.
- Proposed Street Elevations, drawing no. HS-BTP-00-E-DR-A-4109\_120, deposited 20/02/24.

- Preliminary Ecological Appraisal Report deposited 28/02/24.
- Habitat Regulation Assessment deposited 14/03/24.
- Arboricultural Impact Assessment, Rev A dated February 2024, deposited 28/02/24.
- Report Site Investigation, reference no. AJM/31763, dated 07/02/24, deposited 28/02/24.
- Report Site Investigation, reference no. AJM/2024012, deposited 28/02/24.
- Report Site Investigation Radon deposited 28/02/24.
- Report Site Investigation Hydrology deposited 28/02/24.
- Haley Street Statutory BNG Metric, deposited 28/2/24.

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. Notwithstanding the details submitted and prior to the commencement of the development hereby permitted shall not be carried out otherwise than in accordance with the installation of a vehicle footway crossing that aligns with the new development access, together with the reinstatement of any existing dropped kerbs, made redundant as a result of the development, back to full kerb height and shall thereafter be retained for the lifetime of the development. (See *Local Highway Authority Informative note – no's 2 and 3*).

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

4a. Prior to the commencement of development hereby permitted a scheme of intrusive investigations shall have been carried out on site to establish the risks posed to the development by past land contamination and to include a ground contamination survey and assessment of ground gas along with a remediation statement written by a competent person setting out remediation measures and a timetable for the remediation works to deal with the potential hazards arising from any land contamination and ground gas identified shall be submitted in writing to and agreed in writing by the local planning authority.

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

4c. Prior to occupation of the development hereby permitted a signed validation statement prepared by a competent person who oversaw the intrusive site investigations, writing of the remediation measures and the remediation works on site, confirming the site is safe and stable for the permitted development shall be submitted in writing to approved in writing by the Local Planning Authority.

*(See notes CL1, CL2 and CL3)*

Reason: To ensure safe development of the site and to protect human health and the environment, to meet the requirements of paragraphs 189 and 190 of the National Planning Policy Framework plus site investigation information reference of annex 2 of the NPPF and saved UDP polices ENV10 and GP2.

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

- i. Construction working hours (*please refer to the Informative note*)
- 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. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- iv. Measures to prevent flying debris
- v. Dust mitigation measures
- vi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- vii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

5b. 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 and highway impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan and SAD policy T4 plus NPPF paragraphs 180 and 191.

6a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority.

6b. The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

6c. The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

Reason: To ensure the development is provided with a satisfactory means of drainage and reduce the risk of creating a flooding problem and to minimise the risk of pollution and to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF14, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

7. Prior to commencement of the development hereby permitted including any site preparation, site clearance or bringing onto site of machinery or materials shall not be carried out otherwise than in accordance with the approved tree protection measures recommended Arboricultural Impact Assessment, Revision A dated 08/02/24 on page no's 8 to 9 inclusive and the approved tree protection measures shall thereafter be retained for the construction period.

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

8a. Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

8b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

8c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17, ENV18 and ENV33 of Walsall's Unitary Development Plan.

9a. 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.

9b. 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.

10. Prior to occupation of the development hereby permitted shall not be implemented otherwise than in accordance with the access road, parking spaces and turning areas being consolidated, hard surfaced and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain. The access way and the off-road vehicular parking spaces shall thereafter be retained for the lifetime of the development and used for no other purpose.



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

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

-All external doors to individual dwellings to be PAS24; 2022

-All ground floor windows and over accessible roofs to be PAS24; 2022

-All ground floor windows and over accessible roofs including French doors and patio doors to have not less than one pane of 6.4mm laminated glass.

-Dusk until dawn lights (white light source) to be installed adjacent to each external door

-1.8m high closed board fencing with 0.3m trellis topper to be erected around the perimeter of each dwelling.

-All garden access gates shall be of the same construction of the perimeter fencing, self-closing, facing the street, lockable with a key front and rear, designed to not create any climbing aids

-No Lead or metal shall be used on the ground floor.

-All the dwellings shall be suitably with an intruder alarm by a registered SSAIB or NSI engineer to British Standard (BS EN 50131 Grade 2)

-All energy meters shall be placed at the front of the dwellings

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

12. 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 side facing windows, doors, or other openings other than those shown on the approved plans, shall be installed in any part of this development.

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

13. 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 AA enlargement of a dwellinghouse by construction of additional storeys

-Class A (enlargement, improvement, or other alterations),

-Class B (additions to the roof),

-Class C (other alterations to the roof),

shall be installed in any part of this hereby approved development.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking, or succeeding that Order with or without modification at no time shall off street parking be permitted on the frontages of plot no's one and two.

Reason: To ensure the satisfactory operation of the development, to minimise vehicle movements on and off the site and conflicts with the main access way, in the interests of highway safety and in accordance with saved UDP policy GP2 and SAD policy T4.

## **Notes for Applicant**

### **Public Rights of Way Officer Informative**

1. Public rights of way may sometimes be in existence, and which are not shown on the definitive map and statement. In accordance with section 31 of the Highways Act 1980, where a route has been enjoyed by the public without interruption for a period of 20 years, a claim may be made under section 53 of the Wildlife and Countryside Act 1981. No evidence or claims have been received to date for this location. If any details are received by the applicant, they must contact [publicrightsofway@walsall.gov.uk](mailto:publicrightsofway@walsall.gov.uk) at the earliest opportunity to confirm any requirements for a legal order and/or amendments to the planning layout. This may affect delivery of the development.
2. To ensure pedestrian safety and create a safe work area, a permit to work and temporary prohibition of traffic order may be required. Prior to commencement of any work within, or adjoining footpath NDA40, the applicant must agree details of their proposed work with highways and apply for all necessary permits. Upon completion, the applicant must reinstate the path to its present condition. For details go to [Apply to temporarily close a public right of way \(PROW\) | Walsall Council](#), or contact [PublicRightsofWay@walsall.gov.uk](mailto:PublicRightsofWay@walsall.gov.uk) at least 28 days before commencement of any work within, or directly adjacent to, the footpath. No excavations, scaffolding, hoarding, signage, storage of materials, or other activities associated with the proposed development are to be present within, over or underneath this footpath without prior agreement of the Highways Authority.

## **Severn Trent Water Informative**

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

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

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

SITE SPECIFIC COMMENTS: Having viewed the submitted “Indicative Below Ground Drainage Plan” (drawing: 0501 Rev: P1) we would request the above drainage condition is applied. Foul sewage is proposed to be discharged to the public foul sewer at a new manhole. Surface water is shown to be discharged from the site at 2litres/second, with no confirmed outfall point. For your information, before we would consider a connection to the public surface water sewer for surface water discharge, we would request that soakaways and other SuD techniques are investigated. If these are proven to not be feasible on site (with satisfactory evidence) we would consider a connection to the public surface water sewer with flows restricted – please advise on the proposed discharge rate, how this was achieved and how the site will restrict the discharge. Note: the nearest public surface water sewer according to our statutory sewer records is on Mill Lane, manhole 2201.

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

Please note if you wish to respond 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. If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of the Planning Liaison Technician.

## **Police Informative**

The applicant may consider the following.

Suitable lighting will provide additional security.

External LED lights with daylight sensors to walls, particularly by entrances and lighting to parking areas.

Alarm and CCTV installers should be approved by NSI, SSAIB or both please see

<https://www.nsi.org.uk/> and <https://ssaib.org/>

The Police recommend security using the principles of Secured By Design.

The applicant may wish to consider crime prevention and home security advice contained within SBD New Homes.

Please see :

[https://www.securedbydesign.com/images/downloads/HOMES\\_BROCHURE\\_2019\\_NEW\\_version\\_2.pdf](https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf)

Dwelling entrance door-sets (SBD Homes 2019 page 29, 21.1-8).

PAS 24: 2022 standard doors for houses and apartments.

Please see: <https://www.securedbydesign.com/guidance/standards-explained>

Combined fire resistance with security.(See SBD Brochure page 5, 5).

[https://www.securedbydesign.com/images/downloads/DOORSET\\_BROCHURE\\_200319.pdf](https://www.securedbydesign.com/images/downloads/DOORSET_BROCHURE_200319.pdf)

Cycle stores, approved products. (SBD Homes 2019 page 68, 56).

## **Environmental Protection Informative**

### **Contaminated Land Note**

#### **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.

## **CL4**

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

### **Electric Vehicle Charging Points Note**

Building Regulations 2010, Approved Document S, 'Infrastructure for the Charging of

Electric Vehicles', requires for the installation of charging points for new residential buildings.

The Applicant is strongly advised to contact their Building Control provider and their architect to discuss requirements and implement these.

## **Construction Environmental Management Statement Note**

Where stabilisation/piling works are included in the agreed Construction Management Plan, the level of structure-borne vibration transmitted to occupied buildings within the site and within a 5 metre radius of the site from the stabilisation/piling works shall not exceed the specified criteria for 'low probability of adverse comment', as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting' as may be amended or replaced from time to time.

Demolition, construction and engineering works (including land reclamation, stabilisation, preparation, remediation or investigation) shall not take place outside the hours of 08:00 to 18.00 weekdays and 08.00 to 14.00 Saturdays and no such works shall take place on Sundays, Bank Holidays or Public Holidays\*. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. (\* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

### **Local Highway Authority Informative**

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

2. The applicant will be expected to obtain a Road Opening Permit from

Highway Authority for the dropped kerb 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).

3. The applicant will be required to contact the Council's Street Lighting Partner AMEY LG Ltd, at Walsall Council Depot, 200 Pelsall Road, Pelsall, Walsall, WS8 7EN for the possible positioning of the street lighting column which may be affected by the new access works.

Mobile: +44(0)7709512501

Email: Nathan.davies1@amey.co.uk

4. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.

5. The occupiers of the development will be required to present their refuse/recycling bins for collection to Haley Street for bin collection days and shall return the refuse/recycling bins to their respective houses following their collection.

### **Fire Officer Informative**

**Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 and 2022 amendments – for use in England**

Requirement B5: Access and facilities for the fire service



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

## **Requirement**

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

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

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

## **Intention**

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

- a. External access enabling fire appliances to be used near the building.
- b. Access into and within the building for firefighting personnel to both:
  - i. search for and rescue people
  - ii. fight fire.
- c. Provision for internal fire facilities for firefighters to complete their tasks.
- d. Ventilation of heat and smoke from a fire in a basement.
- e. A facility to store building information for firefighters to complete their tasks.

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

## **Section 13: Vehicle access**

### **Provision and design of access routes and hard-standings**

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

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

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.

## **Overall**

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

### **Dead Ends including cul-de sacs**

Dead ends including cul-de sacs should be avoided but where not possible the following should be applied.

The main problem with dead ends and cul-de sacs is access in an emergency and the issue of obstructions such as parking. In these circumstances fire service personnel are committed to approach on foot carrying equipment to deal with the situation. 225 to 250 metres carrying equipment is considered a maximum for efficient fire-fighting operations.

Dead ends/cul-de sacs roadways should be a minimum of 5.5 metres in width.

## **Vehicle Access**

### **3.8.2 Emergency Vehicle Access**

- a) A suitable means of preventing the use by other vehicles must be provided at the time of construction.
- b) The height of 4.1 metres minimum, width 3.7 metres minimum and the construction of the access road are sufficient to allow the free passage of fire appliances.
- c) Neither end is obstructed by parked cars.
- d) The emergency vehicle access may incorporate a pedestrian route but must not be used by statutory undertakers to accommodate underground services or public sewers.

### **3.8.4 General**

- a) There is no maximum length to a dead end/cul-de sac access route, however, it should accommodate no more than 150 dwellings.
- b) A turning circle or hammer head should be provided in any dead end greater than 20 metres in length. It should be provided either at the end or within 25 metres of the end please see Approved Document B – Volume 2.
- c) When inspecting plans with regard to access it may be necessary to accept a temporary situation or phased approach until the matter can best be resolved.

## **Water Supplies**

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

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

For further information please contact the WMFS Water Office at the address given above or by email on [Water.Officer@wmfs.net](mailto:Water.Officer@wmfs.net) .

## **Sprinklers**

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

a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:

b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

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

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

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

**END OF OFFICERS REPORT**