

Planning Committee

Report of Head of Planning and Building Control on 05 August 2021

Plans List Item Number: 5

Reason for bringing to committee

Major Application

Application Details

Location: FORMER METAFIN SITE, GREEN LANE, WALSALL

Proposal: ERECTION OF 72, 1 AND 2 BED FLATS IN 4 X 3 STOREY BLOCKS, CAR AND CYCLE PARKING, LANDSCAPING, ACCESS AND ASSOCIATED WORKS.

Application Number: 19/0245

Case Officer: Leon Carroll

Applicant: Mr Corbett

Ward: Birchills Leamore

Agent: Ian Foden

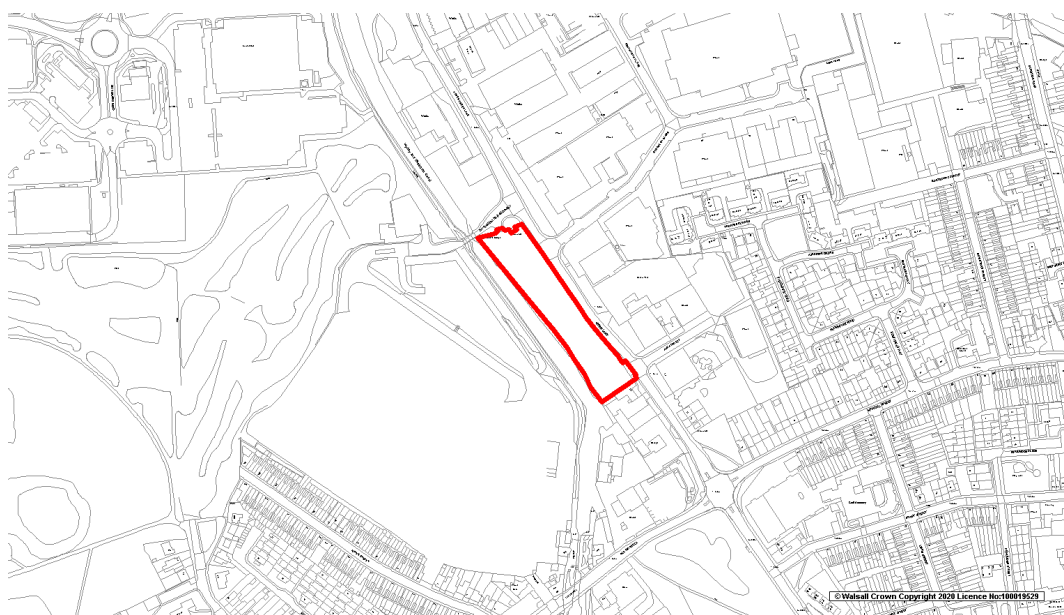
Expired Date: 30-May-2019

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

Time Extension Expiry: 06-Dec-2019

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a S111 Agreement to require a S106 Agreement to secure contributions towards the provision of Affordable Housing and Urban Open Space and to either maintain the requirement for a viability review, waive the need for a viability review or amend the trigger for the viability review.



Current Status

At the Planning Committee meeting of 28th November 2019 Members resolved the following:

That planning application no. 19/0245 be delegated to the Head of Planning, Engineering and Transportation to grant permission, subject to conditions and a Section 106 agreement to secure contributions towards the provision of affordable housing and urban open spaces, and that the viability matter be revisited as soon as the first block has been completed and sold.

The S106 Agreement that committee previously resolved to support was to secure initial contributions of £14,412.85 towards provision of off-site affordable housing and £2,454.15 towards provision of urban open space. If found to be viable partway through development this would trigger payment of clawback contributions for the same.

The following section of this update report will set out any changes since the original report (which follows), including matters to be addressed which were contained within the previous supplementary paper.

Supplementary Paper

Healthy Spaces Team advised that following consultation with the Friends Group, it is recommended that the £2,454.15 open space contribution be spent on access improvements at Reedswood Park, which sits in close proximity to the site.

This provision should be included in the S106 Agreement.

Any Other Updates

It has become apparent that the application site includes a parcel of land at the front of the site which is Council owned. As a result a S111 Agreement is required to secure the S106 Agreement for Affordable Housing and Open Space contributions as the Council cannot enter into a S106 Agreement with themselves.

In addition since the Committee resolved to grant permission Walsall Housing Group (WHG) has confirmed that they are in very advanced discussions to acquire the site and take the development forward. Formal exchange of contracts to acquire the site has been held up due to the need to conclude land matters relating to the parcel of land in Council ownership and need for a S111 Agreement to require the S106 Agreement. If agreed, the land would be transferred to Square Space the applicant and then sold contemporaneously to WHG to enable them to implement the permission. WHG will be the delivery partner for the scheme and will, following acquisition of both parcels of land, build out and manage the homes in the long term.

WHG has advised that the land will be delivered for 100% affordable tenures with no open market sale; as a consequence WHG request that members consider removing the requirement for a viability review. The reasons for this are explained by WHG below:

- The timing of the viability exercise it has been currently drafted creates a practical complication since the development is for apartments; therefore agreeing a point in time of 70% occupation of an apartment scheme would in reality delay all occupation of much needed new homes since an apartment scheme cannot be occupied until the development is 100% completed.
- Furthermore since the values for affordable will be well below market value, the likelihood of the scheme remaining financially unviable is a virtual certainty, the viability exercise therefore creates delays as a result of negotiations between Walsall LPA and WHG which we feel are unnecessary.

WHG request that if removing the requirement altogether is not possible then could the viability assessment review be moved to earlier in the programme to “commencement of the development” as opposed to a % of occupation or % completion - for the reason outlined in the first bullet point above. This would at least mean that any delays are at the start of development, not near completion.

The reason that a viability assessment is carried out broadly half way through a development is to capture actual costs and income which are not available at the outset of a development. A viability review at the outset would be unlikely to show any difference than that already provided with the application because it would have to be based on projected costs and income rather than actual. The earlier committee resolution was reached in consideration of the affordable housing and urban open space clawback contributions only becoming payable if the scheme was found to be viable. An early viability assessment or waiving of a viability assessment review would effectively mean that no clawback contributions are received and the contributions are limited only to the amounts of £14,412.85 towards provision of off-site affordable housing and £2,454.15 towards provision of urban open space.

As WHG has not yet purchased the property yet they will not be party to the S111 or S106 so the LPA cannot place an obligation on them but WHG have indicated that they intend the whole site to be on-site affordable units which is more than level of affordable housing provision the Council can usually secure.

Members are asked to consider the following options:

- a) Maintain the need for a viability review as per the original resolution;
- b) Waive the need for a viability review such that no clawback contributions will be payable and contributions are limited to £14,412.85 and £2,454.15 respectively;
or
- c) Amend the trigger for requirement of a review of the viability assessment to an earlier point in the development leaving the potential for a clawback contribution;

An amendment to the original resolution is therefore recommended to incorporate the need for a S111 Agreement to require the S106 Agreement and for Committee to confirm whether they agree to either of the options a) or b) above.

Conclusion

The recommendation to committee has been amended to reflect the need for a S111 Agreement to require a S106 Agreement to secure affordable housing and urban open space provision and also to allow for consideration as to either maintain the requirement for a viability review, waive the need for a viability review or amend the trigger for the viability review.

THE ORIGINAL REPORT FOLLOWS:

Proposal

This application proposes the redevelopment of the former Metafin industrial site for residential purposes.

The application has been amended since submission and now proposes to provide 72 apartments (6 x 1 bed and 66 x 2 bed) within 4 three storey blocks that would be set back from Green Lane with parking on the frontage. The four blocks would sit north to south facing Green Lane and backing onto the Wyrley and Essington Canal, with a feature square situated between the central blocks.

Each block would be constructed from red multi facing bricks with blue brick features to windows, with a grey tiled gable roof that would have large gable features to the front and rear elevations. All the flats would be single aspect and each would have a Juliet balcony off the lounge area.

Block A (19.4m x 13.7m, 3 storey 12.5m maximum height)

- 12 flats, 6 x 1 bed and 6 x 2 bed
- A single central staircase and single projecting entrance feature to the front elevation.
- Northern elevation to Rayboulds Bridge Road would have windows, the southern elevation would have no windows.

Block B (41.8m x 13.7m, 3 storey 12.5m maximum height)

- 24 x 2 bed flats, 8 on each floor
- Two stairwells and projecting front entrance features to the front elevation
- Southern elevation would have side facing windows overlooking the feature square
- Second Floor windows to the front and rear elevations would be set above the eaves level.

Block C (41.8m x 13.7m, 3 storey 12.5m maximum height)

- 24 x 2 bed flats, 8 on each floor
- Two stairwells and projecting front entrance features to the front elevation

- Northern elevation would have side facing windows overlooking the feature square
- Second Floor windows to the front and rear elevations would be set above the eaves level.

Block D (21m x 13.7m), 3 storey 12.5m maximum height

- 12 x 2 bed flats
- A single staircase and projecting entrance feature to the front elevation
- Southern elevation would have side facing windows

The applicants have advised that the proposed flats would be for 100% private market sale.

Access to the site would use the existing site access to the north off Rayboulds Bridge Road for entrance and exit and entrance only via an access at the southern end of the site off Green lane.

72 parking spaces would be provided on the frontage, including 8 disabled spaces and 7 with electric vehicle charging points. Two bike storage facilities are indicated between blocks A and B and C and D providing bike storage for 36 cycles. Bin storage facilities would be provided at the northern and southern end of the site.

Landscaping and trees would be provided to the frontage of Green Lane with additional trees within the site, within the feature square and grass provided to the rear adjacent to the canal.

The proposals would have a density of 107 dwellings per hectare.

The following have been submitted in support of the application:

- Planning Statement
- Heritage Statement
- Archaeological Report
- Design and Access Statement
- Financial Viability Appraisal
- Preliminary Ecological Appraisal Report
- Tree Survey and Constraints Assessment
- Air Quality Assessment
- Flood Risk Assessment with Drainage and SUDS Strategy
- Noise Impact Assessment
- Residential Travel Plan Statement by Mode Transport Planning Feb 2019
- Transport Statement
- Stage 1 Ground Investigation Report

Site and Surroundings

The site (0.67ha) is situated on the western side of Green Lane (A34 Strategic Highway Network and Red Route), to the south of Rayboulds Bridge Road. The site runs north/south and sits between Green Lane and the Wyrley and Essington Canal. It was formerly occupied by a number of industrial buildings operated by Metafin, the buildings were demolished and the site cleared of trees earlier in the year.

The canal towpath is on the opposite side of the canal from the site. Rayboulds Bridge is a Grade II listed bridge and is set immediately to the north/west of the site. The boundary of the Walsall Locks conservation area is immediately to the south west of the site and Grade II listed Top Lock and two canal side properties (Boatman's Rest and Old Birchills Toll House) are situated further to the south west.

To the north of the site beyond Rayboulds Bridge Road is a vacant site covered in trees and landscaping with industrial premises beyond. To the west of the site on the opposite side of the canal is the former Caparo site which has a recent outline planning consent for up to 252 dwellings. To the south of the site, up to the corner of Old Birchills are a number of commercial premises; catering services, car sales, car wash, fencing sales, paint centre, air products and boat builder's yard, that infill the corner between Green Lane and the canal. To the east on the opposite side of Green Lane are industrial premises, a vacant site and a kidney treatment centre. Stockton Close opposite comprises a number of industrial premises. The closest residential premises to the site are No 1 Alma Street (off Green Lane) and 36 and 38 Green Lane to the south east of the site.

Relevant Planning History

None for the site itself.

Caparo Site to the west of the canal

11/1411/OL, outline for residential development of up to 252 dwellings, (access and scale to be considered) GSC and S106 Agreement 21-10-19.

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 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 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic 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.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.6 to 3.8 Environmental Improvement
- 3.9 Derelict Land Reclamation
- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People

- ENV10: Pollution
- ENV26: Industrial Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H4: Affordable Housing parts g, h, i and j
- T1 - Helping People to Get Around
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN2: Managing Transport Impacts of New Development
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV6: Open Space, Sport and Recreation
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- HC1: Land allocated for New Housing Development
- HC3: Affordable Housing and Housing for People with Special Needs
- T4: The Highway Network
- T5: Highway Improvements
- IND3: Retained Local Quality Industry
 - IN31 – West of Green Lane, Birchills

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW9 High Quality Public Realm
- 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

Affordable Housing

- AH1: Quality of Affordable Housing
- AH2: Tenure Type and Size
- AH3: Abnormal Development Costs
- AH4: Provision Location
- AH5: Off Site Provision

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

Transportation – No objections subject to conditions relating to the surfacing and drainage of all parking and manoeuvring areas, cycle storage, construction method statement and modifications to the existing dropped kerbs.

Pollution Control – No objections subject to conditions relating to intrusive contaminated land investigations, construction management plan, acoustic mitigation measures and compliance with the Air Quality SPD

Coal Authority – No objections subject to conditions to secure a Stage 2 ground investigation, as recommended by the Stage 1 report.

Strategic Planning Policy –Support proposals. .

Canal and River Trust – Supportive of the development. Consider that the proposals would have a positive impact on the canal corridor, offering a strong frontage of open living space and a core amenity area that looks directly onto the canal. The scale of the development is considered appropriate, the revised layout provides breaks between the buildings. Concerns about the stability of the canal wall, a condition survey is required to identify any repair works necessary. A new piled bank is likely to be necessary to prevent further erosion of the canal bank. Previous neglect of the site resulted in materials and debris falling into the canal, which need to be removed. Brickwork should match existing local examples. Conditions required to ensure additional landscaping to the canal frontage, a construction methodology statement and lighting.

Archaeology – No objections. Following initial concerns further archaeological evaluation has been undertaken throughout the course of the application and confirms no archaeological remains that pre date the mid 19th century, no further work is therefore required at the site.

Fire Officer – Water supply and vehicle access needs to comply with guidance and Part B Building Regulations. Flats not fitted with a fire mains should have vehicle access for a fire appliance not more than 45m from all points within each dwelling.

Severn Trent Water – No objections to the drainage proposals, note to applicant recommended

West Midlands Police – No objections, comments on security relayed to the applicant. Secured by Design recommended

Housing Standards – No comments

Highways England – No objections

Natural England – No objections

Historic England – No comments

Network Rail – No objections

Representations

One letter of objection received relating to the original submission and one relating to the amended scheme.

Original objections:

- Please to hear about the redevelopment of the site but concerns about the size, scale and setting of the development.
- Block B would be further south than the previous buildings
- Detrimental impact on privacy and views from Old Toll House and Boatman's Rest, both Grade II Listed
- Significant alteration to the landscape
- Increase in height over previous buildings and moved further south
- Loss of light to Old Toll House and Boatman's Rest, previously enjoyed day light from sunrise to sunset which will be lost
- Development over bearing as a backdrop to the nearby heritage assets and Walsall Locks conservation area
- The area to the south east of the site should not be developed, closest to the heritage assets, should be open space
- Overdevelopment, block too large in scale for the setting
- Development should be sympathetic to the local heritage assets, the local environment and character of the neighbourhood
- Three storey apartments unprecedented in the area
- No heritage statement submitted
- Conflict to policy EN4 Canals
- No objection to the principle of development, but proposals overdevelopment and will negatively impact and views and light to nearby listed buildings, insensitive to heritage assets and local environment.

Amended Scheme objections:

- The development will be seen within a view of surrounding listed buildings which must be considered as well as the Walsall Locks conservation area.
- The development will be overbearing as a backdrop to these heritage sites, detrimental to the heritage of the area and the surrounding listed buildings
- The development of the site will be detrimental to the heritage of the area and have an adverse effect on the setting of the nearby listed buildings.
- The land to the south east should be open space
- The heritage statement does not define the 'zone of visual influence' which would demonstrate that the proposal is unproportioned within the zone.
- Disagree with the Heritage Statement that the Boatman's Rest and the Old Birchills Toll House do contribute to the setting. The proposals will not enhance the setting of these heritage assets.
- Block D will affect the views from The Boatman's Rest and Old Toll House and will impact on privacy
- The buildings will be further to the south east of the site than the previous buildings on site and the proportions of the buildings increased
- Impact on light to Old Toll House and Boatman's Rest from increased height and new positioning of new buildings over the previous single storey building
- Over development of the site and blocks too large in scale for their setting

- Three storey apartment blocks unprecedented in this area, other developments in keeping and only two storey
- Conflict with Policy EN4 Canals
- Not opposed to the principle of development but current proposals insensitive to the heritage assets and the local environment.

Determining Issues

- **Principle of the Development**
- **Design and Layout**
- **Impact on the amenities of the surrounding occupiers, the street scene and nearby heritage assets**
- **Wyrley and Essington Canal**
- **Access and Parking**
- **Land Stability**
- **Planning Obligations**
- **Local Finance Considerations**

Assessment of the Proposal

Principle of the Development

The site forms part of site IN31 identified within policy IND3 of the adopted SAD as Retained Local Quality Industrial Land. The nature and constraints of the site, including its narrowness, its relationship to the canal, the proximity to the A34 and to the Walsall locks conservation area and nearby listed buildings would make the site difficult to redevelop for modern industry. The remainder of the IN31 site to the south of the application site is now no longer in industrial use, rather it is occupied by commercial uses. The loss of the application site to residential has been compensated for by the investment by Metafin, (the former owners/occupiers of the site) in upgrading and moving to a site in Northcote Street, which is identified in the SAD under Policy IND4 as an area that could be considered for release to other uses, subject to an adequate supply of employment land being retained. The retention of this consider for release site can therefore be seen as compensation for the loss of the application site from industry to residential use.

Whilst the land to the south of the application site up to the Old Birchills road junction forms part of the IN31 site, this is not included in the application site, which is disappointing. However the applicants have provided an illustrative site plan that demonstrates how the site could be developed for residential use in the future where the current proposed application layout would not constrain its development. The Caparo site on the opposite side of the canal now has an outline approval (subject to conditions and a S106 Agreement) for residential redevelopment up to 252 dwellings. Redevelopment of the application site for residential development would provide a more comprehensive residential development in the area and improve the general environment for the future residents of both sites. The redevelopment of the remainder of IN31 site would be encouraged, and it is recognised that the proposed layout of the application proposals would not preclude this.

The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. This is a previously developed site. The NPPF also says that housing applications should be considered in the context of the presumption in favour of sustainable development.

This is a sustainable location, close to Walsall town centre, situated on a strategic highway route that provides good public transport, walking and cycling links and within walking distance of urban open space. The principle of residential development of the site is considered acceptable subject to impacts upon the character of the area, the residential amenity provided, highway safety and parking.

The density of the development at 107dph far exceeds the recommended 35dph within Policy HOU2 of the BCCS. It must be recognised however that the site is in a sustainable location on a strategic route into and out of the town centre, where higher density development is more likely to be acceptable. Also, it is inevitable that apartment schemes provide a higher density than traditional housing. On balance it is considered that the proposed density would be acceptable in such a sustainable location.

The principle of the provision of 72 dwellings on an identified brownfield site for residential use, that would sit comfortably with the approved residential development of the Caparo site to the west and would not hinder or constrain the redevelopment of the remainder of the site to the south for residential is considered acceptable and accords with the aims of local and national planning policies.

Design and Layout

The design and layout of the blocks of apartments has been amended since submission, from two very large blocks to the four now proposed, which has split up the blocks to reduce the overall impact. The roof profile on blocks B and C (the larger two) has been amended to provide differing levels, with some of the third floor windows now sitting above the eaves level. This design adds interest together with blue brick detailing added to windows and Juliet balconies added to each apartment which adds variety to the window detailing and both the front and rear elevations. Windows would be provided to the end elevations of each block, to provide interest to the visible gables and provide overlooking/surveillance of public spaces, which should help to improve security.

The location of bins stores and cycle storage has been amended to reduce their impact on the street scene as well as the canal to the rear.

Trees and landscaping would be provided to the frontage to soften the impact of the parking on the frontage and the three storey development. A grassed area would be provided to the rear of the blocks backing onto the canal, with further landscaping and trees situated within the feature square set in the centre of the site between blocks B and C. The open square (approx. 28m wide) would allow views through the site from the road to the canal (and beyond to the Caparo site) and vice versa.

Whilst the feature square in the centre of the site would provide some relief from the built form and some amenity space. It is recognised that the level of amenity space (476m²) would not fully comply with the 20m² per flat required by Appendix D of Designing Walsall. However, Sydenham playing fields sits just 170m to the south of the site, the canal sits to the rear and Reedswood Park sits to the north west of the site within walking distance, so the level of amenity on site is considered appropriate in this case. Rayboulds Bridge immediately to the north west of the site would provide direct access for residents to the canal towpath on the opposite side of the canal. The Juliet balconies allow improved visual amenity to each flat and there is also a benefit from being accessible to Walsall town centre and the amenity benefits this offers.

Whilst parking on the frontage of a site is not always the best form of urban design, in this case it is considered appropriate. Green Lane (A34) forms part of the strategic highway network and is a busy strategic route into and out of the town centre. It is therefore considered appropriate for the proposed flats to be set back from the highway with the car parking on the frontage with a landscaping buffer to the street, to reduce the impact of traffic noise to the future residents and ensure that the buildings address the canal appropriately to the rear.

The three storey buildings proposed are considered appropriate as they would reflect the height and style of buildings that historically would have lined the canal. Indeed the Juliet balconies now introduced could be seen as reflecting the design of upper floor openings in historic canal side buildings for loading and unloading onto barges for transport.

The revised design and layout of the scheme is considered appropriate.

Impact on the Amenities of the Surrounding Occupiers, the Street Scene, Nearby Heritage Assets and the Canal

As a site formerly used for industry the site sits within an industrial/commercial area, on a busy strategic highway route into and out of the town centre. It is considered that the proximity to the industrial uses on the opposite side of Green Lane would not adversely impact on the operations of the industrial uses and would not constrain the future operations of the industrial uses.

Mitigation measures to provide acoustic glazing have been recommended to ensure that the future occupiers are not adversely affected by traffic noise or noise from industrial/commercial activities.

It is considered that the canal to the rear and the future development of the Caparo site beyond the canal for residential use would provide an appropriate residential environment for the future occupiers of the apartments.

The site layout with the buildings set back from the road with landscaping and parking on the frontage would help to provide an appropriate residential environment for the future occupiers whilst providing an acceptable street scene to the main road.

It is considered that the proposals would have no adverse impact on the amenities of the surrounding occupiers or the street scene.

The site sits just outside the Walsall Locks conservation area and in close proximity to a grade II listed bridge, grade II listed top lock and two canal side buildings (Former Boatman's Rest and Old Birchills Toll House) both grade II listed. A heritage statement has been submitted in support of the proposals, which concludes that the development would not significantly impact on the Walsall Locks conservation area or affect the setting of the listed bridge or listed buildings.

The listed Lock, Toll House and Boatman's Rest all sit within the Walsall Locks conservation area to the south west of the site beyond the bend in the canal and have a strong relationship with each other which provides their setting. The Lock, Toll House and Boatman's Rest are set approx. 140m to the south of the southern end of the site and would not be seen in direct views. Rayboulds Bridge immediately to the north west of the site would be seen against a backdrop of the new buildings however the principle setting of the bridge is the canal itself, which would be unaffected by the proposals. The bridge would not be utilised for access to the development

The former industrial premises on the site were shed style buildings of no historical importance that did nothing to enhance the setting of the listed bridge or the conservation area to the south. The proposed development would provide buildings adjacent to the canal similar in style and positioning to traditional canal side properties from the past, which is considered would enhance the setting of the bridge over the previous buildings on the site.

It is considered that the proposals would have no adverse impact on the character or appearance of the Walsall Locks conservation area or the setting of the grade II listed bridge, Lock, Toll House and Boatman's Rest that are situated in the immediate area.

A condition is recommended to ensure that the materials used, in particular the facing bricks are matched to local examples.

The former use of the site for industrial purposes resulted in a poor visual appearance of the site from the canal, the rear of the site was neglected and resulted in some materials from the site ending up in the canal. The proposals would result in direct overlooking of the canal and towpath, providing surveillance and hopefully reducing potential for anti-social behaviour that occurs around Raybould Bridge.

Wyrley and Essington Canal.

The applicant is involved in continuing negotiations with officers from the Canal and River Trust about stability of the canal wall and canal bank works that will be required as a result of the development. Conditions are recommended by Canal and River Trust to ensure that appropriate details of the works required are agreed prior to implementation. The applicant has agreed to the conditions.

Access and Parking

The proposals would provide 72 off street parking spaces (including disabled spaces and electric vehicle charging spaces), equating to 100% parking, falling short of the 150% required by Policy T13 of the UDP. Given the site is situated in a relatively sustainable location, with good public transport and walking/cycling links, the level of parking is considered acceptable in this case. The site sits less than 0.5 miles from the Reedswood retail park and less than 0.4m from Walsall Town Centre, with good transport links to both.

Secure cycle storage would be provided between blocks A and B and C and D.

The main two way access to the site would be at the northern end, utilising the existing access off Rayboulds Bridge Road, which already benefits from a ghost right turn lane on Green Lane. A secondary access only would be retained at the southern end of the site off Green Lane, with all other footway crossings along Green Lane to be reinstated to full height kerbs. The access and egress arrangements for the development are considered acceptable and would not adversely impact on the existing highway network.

A Travel Plan Statement has been submitted and its content agreed, the document is secured by condition.

The amended scheme also includes improved segregated pedestrian links within the site and onto Green Lane.

Land Stability

The site falls within a defined Development High Risk Area, and site records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth. A Stage 1 Ground Investigation Report has been submitted in support of the application which concludes that shallow mine workings pose a potential risk to the proposed development and that a Stage 2 Site Investigation comprising rotary boreholes to 30mbgl is required and being undertaken. A condition is recommended to ensure that this investigation is completed and a report of the findings is submitted for consideration by the Coal Authority. The Coal Authority are satisfied that that the Stage 1 report submitted is sufficient at this stage to meet the requirements of the NPPF to demonstrate that the site is or can be made safe and stable for the proposed development.

Planning Obligations

The development of the site for the provision of 72 residential units would trigger the Council's policies for contributions towards Urban Open Space and Affordable Housing.

Urban Open Space

In accordance with policies GP3 and LC1 of the UDP, policy DEL1 of the BCCS and Supplementary Planning Document: Urban Open Space, identify that the proposals trigger the need for an urban open space contribution. In accordance with the policies an urban open space contribution of £96,738.00 is required towards open space improvements in the neighbourhood.

Affordable Housing

Policies HOU3 and DEL1 of the BCCS and Supplementary Planning Document: Affordable Housing, identify that the proposals trigger the need for affordable housing. In this case a Commuted Sum in lieu of onsite provision has been recommended by Housing Strategy. Policy AH5(c) of the SPD allows for a Commuted Sum to be paid, calculated to enable a similar amount of affordable housing to be provided with a housing partner. It is therefore considered acceptable that the developer pay a Commuted Sum in lieu of onsite provision.

The figure adopted to provide affordable housing provision elsewhere is based on advice from WHG and Accord Housing Association and is currently £31,562.50 per unit. In this case 25% of 72 units is calculated at £568,125.00.

Viability Assessment

The applicant has submitted a viability appraisal that has been independently assessed by an expert valuer Lambert Smith Hampton (LSH).

The LSH report agrees that the residual method of valuation approach used by the applicant is considered appropriate. The report advises that the benchmark adopted land value used by the applicant in their appraisal is considered excessive and a lower benchmark land value was adopted by LSH in their calculations. Other costs and assumptions made by the applicant are considered appropriate and have been adopted by LSH.

LSH viability assessment identifies a significantly improved viability position compared to that of the applicants appraisal and has produced a developer profit on cost of 20.09% (16.73% on GDV). Whilst this viability position is significantly improved given the site specifics, it falls short of the targeted developer's profit margin of 17% on GDV.

The report concludes that LHS are satisfied that due to the associated abnormal costs and low value location the proposed scheme does not show a sufficient level of developers profit to sustain any affordable housing or S106 contributions.

The applicant however included in their original appraisal a CIL payment of £16,867.00. Whilst Walsall MBC has not adopted CIL, the viability report included this contribution and the LSH report concludes that the application scheme can sustain this level of contribution without prejudicing the deliverability of the scheme.

It is therefore recommended that a Section 106 Agreement is required to secure this contribution and that the amount is proportionally split between the provision of Affordable Housing and Public Open Space. A proportional split would equate to 14.55% (£2,454.15) towards urban open space and 85.45% (£14,412.85) towards the provision of affordable housing.

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 72 new homes.

The Government has indicated that, for 2018-19, 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 2018-19 the total payments, taking account of completions over the last 4 years, are expected to amount to £3,637,301.

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

Whilst the site falls within site IN31 of SAD policy IND3 as retained local quality industrial land. The nature and constraints of the site would make the site difficult to redevelop for modern industrial use. The former industrial occupiers of the site have now invested in an alternative site that was considered for release for other uses, which can be seen as compensation for the loss of the industrial site for residential use. The layout of the site is such that it would not preclude further residential development of the land to the south for residential use and the Caparo site on the opposite side of the canal has a recent consent for residential development. This would add to the comprehensive residential development in the area and improve the general surrounding environment. The site sits in a sustainable location on a busy strategic route where higher density development is considered appropriate. The principle of the redevelopment of the site for residential purposes is therefore considered appropriate in these circumstances and in compliance with policies HOU2 and CSP4 of the BCCS, Policy HC2 of the SAD and H3 and ENV14 of the UDP.

The amended design and layout is considered appropriate for the site and its surroundings and in compliance with policies GP2, ENV32 and T13 of the UDP and Appendix D of Designing Walsall.

It is considered that the development would have no adverse impact on the amenities of the surrounding occupiers in compliance with policies GP2 and ENV32 of the UDP and Appendix D of Designing Walsall.

It is considered that the proposals would have no adverse impact on the character or appearance of the adjacent Walsall Locks conservation area or the setting of the grade II listed bridge, Lock Toll House and Boatmans Rest that are situated in the immediate area, in compliance with policies ENV27 and ENV29 of the UDP.

The Canal and River Trust have advised that a solution to ensure the integrity of the canal wall and canal bank is part of continued negotiations with the applicant and have recommended appropriate conditions to ensure these details are confirmed prior to the commencement of any development on site, in compliance with Policy ENV4 of the BCCS.

The access and parking arrangements for the development are considered appropriate. Although the parking levels would fall below the 150% required by Policy T13 of the UDP, the site is situated in a sustainable location on a strategic route with good access to public transport and within walking distance of Reedswood retail park and Walsall town centre.

The site falls within a defined Development High Risk Area. The Coal Authority are satisfied that the Stage 1 report submitted is sufficient at this stage to meet the requirements of the NPPF to demonstrate that the site is or can be made safe and stable for the proposed development and in compliance with Policy ENV14 of the UDP.

The viability assessment undertaken by Lambert Smith Hampton concludes that due to the associated abnormal costs and low value location the proposed scheme does not show a sufficient level of developer's profit to sustain any affordable housing or S106 contributions. A contribution of £16,867 was calculated into the figures as a CIL payment and LSH have confirmed that the application scheme can sustain this level of contribution without prejudicing the deliverability of the scheme. A Section 106 Agreement is therefore appropriate to proportionally split this contribution between the provision of affordable housing and urban open space.

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

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding the layout and design, 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, Engineering & Transportation to Grant Planning Permission Subject to Conditions and a S106 Agreement to secure contributions towards the provision of Affordable Housing and Urban Open Space.

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: -

- Location Plan Drawing D00 Rev A submitted 22-07-19
- Topographical Survey Drawing 2884/0001 submitted 20-02-19
- Site Plan Drawing D02 Rev B submitted 22-07-19
- Block A Plans & Elevations Drawing D100 Rev A submitted 22-07-19
- Block B Elevations Drawing D102 Rev A submitted 22-07-19
- Block B Plans Drawing D101 Rev A submitted 22-07-19
- Block C Elevations Drawing D104 Rev A submitted 22-07-19
- Block C Plans Drawing D103 Rev A submitted 22-07-19
- Block D Plans & Elevations Drawing D105 Rev B submitted 24-09-19
- Street Scenes Drawing D200 Rev A submitted 22-07-19
- Landscape and Boundaries Plan Drawing D14 Rev D submitted 19-11-19
- Site Sections Section A-A & B-B Drawing D106 Rev A submitted 22-07-19
- Site Sections Section C-C & D-D drawing D106 Rev A submitted 22-07-19
- Bin Enclosure Drawing D04 submitted 24-09-19
- Illustrative Site Plan – Showing possible future residential development on adjacent land Drawing D03 Rev A submitted 22-07-19
- Visibility Splays Drawing J32-3863-PS-001 submitted 22-07-19
- Swept Path Analysis Drawing J32-3863-PS-002 submitted 22-07-19
- Transport Statement – Mode Transport Planning submitted 20-02-19
- Residential Travel Plan Statement by Mode Transport Planning submitted 20-02-19
- Flood Risk assessment with Drainage and SUDS Strategy by GHW Consulting Engineers Ltd submitted 20-02-19
- Change of Use Statement submitted 20-02-19
- Stage 1 Ground Investigation Report by Johnson Poole & Bloomer Consultants submitted 20-02-19
- Design and Access statement submitted 20-02-19
- Noise Impact Assessment submitted 20-02-19
- Air Quality Assessment submitted 20-02-19
- Tree Survey & Constraints Assessment BS5837:2012 submitted 20-02-19
- Preliminary Ecological Appraisal Report submitted 20-02-19
- Archaeological Report dated June 2019 submitted 22-07-19

- Benchmark Archaeology, An Archaeology Field Evaluation 2019 Report Titled: Land at the Former Metafin Site, Green Lane, Walsall, WS2 *JG (NGR 400505 299657) submitted 24-09-19
- Heritage Statement submitted 22-07-19
- Planning Statement submitted 24-09-19
- Viability Assessment by Squarespace Ventures Ltd submitted 19-06-19

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).

3a. No development above damp proof level shall commence until samples of all facing and roofing materials, plus all proposed hard surfacing within the site have been submitted to and approved in writing by the Local Planning Authority.

3b. The development shall be completed with the approved details and retained as such.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity, including local heritage assets.

4a. Prior to the commencement of development, including demolition a Construction Working Plan shall be submitted for written approval of the Local Planning Authority. The plan shall include:

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

4b. The approved Construction Working Plan shall be implemented upon commencement of works and shall be maintained until the site is completed.

Reason: To protect the amenities of the surrounding occupiers and minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway due to the access constraints to the site, in the interests of amenity and highway safety in accordance with Policy GP2, ENV32, T7 and T13 of the UDP.

5. In order to address potential impact from land contamination the following matters shall be addressed:

- i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- ii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of identified and/or potential hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- iii) Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- iv) The remedial measures as set out in the 'Remediation Statement' required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- v) If during the undertaking of remedial works, or the construction of the approved development, unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

Reason: To ensure safe development of the site and to protect human health and the environment in accordance with saved UDP policies GP2, ENV10 and ENV14

6a. Prior to built development commencing a scheme of intrusive site investigations adequate to assess the ground conditions and the potential risks to the development by past shallow coal mining activity shall be undertake.

6b. A report of the findings arising from the intrusive investigations, including any gas monitoring undertaken and a scheme of proposed remedial works shall be submitted to and approved in writing by the Local Planning Authority.

6c. The development shall not be carried out otherwise than in accordance with the approved scheme of remedial works.

Reason: In order to ensure the stability and safe development of the site in connection with Coal Mining legacy in compliance with Policies GP2 and ENV14 of the UDP.

7a. Prior to the commencement of the development hereby approved, a Construction Methodology shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that any proposed earthmoving, excavations, details of piling and foundation construction or other building operations can be safely carried out without adversely affecting the stability of the adjacent canal infrastructure.

7b. The development shall not be carried out otherwise than in accordance with the approved details.

Reason: In order to ensure no adverse impact on the stability of the canal or associated infrastructure and protect the integrity of the Walsall Canal in accordance with Paragraphs 170 & 178-179 of the NPPF and Policy ENV4 of the BCCS.

8a. Prior to the commencement of the development hereby approved, a survey of the condition of the existing waterway wall, and a method statement and schedule of the repairs/measures identified, including piling where necessary, to repair and protect the wall from erosion shall be submitted to and approved in writing by the Local Planning Authority.

8b. Any heritage features and materials identified by the survey shall be made available for inspection by the Canal & River Trust and where appropriate, preserved in-situ or reclaimed and re-used elsewhere.

8c. The repair works identified shall not be carried out otherwise than in accordance with the method statement and repairs schedule, in accordance with dates to be agreed.

Reason: In the interest of the structural integrity of the waterway wall, waterway heritage, navigational safety and visual amenity and in compliance with Policy ENV4 of the BCCS.

9. The development shall not be carried out otherwise than in accordance with the approved the drainage scheme detailed in the submitted report: GHW Consulting Engineers Ltd, 18-3571 Report Titled: Proposed Residential Project, Green Lane, Walsall, Flood Risk Assessment with Drainage and SUDS Strategy, Dated February 2019 and shall be retained for the life of the development.

Reason: To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

10a. Prior to commencement of the development hereby approved a scheme of landscaping phased in relation to any phasing of the development and which shall include details of both hard and soft landscape works and earthworks, a planting scheme to screen the bin stores, and reference to plant species types, surface treatments, fences and walls, any signage and information boards, and together with the means of on-going maintenance shall be submitted to and approved in writing by the Local Planning Authority.

10b. The approved scheme shall be carried out in the first planting season following the completion of each development phase.

10c. Any trees shrubs or plants that die within a period of 5 years from the completion of each development phase or are removed and or become seriously damaged or diseased in that period shall be replaced and if necessary continue to be replaced in the first available planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area and adjacent canal and to enhance the biodiversity of the area, in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan and Policy ENV4 of the BCCS.

11a. Prior to the occupation of the development hereby permitted, full details of the proposed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority.

11b. The development shall not be carried out otherwise than in accordance with the approved lighting scheme and retained for the life of the development.

Reason: In the interest of ecology, visual amenity and the waterway setting and in compliance with Policy ENV4 of the BCCS.

12a. Prior to the first occupation of the dwellings, written details shall be submitted to and approved by the Local Planning Authority on how the requirements of the Black Country Air Quality SPD will be implemented.

12b. The agreed measures shall be implemented prior to occupancy and a written validation statement shall be submitted to 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 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy Air Quality SPD

13a. Prior to any dwelling identified in the Noise Impact Assessment Report first being occupied, the following details shall be submitted for written approval of the Local Planning Authority

- The acoustic specification of the glazing to be installed within each of the premises,
- Details of the acoustic ventilation systems to be installed within each of the premises.

13b. Prior to the effected dwellings being occupied, a validation report confirming the approved details have been installed shall be submitted for written approval of the Local Planning Authority.

Reason: To protect human health and amenity of future occupiers in compliance with Policies GP2 and ENV10 of the UDP.

14a. Prior to the first occupation of any flat on the development, all access ways, pedestrian routes, parking and vehicle manoeuvring areas 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. All parking bays shall be clearly demarcated on the ground. Internal pedestrian routes shall have tactile dropped kerb crossings when they cross vehicular routes.

14b. These areas shall thereafter be retained and used for no other purpose.

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

15a. Prior to the development first coming into use, full details of the proposed cycle shelters, which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

15b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

Reason: To encourage sustainable modes of travel and in accordance with UDP policy T13 and Black Country Core Strategy TRAN4.

16. None of the flats hereby approved shall be occupied until the following highway works have been carried out:

i) The modification of the existing retained dropped kerb access/egress onto Green Lane to a kerbed bellmouth with a tactile pedestrian crossing,

ii) The reinstatement back to full kerb height all existing dropped kerb footway crossings on Green Lane made redundant as a result of the development.

Reason: To ensure the satisfactory completion and operation on the access/egress onto the A34 strategic highway, in the interests of the free flow of traffic along the public highway, in the interests of highway safety and in accordance with UDP Policy GP2 and T4.

17. The development hereby approved shall not be occupied until the provisions of the Residential Travel Plan Statement by Mode Transport Planning dated February 2019 have been implemented.

Reason: To encourage sustainable travel modes, in accordance with BCCS policy TRAN2 and UDP Policy T10.

18. Notwithstanding permitted development rights under part 3, class L of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) there shall be no change of use of any apartment hereby approved to a use falling within class C4 (house in multi occupation).

Reason: To safeguard the amenities of the occupiers of adjoining premises and provide adequate parking provision and in accordance with UDP policy T7 and T13.

Notes for Applicant

Canal & River Trust

- 1) The applicant/developer should contact the Trust's third party works engineer and refer to the current "Code of Practice for Works affecting the Canal & River Trust" to ensure that any necessary consents are obtained (<https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>).
- 2) The applicant/developer is advised that any encroachment over or into the canal will require the agreement of the Canal & River Trust, and is advised to contact Keith Johnston, Estates Surveyor at keith.johnston@canalrivertrust.org.uk to discuss any commercial agreements / licences that will be required.
- 3) The applicant is advised that any surface water discharge to the waterway will require prior consent from the Canal & River Trust. As the Trust is not a land drainage authority, such discharges are not granted as of right-where they are granted they will usually be subject to completion of a commercial agreement. Please contact Joanna Bryan, Utilities Surveyor at Joanna.bryan@canalrivertrust.org.uk to discuss this further.

West Midlands Police

Recent developed security and fire standard doors may be appropriate.

In the interests of safety, security and crime prevention I recommend all door sets to each apartment to PAS 24: 2016 standard and the communal front entrance doors to standard LPS 1175.

Secure mail is recommended without providing unnecessary access to private areas.

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

Below is a link to secured by design recommendations regarding selecting flat entrance doorsets. This includes combined fire resistance with security.

https://www.securedbydesign.com/images/downloads/DOORSET_BROCHURE_200319.pdf

The development is suitable for crime prevention and home security through Secured By Design.

Please see

: https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf

Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to either enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority or obtain a Road Opening Permit from the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.

Pollution Control – Contaminated Land

CL1

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 +A1:2013 '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); 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.

Pollution Control - Air Quality SPD

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

An external weatherproof and lockable covered 32 Amp external 7 pin charging socket to comply with EN 62196-2 and be compatible with a J1772 Type 2 connector. The charging unit should feature a Mode 3 (IEC 61851) communication module.

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

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

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

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

Ultra-low NO_x boilers discharge NO_x at or below 40mg/kWh. The latest models are future-proofed to the European Union's Energy-related Products Directive 2018 NO_x levels. At the same time, they meet the EU standard EN15502 Pt 1 2015 Class 6 for NO_x, and are eligible for maximum BREEAM credits, helping contribute to a higher environmental building rating.

END OF OFFICERS REPORT