

Planning Committee

Report of Head of Planning and Building Control on 10 February 2022

Plans List Item Number: 5

Reason for bringing to committee

Major Application

Application Details

Location: BRITISH LION WORKS, FOREST LANE, WALSALL, WS2 7AX

Proposal: CONSTRUCTION OF 15 DWELLINGS (2X2 BED AND 13X3 BED) AND ASSOCIATED ACCESS ROAD AND PARKING (DEMOLITION CARRIED OUT UNDER PREVIOUS APPROVAL 17/1240)

Application Number: 21/0322

Case Officer: Sally Wagstaff

Applicant: Alba Construction (midlands) Ltd

Ward: Blakenall

Agent: Peter Hunt Architects

Expired Date: 02-Jun-2021

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

Time Extension Expiry:



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Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and to

- The amendment and finalising of conditions;
- Overcoming the outstanding objection[s] raised by Highway Authority. Amended site plan required to remove garage spaces and revise parking layout

Proposal

The application is for 15 houses at a former industrial site.

The application proposes to use the existing access off Forest Lane to create a mix of no. 14 semi-detached houses and no. 1 detached house with a mix of driveway parking and shared parking areas.

There are 7 house types proposed as follows:

House type A is a 2.5 storey 2 bedroom house with a ground floor kitchen, living room and toilet, 2 bedrooms, bathroom and study on the first floor, study and bathroom in the loft with velux window.

House type B is a 2.5 storey 3 bedroom house with a ground floor kitchen, living room and toilet, 2 bedrooms on the first floor, study and another bedroom and the bathroom in the loft with velux windows.

House type C is a 2.5 storey 3 bedroom house with a ground floor living room and toilet, 2 bedrooms on the first floor, study and another bedroom and the bathroom in the loft with velux windows. The rear of the property is narrower at the rear than at the front due to the boundary line constraint.

House type D is a 2 bedroom house with a ground floor kitchen, living room and toilet, 2 bedrooms, bathroom and study on the first floor.

House type E is a 2.5 storey 3 bedroom house with a ground floor living room and toilet, 2 bedrooms on the first floor, study and another bedroom and the bathroom in the loft with velux windows. The property also has an attached garage

House type F is a 2.5 bedroom house with a ground floor kitchen, dining room/living room and toilet, 2 bedrooms, a bathroom and study on the first floor and bedroom within the loft space with velux windows.

House type G House type F is a 2.5 bedroom house with a ground floor kitchen, dining room/living room and toilet, 2 bedrooms, study and a bathroom on the first floor and bedroom within the loft space with velux windows.

A bin store is proposed near to the junction to the proposed access.

The total development has a net area of 1834.1sqm.

This application follows 17/1240- Demolition of existing buildings, construction of 16 dwellings (2x2 bed and 14x3 Bed) with associated access road and parking which was granted permission subject to conditions on 04/12/2019. The Design and Access Statement advises this application is a reworking of the previous which included 4 storey properties which the applicant considered was not commercially viable.

Site and Surroundings

The site is located on the western side of Forest Lane. This part of Forest Lane is approached from a narrow bridge over the railway which has weight restrictions imposed (11 tonnes). There is alternative access available from Dartmouth Avenue.

The highway splits in two as it surrounds a large landscaped central reservation which has several mature trees on it. There is also a turning head outside 48/50 Forest Lane on the opposite side of the highway. The Wyrley & Essington Canal and towpath are at the rear of the site and there is a footbridge over the canal to the north of the site. The southern boundary of the site adjoins the boundary of semi-detached houses and a transport haulage yard. There are semi-detached houses opposite the site.

The Definitive map of Public Rights of Way show the site affected by the line of a public footpath (WAL33), between Forest Lane and Hawbush Road over the canal.

Relevant Planning History

06/0314/FL/E4 – Demolition of industrial units and erection of 24 apartments with new access driveway and landscaping and relocation of existing footpath linking up to the canal towpath – Granted subject to conditions and a S106 Agreement 20/6/06. The S106 Agreement was to secure contributions towards Education provision (£45K) and refurbishment of the footbridge over the canal (£10K). Both obligations were to be paid on or before occupation of 50% of the dwellings. The proposed building is four storeys high.

10/1090/OL - Outline application for the demolition of existing buildings and construction of new 60 bed extra care accommodation, access and layout only for consideration. GSC 20/11/13

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 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

GP2: Environmental Protection

- GP3: Planning Obligations
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- H5: Housing for People with Special Needs
- H6: Nursing Homes and Rest Homes for the Elderly
- H7: Hostels and Houses in Multiple Occupation
- Policy JP7: Use of Land and Buildings in Other Employment Areas
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Spaces

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality

• **Black Country Core Strategy**

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy

- ENV8: Air Quality

Walsall Site Allocation Document 2019

NOTE for case officer: *The SAD policies do not apply in respect of any proposals in the five district centres or Walsall Town Centre.*

- HC2: Development of Other Land for Housing
- HC3: Affordable Housing and Housing for People with Special Needs
- EN3: Flood Risk
- EN4: Canals
- T4: The Highway Network
- T5: Highway Improvements

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Open space, sport and recreation

- OS1: Qualifying Development
- OS2: Planning Obligations
- OS3: Scale of Contribution

- OS4: Local Standards for New Homes
- OS5: Use of Contributions
- OS6: Quality and Value
- OS7: Minimum Specifications
- OS8: Phasing of On-site Provision for Children and Young People

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

Canal and River Trust

No objection submitted to conditions in relation to a construction method statement and management regime in relation to the retaining wall.

Coal Authority

No objection subject to conditions in relation to intrusive ground investigations

Fire Officer

No objections. Note to applicant recommend in relation to access and facilities for fire service.

Housing Strategy - 25% on site affordable housing would be required on this site.

Local Highways Authority - Concerns raised regarding the layout in relation to parking orientation, garages and pedestrian accessibility. Amended site plan required before decision is issued to provide satisfactory parking spaces.

Pollution Control

No comments received at the time of writing. Comments to follow within the supplementary paper.

Severn Trent Water

Concerns raised regarding connection to a public sewer, condition necessary for further details to be submitted to evidence soakaways have been considered

Strategic Planning Policy

No comments received. The principle of residential development has been established with the previous permission.

Representations

None

Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of neighbours and amenity of future occupiers
- Highways
- Public Rights of Way
- Canal
- Ecology
- Ground Conditions and Environment
- Local Finance Considerations
- Section 106 Contributions

Assessment of the Proposal

Principle of Development

Planning permission was previously gained for 16 properties. This application proposes 15 properties. The principle of a residential use is established and the loss of the employment site accepted. It is also considered that redevelopment of this vacant industrial site will improve the environment for surrounding residents. On this basis residential development is considered acceptable in principle.

Design, Layout and Character

The design of the properties and layout of the site is similar to the previously approved scheme. The design of the properties are traditional in keeping with the wider character of the area. The height of the 2.5 storey properties has been reduced from 9.5 metres to 9 metres which better reflects the height of the existing properties within the area.

It is considered the proposed scheme would be a betterment to the character of the area.

Amenity of neighbours and amenity of future occupiers

The separation between houses ensures there would be no significant overbearing impact or loss of light.

The current location of the parking spaces serving house types is on balance acceptable and will not result in any significant noise or disturbance impacts due to their distances to houses. There would be visual surveillance of these spaces from adjacent proposed houses.

All houses have private amenity space, some meet the Council's minimum standards Plots 1-9 are less at 37 m². The amenity space provided is reflective of the previously approved scheme in which the amenity space provided was considered to be sufficient for the enjoyment of future occupiers.

Highways

The scheme of residential development consists of 15 x two and three bedroom dwellings. 30 parking spaces by way of a mix of open car parking spaces and garages are proposed which is 8 more spaces than the previously approved scheme. UDP T13 parking policy for 1/2/3 bedroom dwellings is 30 spaces. The proposal is compliant with the policy requirements.

The current layout has four garages for plots 1, 8, 9 and 12. Usually residents would expect to be able to leave their car outside the garage when not in use. Under the current layout this will not be possible as it would obstruct access to other plots. As far as the Highway Authority is concerned it would be more practical if the garages were replaced with simple parking bays and then conditioned to remain as parking spaces.

Drivers emerging from the parking space to Plot 11 will be blind to any pedestrians or vehicles entering the main access and accessing plots 9 and 10 as visibility is obscured by the house, creating a highway safety impact. At least a 2.4m x 3.4m pedestrian visibility splay should be provided at this space with the building repositioned outside the visibility envelope. It is suggested that the parking space is rotated parallel to its northern boundary. A revised plan is requested to change the position of the car parking space to overcome this concern.

House type E on Plot 12 has a projecting garage. The orientation of the dwelling and garage at an angle would make it awkward to drive into the garage in a forward gear. The garage also obscures drivers emerging from the adjacent parking spaces to approaching pedestrians and vehicles, creating a highway safety impact. A revised plan is requested to remove the projecting garage to overcome the concerns.

The site includes shared surfaces between pedestrians and vehicles. Whilst the government are moving away from site layouts which include shared surfaces between pedestrians and vehicles given there is an extant permission which could be implemented with shared surfaces, on balance, it is considered it does not warrant refusal of the application for this reason.

An amended layout is requested to address the concerns above before a decision is issued to ensure satisfactory car vehicular parking and accessibility.

Public Rights of Way

There are concerns about the proposed layout with rear amenity space backing on to the public footpath and canal towpath/ green way. The proposed development, fencing and landscaping may impact upon these pedestrian and cycle links and will require careful design to ensure safety and security of both proposed residents and path users. Secure by Design Principles should be applied.

In particular, the rear gardens to plots 9-11 could suffer overlooking due to the height of the footbridge, and may be particularly vulnerable to crime and ASB due to the footbridge level in relation to the proposed dwellings and window heights, in an area where there are reported ASB issues. Based upon the current proposed layout, additional details for the proposed boundary treatments, to include details of the proposal for retention or replacement of the high brick wall and mesh panel which forms the original factory boundary could provide mitigation.

It is considered that the scheme provides some visual surveillance of these public spaces than the existing situation and that the layout follows the existing character of the adjoining estate.

The Public Rights of Way Officer states that there have been reports of ASB at the junction of the footpath, footbridge and greenway. The re-use of this site combined with the additional visual surveillance represents a positive solution to these existing issues.

Additional details are required to ensure that the potential impacts on the adjoining public footpath 33 Walsall, greenway and link path are addressed. Measures to secure boundary treatments adjacent to the public right of way can be secured by condition. The applicant has submitted details as per a request, an updated response from PROW will follow within the supplementary paper, where necessary conditions can be revised accordingly.

Canal

The site was previously occupied by the British Lion Works and the site boundary of the application site has been drawn to exclude infrastructure installed by the works into the canal embankment. A concrete retaining wall was erected as shown in blue on the Site Layout Plan to the rear of plots 1-8. The Section Boundaries Plan No. 20-886-204 provided with the agents email dated 12th October 2021 illustrates the stepped nature of this wall, proposed ground levels within the site in relation to the wall and the proposed location of the boundary fencing. Some of this retaining structure lies within the site and some outside the site. The structure retains the embankment slope, and the development is reliant on the structural integrity of this retaining structure for the long-term stability of the canal embankment. At the eastern side of the site plot 9 and the garage block adjacent to plot 8 are located in close proximity to a brick wall that was erected after the canal was constructed as part of the British Lion Works complex. The Section Boundaries Plan also provides an existing and proposed section through this retaining wall to illustrate the existing and proposed height in relation to Plot 9. Land stability and the consideration of the suitability of development with regard to ground conditions are material planning considerations as set out in paragraphs 170 & 178 of the National Planning Policy Framework (NPPF) and is the subject of more detailed discussion in the National Planning Practice Guidance (NPPG: Land Stability). Paragraph 179 states that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer. The failure of the canal embankment in this location would be detrimental to the safe operation of the navigation and the wellbeing of residents, and for this reason the conditions are requested which would be consistent with paragraphs 170 and 179 of the NPPF. The documents submitted with the agents email dated 12th October 2021 provide evidentially sufficient information to show that the existing concrete retaining structure will retain the embankment in the long term and details are starting to come together with regards to the long-term maintenance and management of the retaining structures.

The level of detail required by condition is reduced to the following:

- How will the retaining structures be accessed for inspection and who will be responsible for their maintenance/management?
- How will water be prevented from pooling at the base of the embankment, which has the potential to cause structural instability?
- During construction works how will the structural integrity of the embankment and its retaining structures be assured

In order to ensure that the development is not detrimental to the structural integrity of the canal embankment as required by the NPPF, NPPG: Land Stability, the Black Country Core Strategy (BCCS) Policy ENV4 the. Detailed information for the

proposed retaining structure and methodology for the demolition/ construction is required which can be secured by condition.

The Canal and Rivers trust have asked that the applicant provides a heritage statement because the site is opposite a grade 2 listed aqueduct. The site is actually 20 metres away which combined with the level difference between the canal and application site would mean there would be little impact on the setting of the aqueduct to justify a heritage statement.

Ecology

The Ecology statement provided on the previous application concluded that the site has very limited Ecology value but that improvement works could take place as part of the scheme.

The site has now been demolished and cleared. A safeguarding condition to use fencing to protect the canal corridor and a landscaping scheme can be requested to ensure that native plant species can be planted in the rear gardens, although it is recognised, that the condition will only secure the landscaping for 5 years post implementation.

Ground Conditions and Environment

Comments from Pollution Control will be provided as part of the supplementary paper.

As there is going to be substantial demolition and construction works, a Working Plan will be required, to minimise disruption to local residents and infrastructure, roads and footpaths from noise, dust, debris, waste etc.

Walsall Council has adopted the Black Country Air Quality Supplementary Planning Document (SPD). The application falls under the Type 1 category, therefore the Applicant needs to install electric vehicle charging points and low NOx boilers. Details can be secured by condition.

Severn Trent Water have reviewed the submitted drainage plans. The submitted drainage plan shows all foul sewage is proposed to discharge to the public combined sewer, and all surface water is proposed to discharge to the public combined sewer. Severn Trent advice before considering a connection to the public sewer for surface water discharge, it is requested that soakaways are investigated. If these are proven to not be feasible on site (with satisfactory evidence) a connection to the public surface water sewer with flows restricted to the proposed discharge rate of 3 litres/second could be considered. A condition is considered necessary for further drainage plans to be submitted and agreed prior to commencement of development.

Intrusive ground investigations in order to investigate ground conditions, to inform any necessary remedial measures are required. The Coal Authority have recommended conditions in order to secure these details prior to commencement of development.

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 15 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.

Section 106 Contributions

The proposal relates to 15 new homes which triggers the requirement for 25% affordable housing on site and an offsite Urban Open Space contribution. A viability assessment was submitted as part of the previous application. The District Valuer confirmed that the scheme is not viable to provide contributions for affordable housing or open space. The proposal is for one less dwelling. It considered that in this instance due to the scheme being similar in nature and the rising costs in materials, in this instance the Local Planning Authority do not consider necessary to ask for Section 106 Obligations in relation to Affordable Housing and Urban Open Space.

Conclusions and Reasons for Decision

Conditions requiring construction methodology and boundary treatment detail in relation to the canal and public rights of way and be conditioned and mitigated for and would accord with UDP policy ENV32.

The size, design and height of the properties are acceptable and compatible with the area in accordance with UDP Policy GP2 and Designing Walsall SPD.

The distance to neighbouring houses, it's siting and location is considered acceptable and would not result in any significant loss of amenity to neighbouring residents by way of loss of light or overlooking and accords with UDP policy GP2 and Designing Walsall SPD.

Concerns relating to the parking areas can be addressed through amendments to the layout plan. Without acceptable amendments to the layout the current scheme cannot be supported and would be contrary to policies GP2 and ENV32 in particular.

To ensure that the development is acceptable in accordance with UDP policies ENV23 conditions recommended by Canal & Rivers Trust can be attached to planning permission.

In accordance with the Air Quality SPD the proposed requirement for electric car charging points by Pollution Control Officers is considered acceptable and can be attached as a condition. This requirement complies with UDP policies GP2 and ENV10

To ensure the development is in accordance with Coal Mining Risk Assessment has been deemed acceptable by The Coal Authority who have suggested past Coal

Mining mitigation measures which ensures the scheme is acceptable in this regard and complies with policies GP2 and ENV10.

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 relationship between parking areas plans have been submitted, further amendments are requested in order to satisfy highway concerns.

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and to

- The amendment and finalising of conditions;
- Overcoming the outstanding objection[s] raised by Highway Authority. Amended site plan required to remove garage spaces

Conditions

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:

House Type A, plan no. 211 submitted 03/03/21
House Type B, plan no. 212 submitted 03/03/21
House Type C, plan no. 213 submitted 03/03/21
House Type D, plan no. 214 submitted 03/03/21
House Type E, plan no. 215 submitted 03/03/21
House Type F, plan no. 216 submitted 03/03/21
House Type G, plan no. 217 submitted 03/03/21
Section Boundaries Plan No. 20-886-204 submitted 12/10/21
Site Plan with Levels Plan No. 20-886-205 submitted 12/10/21

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 commencement of the development hereby permitted, a Method Statement to demonstrate that any construction operations within 10m of the boundary with the canal will not adversely affect its stability or structural integrity shall be submitted in writing to and approved in writing by the Local Planning Authority. The statement shall include arrangements for undertaking any monitoring regimes or mitigation measures as may be necessary to ensure that the risk of damage to the

canal structure is adequately minimised (for example, vibration monitoring if piled foundations are proposed, drainage measures associated with these retaining structures, works to the embankment itself and construction of any retaining walls or structures) .

3b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: In the interests of minimising the risk of creating land instability arising from earthmoving, excavations or any other construction works which would adversely affect the structural integrity of the adjacent Wyrley & Essington Canal embankment in accordance with the advice and guidance on land stability contained in paragraphs 174, 183 and 184. of the National Planning Policy Framework 2021 and in the National Planning Practice Guidance.

4a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water at no more than 3 litres per second and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

5a. 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, plus details of remedial works shall be submitted in writing to and approved in writing by the Local Planning Authority

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

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

6a. 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.

6b. 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.

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

7. Prior to commencement of building operations above damp course of the development permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority. The soft landscaping scheme should be of native species listing the species to be used

7b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

7c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

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

8a. 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.

8b. 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.

9a. Prior to first occupation of the development hereby permitted details of electric vehicle charging points for the development shall be submitted in writing to and agreed in writing by the Local Planning Authority.

9b. 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.

X. Prior to occupation of the development hereby permitted shall not be implemented otherwise than with the off road vehicular parking spaces each measuring a minimum of 2.4m by 4.8m including any garage spaces. The parking spaces, driveways and manoeuvring spaces shall be consolidated hard surfaced and drained to prevent surface water from the driveway running on to the public highway or into any public highway drain. The off road vehicular parking spaces shall thereafter be retained for the purposes of parking vehicles and for no other purpose for the lifetime of the development.

Reason: In accordance with the requirements of saved Unitary Development Plan policies GP2, T7, T13 and ENV40 and in the interest of highway safety.

10. Prior to the occupation of Plots 1 to 9 (inclusive) of the hereby permitted further details of the access arrangements for the inspection of the retaining structures including the future maintenance of the retaining structures of the Wyrley & Essington Canal embankment identified on Section Boundaries Plan No. 20-886-204 and the Site Plan with Levels Plan No. 20-886-205 shall be submitted in writing to and agreed in writing by the Local Planning Authority.

Reason: In the interests of minimising the risk of land instability that would adversely affect the structural integrity of the adjacent Wyrley & Essington Canal embankment in accordance with the paragraphs 174, 183 and 184 of the National Planning Policy Framework 2021 and in the National Planning Practice Guidance.

3a. Prior to the commencement of development, including any site clearance or site preparation of the development hereby permitted details of how the corridor of the adjacent Wyrley and Essington Canal corridor adjacent to the development shall be secured throughout the construction phase of the development to prevent any incursion of machinery, equipment or personnel onto the corridor shall be submitted in writing to and agreed in writing by the Local Planning Authority.

3b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall be implemented prior to site clearance and site preparation and thereafter maintained throughout the construction period.

Reason: In order to safeguard the visual amenity of the area and maintain the integrity of the wildlife corridor in accordance with saved UDP policies GP2 and ENV23.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no 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 AA - enlargement of a dwellinghouse by construction of additional storeys
 - Class B (additions to the roof)
 - Class C (other alterations to the roof)
 - Class D (porches)
 - Class E (building incidental to the enjoyment of a dwelling house)
- 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 policies GP2 and ENV32 of the Walsall Unitary Development Plan.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no solar equipment as defined by Schedule 2, Part 14 the installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on :

- a) a dwellinghouse; or
- (b) a building situated within the curtilage of a dwellinghouse

Shall be installed in any part of this development

Reason: In the interests of protecting the structural integrity of the Wyrley & Essington Canal retaining structures in accordance with the requirements of Policy ENV4 of the Black Country Core Strategy

14a. No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority.

b. No external lighting shall be installed on the site otherwise than in accordance with the approved details.

Reason: In the interests of the visual amenities of the area in accordance with saved policies GP2, ENV11 and ENV32 of Walsall's Unitary Development Plan.

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

- All external doors to individual dwellings to be PAS24; 2016
- All ground floor windows and over accessible roofs to be PAS24; 2016
- All ground floor windows and over accessible roofs including French doors and patio doors to have not less than one pane of 6.4mm laminated glass.
- Dusk until dawn lights (white light source) to be installed adjacent to each door including either side of garage doors
- All garden access gates shall be of the same construction of the perimeter fencing, self-closing, facing the street, lockable with a key front and rear, designed to not create any climbing aids
- No Lead or metal shall be used on the ground floor.
- All the dwellings shall be suitably with an intruder alarm by a registered SSAIB or NSI engineer to British Standard (BS EN 50131 Grade 2)
- All energy meters shall be placed at the front of the dwellings

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

Notes for Applicant

Canal

1. The applicant/developer is advised to contact the Canal & River Trust in order to ensure that all necessary instance on Shomsur.Khan@canalrivertrust.org.uk or by telephone 0303 040 4040.

2. the necessary commercial agreement with the Trust. Please contact Jeff Peake, Estates Surveyor, at Jeff.Peake@canalrivertrust.org.uk or by telephone 0303 040

4040.

Fire Officer

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

Requirement B5: Access and facilities for the fire service

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

Requirement

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

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

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

Intention

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

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

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).

Dead Ends including cul-de sacs

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

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

to 250 metres carrying equipment is considered a maximum for efficient fire-fighting operations.

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

Vehicle Access

Dead end/cul de sac access routes must not exceed 180 metres in length unless.

- a) an emergency vehicle access is provided which complies with item 3.8.2, or
- b) the carriageway width is increased to 7.3 metres and complies with the requirements of item 3.8.3. The provision of an emergency vehicle access is preferred to the alternative of increasing the carriage width to 7.3 metres.

3.8.2 Emergency Vehicle Access

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

3.8.3 Increased Carriageway Widths

- a) The carriageway width is increased to 7.3 metres from the entrance to the dead-end route to the point where it is 180 metres to the end of the dead end in accordance with 3.8.3b immediately below.
- b) The subsequent reduction in the width from 7.3 to 5.5 metres must occur at a road junction, at which point parking for the fire appliance at the end of the dead end must be within vision and a fire hydrant is on the pavement or ground alongside the parking space.

3.8.4 General

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

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

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

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

Sprinklers

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

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

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

2010

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

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

END OF OFFICERS REPORT