

Planning Committee

Report of Head of Planning and Building Control on 01 April 2021

Plans List Item Number: 4

Reason for bringing to committee

Significant Community Interest

Application Details

Location: Garages Rear Of, 2 Lime Avenue, Bentley, WS2 0JA

Proposal: PROPOSED CONSTRUCTION OF 2 SEMI-DETACHED TWO STOREY 3 BEDROOM HOUSES WITH ASSOCIATED PARKING, LANDSCAPING AND GARDEN SHEDS

Application Number: 20/0088

Case Officer: Helen Smith

Applicant: Mr Paul Nicol

Ward: Bentley And Darlaston North

Agent: Ms Izzy Kendrick-Jones

Expired Date: 19-Mar-2020

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

Time Extension Expiry:

Recommendation

Delegate to the Head of Planning and Building Control to Grant permission subject to conditions, and the finalising of planning conditions



Proposal

This application proposes the erection of a pair of 3 bedroom affordable semi-detached houses with associated parking, bin storage and garden sheds on the site to replace existing dilapidated garages that are no longer in use.

The houses would be located at the end of a cul de sac and would face south with unit no. 1 positioned 2.6 metres further back than unit no. 2.

The existing access to this site off Lime Avenue would be utilised for this development. There is a small landscaped area proposed to the side of the properties and communal parking for four cars in a side by side arrangement next to the rear garden boundary of 7 Laburnum Grove.

The proposed rear and side private gardens for Unit 1 is 119m² and 71m² for Unit 2. Bin storage, patio areas and rotary driers would be provided in each rear garden. Rear gardens would be secured with a lockable side gate.

A separate secure bin storage area would be provided adjacent to a secure gate located between 6 and 7 Laburnum Grove. There would be a second secure gate to the bin storage area adjacent to 7 Laburnum Grove. Bins are proposed to be collected from Laburnum Grove and the additional bin area has been provided for this reason.

The Planning Agent has advised that boundary treatments include low and high-level closed panel timber fencing. Photovoltaics would be installed on the roof.

This site forms part of a large project by the applicant (Walsall Housing Group) to redevelop former garage courts to provide new homes, utilising the efficiencies and benefits of AMC (Advanced Methods of Construction). This means that the majority of house construction takes place in a factory using a hybrid of pods and panels. The central pods containing the kitchen and bathrooms are structurally formed from LSF (lightweight steel frame) to which a series of LSF panels wrapped in insulating material with the uPVC windows and composite doors inserted in the factory. The entire unit would be wrapped in brick slips, render or cladding, which can be varied to be site specific. On site the central pods would be placed on the foundations and the panels then fixed to the pods to provide the finished house, ready to move in to. The pitched, tiled roofs (with solar panels) would also be brought to site in panels and put together on site.

The submitted drawings show that unit 1 would have a footprint of 5.95m x 9.66m and Unit 2 a footprint of 5.51 x 9.66m with a maximum height of 8.1m and would have no side facing windows. At this site the external brick finish would be multi red with grey concrete roof tiles.

The application is supported by the following documents;

Design and Access Statement by Northmill Associates Ltd received 23/1/20 which states in summary:

- The proposal is compliant with surrounding uses and relevant local and national planning policy
- Present and appropriate development density
- Helps to meet the demand for 3 bedroom affordable family homes identified in the area
- Fit within the existing built context, without detrimental impact on the amenity enjoyed by neighbouring properties
- Transform an under-utilised brownfield site and improve the appearance of the area

Coal Mining Risk Assessment by The Coal Authority dated 10/2/20 which states:

- Site subject to past coal mining activity
- Site can be made safe with recommended site investigations and remedial measures being completed
- Recorded coal mining legacy issues do not pose any particular implications for the layout of the proposed development
- Gas risk assessment recommended

Supporting Technical Information by Northmill Associates Ltd deposited 23/01/20

Site and Surroundings

This site is located to the east of Lime Avenue and comprises a former garage court which is bounded by the rear gardens of adjacent terraced and semi-detached house fronting Lime Avenue, Edinburgh Avenue and Laburnum Grove. The site measures 0.069 hectares and is owned by WHG. The garages remain in situ pending demolition and access to the site is adjacent to 2 Lime Avenue and along the rear garden boundaries of no's 81 to 87 Edinburgh Avenue.

Vehicle access to the site would remain as existing located to the side of 2 Lime Avenue and along the rear garden boundaries of 81 to 87 Edinburgh Avenue.

Houses adjoining this site have ground and first floor rear facing habitable room windows and the existing garages form the rear garden boundaries with neighbouring houses.

The site sits in a long established residential area comprising a mix of property styles in both WHG and private ownership.

Relevant Planning History

None

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 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF (para 55) says:

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

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

GP2: Environmental Protection

- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV40: Conservation, Protection and Use of Water Resources

- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- HC2: Development of Other Land for Housing
- T4: The Highway Network
- T5: Highway Improvements

Supplementary Planning Documents

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- 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

Clean and Green – No comments received

Coal Authority – No objections subject to planning conditions in respect of the requirement for intrusive site investigations and remediation works.

Fire Officer – No objections subject to the inclusion of an informative note including their requirements

Housing Standards – No objections

Pollution Control – No objections subject to the inclusion of planning conditions in respect of ground contamination, ground gas, ground conditions, construction management plan, and air quality along with related informative notes

Severn Trent - No objections subject to the inclusion of an informative note in respect of a potential public sewer located within the application site

Transportation – No objections subject to a planning condition in respect of surfacing and sustainable drainage along with informative highway notes.

Representations

Objections and comments have been received from 4 residents on the following grounds (*officer comments in italics*);

- Details of boundary treatment required
- Invasion of privacy and overlooking of gardens
- Devalue property (*not a material planning consideration*)
- Two storey building only 3ft from the boundary line
- Historic anti-social behaviour

Determining Issues

- Principle of the Proposed Use
- Design of the Proposal and Impact on the Character of the Area
- Impact on the Amenities of the Surrounding Occupiers
- Ground Conditions
- Access and Parking
- Local Finance Considerations

Assessment of the Proposal

Principle of the Proposed Use

The site comprises previously developed land situated in a well-established residential area, within walking distance of local shops on Churchill Road which is less than 150 metres from the site (as the crow flies). Regular bus services are situated within walking distance of the site and the site is considered to be in a sustainable location.

This proposal is supported by paragraphs 117 and 118 of the NPPF which state that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, and should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

The principle of the provision of two new residential properties at the site is considered appropriate and accords with the aims of both national and local policies.

Design of the Proposal and Impact on the Character of the Area

Neighbouring properties consist of pairs of 1950's/60's semi-detached and terraced dwelling houses with a plain and simple design and gable roof designs.

The proposed houses with a brickwork face and gable roofs would pick up on the characteristics of the properties in the immediate vicinity however the proposed new window design would have a contemporary appearance to the properties however in this location this is considered appropriate in this stand-alone site. The plot sizes are smaller than those of neighbouring houses, however they are considered to be appropriate for this location and would have a limited impact on the existing character of the area whilst making efficient use of brownfield land.

The proposed layout means that the two new houses would be visible from first floor rear windows in houses fronting Lime Avenue and Laburnum Grove which would provide passive surveillance and improves security for these two dwellings and the immediate surroundings.

The advanced method of construction proposed along with use of photovoltaics would provide modern, efficient, high standard, affordable housing with a short on-site construction period.

The houses would have with parking to the front and rear private gardens. Both private amenity spaces would exceed the recommended minimum garden area of 68m² as referred to in Appendix D of Designing Walsall SPD and the overall provision is considered acceptable whilst making efficient use of brownfield land.

There were officer concerns regarding the bin access routes to the rear and side of Unit 1 and whether this would provide an area that would encourage anti-social behaviour. To address these concerns the planning agents have added 4 secure gates to the plans to protect these areas by restricting access. A planning condition can be included to require the bins to be taken out for collection on bin days, and returned to secure area after collection

The amended design and layout of the development is considered appropriate and in compliance with policy.

Details of the proposed sheds have not been provided, and the agent has confirmed that a 600mm dwarf wall is not proposed despite being included in the drawing key. Further details of boundary treatment are therefore required. Planning conditions requiring further information can be included to meet the 6 tests and to define the planning application, if approved.

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

Impact on the Amenities of the Surrounding Occupiers

The proposed layout means that the new houses and gardens would back on to the ends and sides of rear gardens of houses on Lime Avenue and Laburnum Grove however the houses themselves would be no closer to the existing properties than the original garages.

The habitable room window to window separation distances between the proposed development and houses fronting Edinburgh Avenue of 27 metres would exceed the recommended minimum separation distance of 24 metres referred to in Appendix D of Designing Walsall SPD.

The proposed front and rear facing habitable room windows would be positioned at right angles to existing habitable room windows in 6 Laburnum Grove and no's 2, 6 and 8 Lime Avenue and it is considered that this angled relationship would protect residents' privacy.

There would be some additional overlooking of neighbours' rear gardens however the existing relationship between rear facing windows in houses on Lime Avenue and Laburnum Road are similar and it is considered the impacts on privacy would not significantly worsen.

There would be a 14.8 metre separation distance between rear facing habitable room windows in 4 Lime Avenue and the blank two storey side elevation of unit 2. This would exceed the recommended separation distance of 13 metres between ground floor habitable room windows and blank walls in excess of 3 metres high by 1.8 metres, as referred to in Appendix D of Designing Walsall SPD.

The separation distance between the side facing window in 7 Laburnum Grove and the blank side elevation of unit 1 would be 10.8 metres however as the ground floor window already faces the garage block and the other window is at first floor level the additional impacts are considered would be limited.

The stepped relationship between units 1 and 2 addresses the Council's 45 degree code in relation to rear facing habitable room windows in 6 and 7 Laburnum Grove. The 45 degree code is the Council's tool to assess impacts on neighbours' light and amenity.

No side facing windows are proposed for the new dwellings and a planning condition can be included to safeguard neighbours' amenity.

A planning condition requiring the submission of a Construction Management Plan prior to the commencement of any development, if approved, can be included to control disturbance to neighbours during the construction period to meet the 6 tests.

Whilst the 20 garage court is currently not in use, it is considered that the reduced number of vehicle movements expected for two houses would be less than those associated with a garage court if this was brought back into its original use.

To protect resident's amenity a planning condition would be included to remove householder permitted development allowances for extensions, roof alterations and enlargements and outbuildings not included as part of this proposal because of the constraints of the site and proposed limited separation distances.

Ground Conditions

The application site falls within the defined Development High Risk Area. The Coal Authority has advised that records indicate that the potential zone of influence of an off-site mine entry encroaches into the main part of the application site. The zones of influence of two further off-site mine entries encroach across the western end of the access route to the new dwellings. They hold no details of any past treatment of these mine entries.

The recommendation for the undertaking of intrusive site investigations referred to in the Coal Mining Risk Assessment is agreed by The Coal Authority and they advise that these should be designed by a competent person to properly assess ground conditions and to establish the exact situation regarding coal mining legacy which could pose a risk to the proposed development.

The findings of the investigations should be interpreted by a competent person and should be used to inform any mitigation measures which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property, i.e. coal seams and associated workings. An informative note can be included for the applicants, if approved.

The submitted report concludes that the risk to ground stability at the site from recorded mine entries is low. However, it identifies the potential for the presence of unrecorded mine entries within the site and recommends a watching brief be maintained during site works. A safeguarding planning condition that meets the 6 tests can be included, if approved.

The development site has historically been utilised for the mining of coal and lignite with subsequent infilling and domestic garages. No information has been supplied regarding ground contamination, ground gas or ground conditions with the application. Pollution Control Team require the inclusion of planning conditions to address the potential impact from land contamination to meet the 6 tests and to ensure the safe development of the site.

Access and Parking

The proposals would provide 2 off street parking spaces for each house in compliance with UDP saved policy T13. Each house would have two spaces on a communal parking area to the front of the garden serving unit 1 and these spaces would be close to and visible from both houses, providing natural surveillance of this area.

Access from Lime Avenue would be via the existing former parking court entrance.

Whilst the loss of the former garages has reduced the level of parking available for the existing residents, the site is overgrown and secured and has not been available for use for some time. Several of the existing properties within the vicinity have their own off-street parking facilities, and for the remainder there are communal parking areas and no parking restrictions within the local streets so on-street parking is available which is considered acceptable in this instance.

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 two new homes.

The Government has indicated that, for 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

Conclusions and Reasons for Decision

This is a previously developed site is situated in a residential area in a sustainable location. The principle of residential development of the site is therefore considered appropriate and complies with Policies HOU2 and CSP4 of the BCCS, Policy HC2 of the SAD and H3 and ENV14 of the UDP.

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

The design of the new properties is considered appropriate and includes key characteristics of the surrounding properties and would comfortably fit within the street scene, in compliance with policy ENV32 of the UDP. The advanced method of construction proposed would provide modern, efficient, high standard, affordable housing with a short on site construction period.

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

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

Taking into account the above factors it is considered that the application should be recommended for approval. The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the proposed layout, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Delegate to the Head of Planning and Building Control to Grant permission subject to conditions, and the finalising of planning conditions

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 other than in conformity with the following approved plans: -

- Site Location Plan, drawing no. L(00)001 Revision P1, deposited 23/01/20
- Existing Site Plan, drawing no. L(00)002 Revision P1, deposited 23/01/20
- Proposed Site Plan, drawing no. L(00)101 Revision P2, deposited 12/01/21
- Units 1 and 2 - Proposed Elevation A, drawing no. L(02)001 Revision P1, deposited 23/01/20
- Unit 1 and 2 – Proposed Elevation B, drawing no. L(02)002 Revision P1, deposited 23/01/20

- Unit 1 and 2 – Proposed Elevation C, drawing no. L(02)003 Revision P1, deposited 23/01/20
- Unit 1 and 2 – Proposed First Floor Plan, drawing no. L(01)002 Revision P1, deposited 23/01/20
- Unit 1 and 2 – Proposed Ground Floor Plan, drawing no. L(01)001 Revision P1, deposited 23/01/20
- Unit 1 and 2 – Proposed Roof Plan, drawing no. L(01)003 Revision P2, deposited 11/2/20
- Design and Access Statement, deposited 23/01/20
- Coal Mining Risk Assessment, deposited 9/11/20

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

3: a) Prior to commencement of the development hereby permitted:

- I. Details of intrusive site investigations for past coal mining activity shall be submitted in writing to and approved in writing by the Local Planning Authority;
- II. the approved details of intrusive site investigations shall be undertaken and a report of findings arising from the intrusive site investigations including the results of any monitoring shall be submitted in writing to the Local Planning Authority;
- III. details of remedial works shall be submitted to and approved in writing by the Local Planning Authority;

3: b) Prior to the carrying out of building operations of the development hereby permitted the approved details of remedial works shall be carried out

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

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

4: a) 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)

4: b) 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)

4: c) 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)

4: d) The remedial measures as set out in the 'Remediation Statement' required by part (c) of this condition shall be implemented in accordance with the agreed timetable.

4: e) 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 (c) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority

4: f) 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 policies GP2 and ENV32 of Walsall's Unitary Development Plan

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

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris

x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)

xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

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

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

6: a) Notwithstanding the details as submitted and prior to the commencement of the hereby approved development above damp-proof course a plan shall be submitted to and agreed in writing with the Local Planning Authority including elevations, floor plans, siting and materials of the proposed garden sheds.

6: b) The development shall not be carried out otherwise than in accordance with the approved details, to be available prior to the first occupation of the houses hereby approved and shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

7: a) Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

7: b) The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

7: c) The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

8: a) Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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

9. Prior to the first occupation of the development, or it first being taken into use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the safety and stability of the development and to comply with NPPF Paragraph 178 and 179 and saved policies GP2 and ENV14(c) (ii) of Walsall's Unitary Development Plan.

10: a) Prior to the first occupation of any dwelling on the development, the approved driveways and parking areas shall be 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.

10: b) The parking spaces shall thereafter be retained and used for no other purpose for the lifetime of the development.

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

11: a) Prior to first occupation of the development hereby permitted details of electric vehicle charging points, to be provided for each dwelling shall be submitted in writing to and agreed in writing by the Local Planning Authority.

11: b) Prior to first occupation of the development the approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

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

12: No boilers shall be installed in any of the units hereby permitted, save for

- Gas and liquefied petroleum gas (LPG) boilers with maximum NOx emissions no greater than 56 mg/kWh
- Oil-fired boilers with maximum NOx emissions no greater than 120 mg/kWh.

Reason: To conserve and enhance the natural environment in accordance with BCCS policies ENV8 and DEL1.

13: Notwithstanding the details submitted of the development hereby permitted the occupiers of the development shall be required to present their refuse bins for collection on bin days to Laburnum Grove and shall immediately return the refuse bins to the secure bin storage area shown on 'Proposed Site Plan, drawing no. L(00)101 Revision P2', deposited 12/01/21, following their collection.

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

14: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, 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.

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

- Class A (enlargement, improvement or other alterations),
- Class B (additions to the roof),
- Class C (other alterations to the roof),
- Class E (building incidental to the enjoyment of a dwelling house), shall be installed in any part of this hereby approved development.

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

Notes for Applicant

Highways

The Applicant must ensure that no soil or other debris is washed or placed within the highway. Failure to prevent this incident could result in an offence and a notice being served on the Applicant under Section 151 of the Highways Act 1980.

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 0345 266 7930

Coal Authority

The required signed statement/declaration shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Fire Officer

Approved Document B, Volume 1, Dwelling-houses, 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 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).

Access

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.

13.2 For flats, either of the following provisions should be made.

- a. Provide access for a pumping appliance to within 45m of all points inside each flat of a block, measured along the route of the hose.
- b. Provide fire mains in accordance with paragraphs 13.5 and 13.6.

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

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)

Coal Authority

The applicant is requested to note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property, i.e. coal seams and associated workings.

Pollution Control

Ground Contamination Notes

CL1

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2018; British Standard BS10175: 2011 +A2:2017 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); 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.

Air Quality SPD Notes

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

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 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 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