



Planning Committee

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

Plans List Item Number: 7

Reason for bringing to committee

Section 106 Agreement

Application Details

Location: 2, COALPOOL LANE, WALSALL, WS3 1QJ

Proposal: PROPOSED NEW SEMI-DETACHED HOUSE ADJOINING NO.2 COALPOOL LANE INCLUDING ASSOCIATED VEHICLE PARKING AND INFORMAL LANDSCAPING. SINGLE STOREY REAR EXTENSION TO NO.2 COALPOOL LANE INCLUDING NEW REAR VEHICULAR ACCESS FROM ROSS ROAD (RE-SUBMISSION OF 19/1086).

Application Number: 20/1320

Case Officer: Rebecca Rowley

Applicant: Mr Veaceslav Scorici

Ward: Blakenall

Agent: Lawrenson Associates

Expired Date: 19-Jan-2021

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

Time Extension Expiry: 30-Jul-2021

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a Section 106 Agreement to secure commuted sums regarding the provision of 6 x replacement trees on the adjacent open space and subject to:

- The amendment and finalising of conditions; and
- Submission of bat emergence surveys and inclusion of recommended mitigation measures and methods in condition/s and note/s to applicant.



Proposal

This application has been submitted following an appeal for non-determination of previous application 19/1086. Application 19/1086 was a resubmission of application 18/0916 that had been refused on the grounds of a breach of the 45 degree code and harmful impact on the outlook and light received at the rear of no.2 Coalpool Lane, as well as the impact on two trees that are located on the public land adjacent to the application site.

The appeal for non-determination of application 19/1086 was dismissed by the Planning Inspectorate on the grounds outlined in the planning history. Application 19/1086 was considered to have overcome the reason for refusal relating to the impact on occupants of no. 2 Coalpool Lane but was refused on the grounds that the applicant had failed to provide a legal agreement to secure replacement tree planting and ongoing maintenance of the same. Without replacement trees, the development would result in the loss of biodiversity and harm to the visual amenity of the area.

This application seeks to overcome this reason for refusal. The proposal seeks permission for erection of a new two-storey, 3 bedroom dwelling attached to 2 Coalpool Lane plus a single storey rear extension to 2 Coalpool Lane. This will form a pair of semi-detached dwellings.

Ground floor rear extension to no 2

3.5m deep

6.7m wide

Mono-pitch roof 2.5m to eaves, 3.2m to pitch

Double door and two narrow windows either side facing the rear garden

Retained garden area: Around 130m²

New dwelling

Ground Floor: 5.6m wide and 12m deep drawing level with the front and extended rear elevation at no 2 Coalpool Lane

First Floor: 5.6m wide and 10.5m long including a 2.1m rear projection

Windows at front and rear elevations plus kitchen window in the side elevation

7m in height to pitch

Gable projection at front with windows mirroring those at no 2 Coalpool Lane

Garden: Around 70m²

The submitted drawing (Drg.104 Rev A) does not accurately correlate between floor plans and side elevation as there are no windows shown on the first floor plans yet a window is shown on the elevation drawing.

The site plan identifies a shared access and individual driveways for each dwelling with 2 parking spaces for 2 Coalpool Lane and 2 spaces for the new dwelling. The existing dropped kerb would be widened to facilitate the shared access.

The layout includes removal of the two trees on the adjacent open space that overhang the site and commuted sums to ensure replacement of 6 trees is proposed which would be secure within a Section 106 Agreement.

A Design & Access Statement has been provided that explains the planning history of the development and how the application has sought to address a previous refusal of permission plus information about pre-application advice.

Site and Surroundings

The site is located at the junction of Coalpool Lane and Ross Road. Number 2 Coalpool Lane is a detached dwelling so the proposals would form a pair of semi-detached dwellings with the new dwelling located on the corner. The surrounding character is semi-detached dwellings.

There is an area of grassed open space at the highway junction with two trees upon it and a path through it.

Relevant Planning History

- 21/0843 – Two Storey Side Extension/Replacement Dwelling – currently under assessment
- 19/1086 - Erection of a new two-storey dwelling attached to No 2 Coalpool Lane plus single storey rear extension to 2 Coalpool Lane – an appeal was submitted for non-determination which was dismissed and planning permission was refused on 2nd July 2020 on the ground that the Council had explained that had it decided the application, it would have refused the proposal on the basis that the applicant failed to provide a legal agreement to secure replacement tree planting and ongoing maintenance of the same. Without replacement trees, the development would result in the loss of biodiversity and harm to the visual amenity of the area, contrary to policy CSP3 of the Core Strategy and policies ENV17 and ENV18 of the Local Plan.
- 18/0916 - Proposed new house adjoining 2 Coalpool Lane forming a pair of semi's. – refused permission on the following grounds:
 1. The proposal significantly breaches the 45 degree code used to assess the impact on neighbours living conditions. The outlook and light received at the rear of no.2 Coalpool Lane will be adversely affected to the extent that the development harms the living conditions of the existing and future occupiers, contrary to the amenity aims of saved policy GP2 of the UDP and SPD Designing Walsall.
 2. Trees 1 and 2 as shown on the submitted plans are considered to be in good health and due to their location have significant group amenity value. T1 is the more dominant tree and the growth of T2 has significantly been affected by the presence of T1. The removal of T1 will leave T2 so one-sided to have a negative effect on this cohesive group feature of the trees, and it will be at an increased risk of failure due to increased exposure to adverse weather conditions, contrary to saved policy ENV18 of the UDP and SPD Conserving Walsall's Natural Environment.

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 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.

Reducing Inequalities

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

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

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

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

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon

those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

- HC2: Development of Other Land for Housing
- EN1: Natural Environment Protection, Management and Enhancement

Supplementary Planning Documents

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

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

(Case Officer's Comments in italics)

Asset Management

Concerns raised regarding access to the proposed site from Ross Road over council land. Asset Management has not been contacted in regards to purchasing the land or obtaining an agreement for access *(the proposal has since been amended to provide parking and access directly to the front of the dwellings, accessed from Coalpool Lane and no longer a requirement to cross Council owned land).*

Community Safety Team

No response provided

Ecology Officer

This planning application should not be progressed until an assessment is conducted by a suitably experienced person to determine likely impact on bats.

Local Highway Authority

- 04/01/2021

Support subject to conditions to secure a consolidated parking area for the existing dwelling, provision of a new access with dropped kerb from Ross Road and the use of inward opening gates only. A note for the applicant has been provided.

- 24/01/2021 (*In response to a revised site plan removing the proposed access from Ross Road and providing two parking spaces on the existing frontage of the property with an extended dropped kerb*)

Support subject to conditions to secure consolidation of the parking area and widening of the existing dropped kerb to access the new driveway. Advisory notes for the applicant have been provided.

Pollution Control

No objections subject to conditions to ensure the installation of an electric vehicle charging point and ultra-low nox boilers and the provision of a Construction Management Plan.

Public Rights of Way

No objections.

Severn Trent Water

No objections. A note for the applicant has been included regarding public sewers.

Strategic Planning Policy

No response provided.

The Wildlife Trust

This planning application should not be progressed without the provision of a bat roost inspection report.

Tree Preservation Officer

No comments received.

Waste Management

No objections. An advisory note for the applicant has been included.

West Midlands Fire Service

A note for the applicant outlining standard requirements has been provided.

West Midlands Police

No response provided

Representations

1 representation was received from a neighbouring occupant raising the following concerns:

- Noise concerns relating to a larger property
- Parking issues
- Concerns regarding proposed access from Ross Road in close proximity to a pedestrian crossing and a bus stop

Determining Issues

Whether the proposals overcome reasons for refusal of 19/1086 in terms of:

- Impact on the adjacent trees

Other issues:

- Principle of development
- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Access and Parking
- Protected Species
- Pollution Control

Assessment of the Proposal

Whether the proposals overcome reasons for refusal of 19/1086 in terms of:

Impact on the adjacent trees

This proposal requires the removal of two trees on the adjacent open space which are managed by Clean & Green and includes their replacement with 6 new trees. The Council's Clean & Green Team are satisfied that with the appropriate mitigation i.e. planting and maintenance of 6 new trees is considered sufficient mitigation to address the loss of the two existing trees. This would be secured by a Section 106 Agreement. The applicant has agreed in principle to the necessary provisions of a Section 106 Agreement and this therefore provides a satisfactory form of mitigation thus overcoming the refusal reason of application 19/1086. The associated sums to be collected in the Section 106 Agreement are as follows:

- £585.00 to fell the two existing lime trees and treat the stumps; and
- £900.00 for six replacement trees including their ongoing maintenance.

The mitigation scheme will also help to ensure that the proposal does not result in a loss of biodiversity value as required in Policy EN1 of the Site Allocation Document.

Subject to the above mitigation, the proposal is considered to accord with the provisions of Policies CSP3 of the Black Country Core Strategy, ENV17 and ENV18 of the Saved Unitary Development Plan, EN1 of the Site Allocation Document, NE9 of the Natural Environment SPD and the National Planning Policy Framework.

Other issues:

Principle of development

The principle of residential development in this residential location is considered acceptable, and would make effective use of land which would also bring forward new housing in accordance with Paragraphs 69(c) and 119 of the National Planning Policy Framework. The principle of a single dwelling in this location would not be contrary to any of the Council's adopted Development Plan policies, or supplementary guidance listed in this report.

Design of Extension and Character of Area

The overall layout and design is considered would be sympathetic to the character and appearance of the application site itself, and the locality which has a predominantly semi-detached dwelling character. Furthermore, the design of the new dwelling would mirror the style of adjoining No.2 Coalpool Lane to the frontage, and is considered to be of an overall acceptable appearance which would not harm the character or visual amenity of the locality. A condition would be included to seek the use of matching external materials to those used in No.2 to ensure satisfactory appearance.

Whilst it is noted that the submitted proposed floor plans do not match the submitted proposed elevation plans which show a first floor window, this would not result in any overlooking or design issues and would not therefore warrant a reason for refusal. A condition would be included to secure obscured glazing in this window to protect the privacy of occupants.

The proposal would meet the separation distances, and garden sizes set out in Appendix D of the Designing Walsall SPD. A condition would however be included to remove permitted development rights for rear extensions which have the potential to significantly reduce the amount of outdoor amenity space serving each dwelling.

Overall, the proposals is considered accords with the provisions of Policies CSP4 and ENV3 of the Black Country Core Strategy, GP2 and ENV32 of the Saved Unitary Development Plan, HC2 of the Site Allocation Document, DW3 and Appendix D of the Designing Walsall SPD, and the National Planning Policy Framework.

Amenity of Nearby Residents

The earlier proposals put forward under 18/0916 showed the new dwelling had a 3m deep projection to the rear beyond the rear elevation of 2 Coalpool Lane. As a consequence the earlier proposals seriously breached the 45 degree code measured from the nearest habitable room windows at ground and first floor of 2 Coalpool Lane and would have had a detrimental effect on the amenity of these neighbours by reason of the overbearing nature and overshadowing impact.

The proposed development now includes a rear extension to no 2 Coalpool Lane so that it draws level with the proposed new dwelling at ground floor and consequently accords with the 45 degree code guidelines to protect neighbour amenity. The first floor rear projection of the new dwelling is reduced in depth from 3m to 2.2m and complies with the 45 degree code guidelines from the neighbours nearest habitable room window.

In the circumstances the changes to the design have addressed the reason for refusal of application 18/0916 in terms of adverse impact on neighbour's amenity. Under current permitted development rights, a single storey rear extension of between 3m and 6m deep (subject to prior approval) could be erected at No.2, and / or at the new dwelling, which has the potential to result in loss of light, outlook, and breach of the 45 degree code to future occupiers. A condition would therefore be included to remove these permitted development rights to safeguard occupiers' amenity.

As set out above, the proposals would not result in any significant additional impacts to the amenity of adjacent neighbours with regard to loss of light, loss of outlook or loss of privacy, and the proposal meets the separation distances set out in Appendix D of the Designing Walsall SPD. As set out, a condition would be included to remove permitted development rights for rear extensions to safeguard occupiers' amenity.

Access and Parking

The application looks to construct a new 3 bedroom dwelling attached to the existing dwelling forming a part of semis. The original scheme proposed the installation of a new vehicle crossover from Coalpool Lane to service the proposed car parking related to the proposed dwelling, which raised concerns as the land for these works falls outside of the application boundary. The scheme has been amended to create 2 parking spaces for the existing property no. 2 Coalpool Lane and 2 spaces for the new semi-detached dwelling on the frontage of the site, accessed from Coalpool Lane. This access would require the provision of an extended dropped kerb.

In accordance with the requirements of saved UDP policy T13, two 3 bedroom dwellings require two off road vehicular parking spaces each. Parking for both the existing and new dwelling on the revised scheme is provided on the frontage.

The Local Highway Authority have advised that due to the position of the existing Speed Hump on Coalpool Lane (which is not able to be repositioned as it is the optimum position for delivering speed reduction), access to the parking spaces is not ideal and is a compromise solution. However, on balance, the proposed access is considered acceptable and preferable to alternative access to the rear off Ross Road which would otherwise involve crossing Council owned land and not directly onto the adopted highway.

On balance, the Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF, subject to conditions to secure consolidation of the parking area and widening of the dropped kerb access from Coalpool Lane.

Protected Species

The site falls close to Ryecroft Cemetery within an area of known bat activity and there are mature trees along the boundary of the application site, which raises the risk of bat presence. In this case, as the application proposes alterations to the roof, if bats are present in the house disturbance and destruction to their roost would occur.

Consequently, in accordance with NPPF 15 and Conserving Walsall's Natural Environment SPD, a bat survey report in support of this proposal was requested and was provided, which recommended two dusk and/or dawn emergence/re-entry surveys are conducted during the active season of bats (May - August).

We are still awaiting submission of the report from these two emergence surveys. Any conditions, mitigation methods or requirement for a European Protected Species Mitigation Licence will be included in the event of a decision in support of this proposal.

Pollution Control

Further conditions would be included to secure the installation of an electric vehicle charging point and use of a low NOx boilers for the new dwelling and a construction management plan, to reduce impacts on air quality to comply with the requirements of Policy CSP3 of the Black Country Core Strategy, the Air Quality SPD and the National Planning Policy Framework.

Conclusions and Reasons for Decision

When assessing the material planning considerations and taking into account the local and national planning guidance and representations received, it is considered that The proposal has addressed the previous refusal reason, and is considered to be an acceptable form of development which would not harm the character or appearance of the area, and would not result in significant additional harm to the amenity of adjacent neighbours. The proposal would not result in any significant impacts on the operation of the highway, or result in any highways safety issues and

would not harm the visual appearance, or environmental quality of the area. This would be in accordance with the requirements of the NPPF, policies CSP4 and ENV2 of the Black Country Core Strategy and saved policies GP2, ENV32 and T13 of Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall policy DW3 and Appendix D.

Overall, the proposal is considered acceptable subject to the conditions, and mitigation scheme to be secured through a Section 106 Agreement as set out in this report.

The use of safeguarding conditions in respect of the materials and plans to maintain its appearance, obscured glazing to maintain privacy, conditions to protect highway safety and air quality (plus any further conditions that may arise from the bat survey report) will further ensure that the neighbours amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the original proposed access crossing land outside of the ownership of the applicant, concerns regarding the size of the gardens of the adjacent properties, requirements for a S106 agreement to secure the replacement planting and maintenance of trees and the requirement for a bat survey, 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 Section 106 Agreement to secure commuted sums regarding the provision of 6 x replacement trees on the adjacent open space and subject to:

- The amendment and finalising of conditions; and
- Submission of bat emergence surveys and inclusion of recommended mitigation measures and methods in condition/s and note/s to applicant.

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: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Existing and Proposed Block Plan, drawing no. 102 F, submitted 21/01/2021
- Existing and Proposed Site Plan, drawing no. 103 E, submitted 21/01/2021
- Existing and Proposed Plans and Elevations, drawing no. 104 B, submitted 21/10/2020
- Design and Access Statement, submitted 21/10/2020

Reason: To ensure that the development undertaken under this permission shall not be otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3a. Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

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

3b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

4a. Prior to commencement of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of a vehicle footway crossing to align with the new access. The new crossing shall be designed not to exceed five 900mm flat kerbs and two 900mm taper kerbs.

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

4c: Prior to the first occupation of the development hereby approved the approved crossing shall be fully constructed and implemented and thereafter retained for the life of development.

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

5a: Prior to the commencement of development hereby permitted an Air Quality Low Emission Scheme for the installation of electric-vehicle charging points and Ultra-Low NOx boilers shall be submitted to and agreed in writing, with the Local Planning Authority.

5b: The development hereby permitted shall not be carried out otherwise than in accordance with the approved scheme and the approved details shall thereafter be retained for the lifetime of the development.

5c: Prior to the first occupation of the development hereby approved an independent validation report shall be submitted to and agreed in writing, with the Local Planning Authority that demonstrates the approved mitigation measures have been carried out in accordance with the approved details.

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.

6a. Notwithstanding the details as submitted, the development hereby permitted shall not be carried out otherwise than in accordance with providing a minimum of four off road parking spaces measuring 4.8m by 2.4m with the parking area being consolidated, hard surfaced and drained so that surface water run-off from the parking area does not discharge onto the highway or into any highway drain.

6b. This area shall thereafter be retained for the purposes of parking motor vehicles for the lifetime of the development hereby approved and shall thereafter be retained used for no other purpose.

Reason: To ensure the safe and satisfactory operation of the development and the loss of the garage space with the increase from 3 to 5 bedrooms, in accordance with UDP policy GP2, T7 and T13.

7: The walls and roof of the development hereby permitted shall comprise facing materials that match, in size, colour and texture, those which are used in the existing building and the facing 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 of the Walsall Unitary Development Plan.

8: 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.

9: Notwithstanding the details as submitted, the development shall not be carried out otherwise than in accordance with the first floor south east side facing bathroom window, facing towards the junction of Ross Road and Coalpool Lane, hereby permitted, shall be non-opening below 1.7m and obscurely glazed to meet Pilkington level 4 or equivalent and shall thereafter be retained for the lifetime of the development.

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

10: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house:

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

-Class E (outbuildings)

Shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of the application site and the adjoining premises and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

Notes for Applicant

Highway Authority - Notes for the Applicant:

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 required to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team at Traffic.Management@walsall.gov.uk or visit the Council's webpage under 'Parking Roads and Vehicles'.

Severn Trent Water

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

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

works need to be carried out by Severn Trent.

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851.

West Midlands Fire Service

Approved Document B, Volume 1, Dwellings, 2019.

Requirement B5: Access and facilities for the fire service

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

Requirement

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

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

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

Intention

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

a. External access enabling fire appliances to be used near the building.

b. Access into and within the building for firefighting personnel to both:

i. search for and rescue people

ii. fight fire.

c. Provision for internal fire facilities for firefighters to complete their tasks.

d. Ventilation of heat and smoke from a fire in a basement.

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

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.

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

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

Overall

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

Water Supplies

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

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

For further information please contact the WMFS Water Office at the address given

above or by email on Water.Officer@wmfs.net

Sprinklers

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

- a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:
- b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

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

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)

Waste Management

Bins will need to be presented on Coalpool Lane for collection. Bins should be presented for 6:30am on scheduled collection day.

Pollution Control

1. Electric Vehicle Charging Points and Ultra-low NOx Boilers

The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points and Ultra-low NOx boilers:

The electric vehicle charging point provision for residential premises is a charging point per residential premise or Units with unallocated parking e.g. apartments – 1 charging point per 10 spaces, complying with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw.

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

END OF OFFICERS REPORT