

## Economy, Environment and Communities, Development Management

### Planning Committee

Report of Head of Planning and Building Control on 26 May 2022

Plans List Item Number: 5

#### Reason for bringing to committee

Non Determination Appeal of a Major Application

#### Application Details

**Location:** FORMER ALLOTMENTS REAR OF 1 TO 9, CRICKET CLOSE, WALSALL

**Proposal:** PROPOSED ERECTION OF 29 DWELLINGS (COMPRISING 22 OPEN MARKET DWELLINGS AND 7 AFFORDABLE UNITS) WITH LANDSCAPING, ACCESS ROADS, CAR PARKING AND ASSOCIATED INFRASTRUCTURE

**Application Number:** 20/0522

**Case Officer:** Sally Wagstaff

**Applicant:** Cricket Close LLP

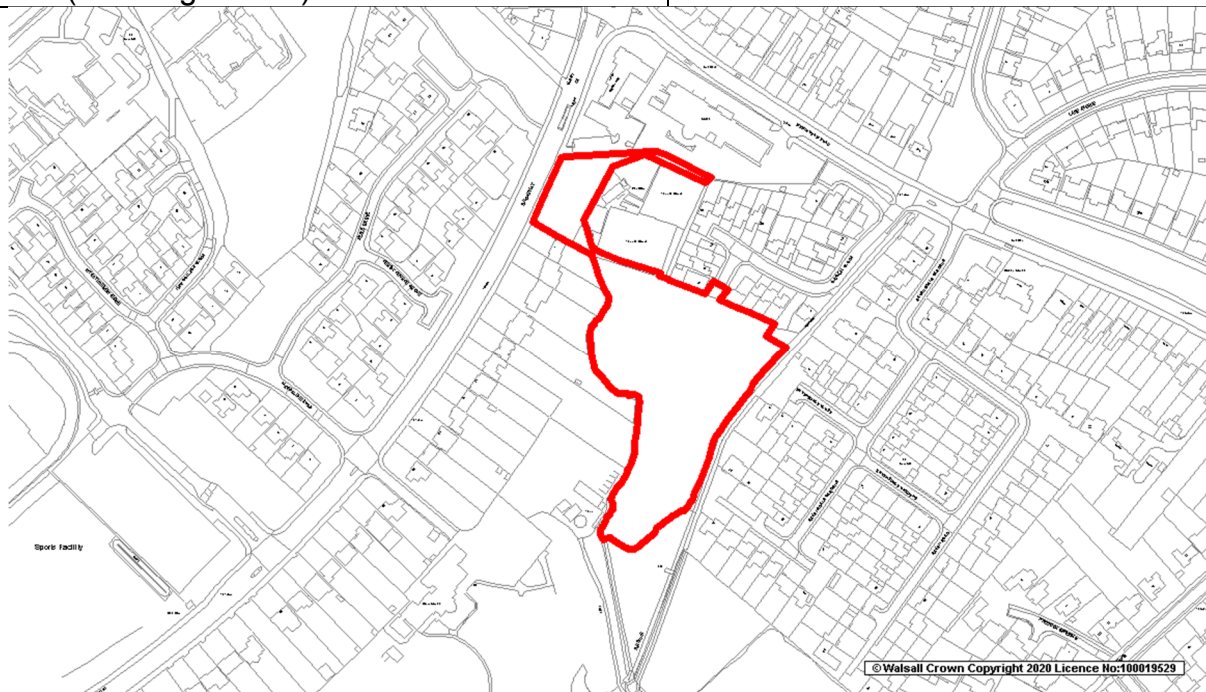
**Ward:** Paddock, Palfrey

**Agent:** Natasa Vlahovic

**Expired Date:** 06-Aug-2020

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

**Time Extension Expiry:** 28-Feb-2021



Crown Copyright and database rights 2021 Ordnance Survey 100019529

#### Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and S106 to secure urban open space contribution, affordable housing and landscape management company to manage landscaping subject to;

- Further independent review of Planning Obligations to inform final level of obligations (should Members choose this option)
- To resolve tree issues raised by the Council's Arboriculturalist
- The amendment and finalising of conditions
- No further comments from a statutory consultee or neighbour raising material planning considerations not previously addressed

## Current Status

At the Planning Committee meeting of 7th October 2021 Members were advised there is a current appeal against non- determination of this planning application and an appeal from the applicant for an award of costs which is to follow.

The non-determination appeal committee resolution was as follows:

*Planning application no. 20/0522 would have been refused by the Council on the grounds that the proposal is detrimental to the residents of Cricket Close due to an increase in traffic which is already a problem when accessing Birmingham Road; and that congestion will be further increased as a result of the Sprint bus and therefore this proposal is not acceptable. It was further resolved that a full level of planning obligations should be sought in the event that the Inspector allows any appeal.*

The Local Planning Authority are bringing the report back to Planning Committee for further guidance as there has been a change in our policy position regarding housing supply and we require confirmation on how Planning Committee wishes us to complete the appeal statement on this point. The following section of this update report will set out any changes since the original report (which follows), including matters to be addressed which were contained within the previous supplementary paper.

Following the resolution of members at the 7th October 2021 Planning Committee there has been a policy update of March 2022 in relation to Walsall Housing Land Supply. In light of this, an update is given to inform members of this change.

*"The latest available figures show that there was a 5 year housing land supply as at April 2021, however the Council failed the Housing Delivery Test published in January 2022 based on low levels of delivery over the last 3 years. This means that the size of the required supply buffer has increased resulting in the supply at the time of preparing this report being slightly less than 5 years, and the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect."*

Given the change in policy circumstances, notwithstanding the fact that the Cricket Close is an allocated site (allocated in the Site Allocation Document authorised on the 7 January 2019 by full council) and is part of our 5 year supply, would the Planning Committee still wish the Local Planning Authority to pursue committee's reasons for refusal *the proposal is detrimental to the residents of Cricket Close due to an increase in traffic which is already a problem when accessing Birmingham Road; and that congestion will be further increased as a result of the Sprint bus and therefore this proposal is not acceptable. It was further resolved that a full level of planning obligations should be sought in the event that the Inspector allows any appeal.* The Local Highway Authority are advising the Local Planning Authority for the appeal and they had confirmed there were no highway safety concerns, which the applicant has now also demonstrated as part of their appeal submission. Without further Highway Safety evidence to

demonstrate Planning Committee's concerns for this allocated site in the development plan, we have no evidence to enable the Local Planning Authority to defend the appeal. In addition, it is highly likely costs will be awarded again the Council.

### **Supplementary Paper 7th October 2021**

Applicant correspondence questions the validity of the second deferral by Planning Committee on 4th February 2021 which sought to consider land falling outside of the application site boundary which they consider should not be a material planning consideration in the determination of this planning application and explains that all reasonable and justified options have been explored and set out to Members.

This is noted. It is considered Planning Committee are entitled to form a different view to that of its professional officers and to differ from the recommendations set out in the officer's report. The committee's decision to defer was to enable officers and the applicant to explore alternative proposals. Probity In Planning for Councillors and Officers, prepared jointly by the Local Government Association and the Planning Advisory Service states, "Planning committees can, and often do, make a decision which is different from the officer recommendation. Sometimes this will relate to conditions or terms of a S106 obligation. Sometimes it will change the outcome, from an approval to a refusal or vice versa. This will usually reflect a difference in the assessment of how a policy has been complied with, or different weight ascribed to material considerations." In accordance with this guidance, if planning committee makes a decision contrary to the officers' recommendation a detailed minute of the committee's planning reasons is made, explaining the reasons for not agreeing with the officer's recommendation.

Members of Committee were informed the last time that this matter came before committee that if the matter were refused or deferred the applicant may decide to appeal and in officers' views such an appeal may be successful and that should the applicant make an application for costs, that also may be successful. Nonetheless, the committee considered it important that there be an opportunity for alternative proposals to be submitted by the applicant.

The applicant has provided an updated offer via Unilateral Undertaking forming part of their appeal submission:

- £93,799 off-site open space contribution (same as previous) and payable up-front.
- 25% shared ownership housing on site (same number of units as previous - 7 units) but based on new Government model.
- Reduced off-site affordable housing offer from £266,362 to £195,819 payable only in the event of an independent valuer finding the site to be viable within 6 weeks of request for a valuer's report.

Applicant's justification for this revised offer is:

- New model of shared ownership properties have a lower valuation (occupiers can now buy share at 10% instead of previous 25% and new 10 year maintenance requirement on landlord).
- Higher material and labour costs.
- Incurred additional holding costs because of the delays in processing the planning application.
- Additional costs and commercial risk need to be factored into the viability of the scheme which is based upon a blended profit level of 18.46% (across the market sale and affordable units) - within 15-20% profit level contained within the Government's viability guidance.

Applicant wishes to express that their appeal submission explains WHG are the 'parent' of Cricket Close LLP and any profits arising would be 'recycled' back to WHG to help deliver further affordable housing in future.

The Council's Strategic Housing Team re-confirms that a policy compliant level of affordable housing for this site would be 25% social rent on-site.

Whilst noting the provided justification and change in circumstances, in the absence of obtaining an independent financial appraisal of this revised offer, Officers are unable to confirm whether this reflects the overall viability of the proposed development.

It was previously confirmed that the scheme could achieve a policy compliant level of 25% social rent tenure along with the urban open space contribution of £93,799, and viable whilst providing 25% shared ownership tenure along with an off-site commuted affordable housing sum of £266,362 and the urban open space contribution of £93,799 (although further review was suggested to consider delayed payment triggers to assist in delivery).

Members are asked to confirm which Planning Obligations officers should pursue as part of the Council's appeal submission in the event the appeal is successful:

- a. Policy compliant level of contributions / provision; OR
- b. The developers previous offer of 25% shared ownership affordable housing, £266,362 off-site contribution towards affordable housing and £93,799 towards open space; OR
- c. The developers current offer (as above but with a reduced off-site affordable housing sum subject to testing against future profit levels); OR
- d. Further independent review to be carried out to inform the final level of obligations.

Recommendation updated accordingly.

**Recommendation:** Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and S106 to secure urban open space contribution, affordable housing and landscape management company to manage landscaping subject to;

- Further independent review of Planning Obligations to inform final level of obligations (should Members choose this option)
- To resolve tree issues raised by the Council's Arboriculturalist
- The amendment and finalising of conditions
- No further comments from a statutory consultee or neighbour raising material planning considerations not previously addressed

## **Consultee Responses Received Since 7th October Planning Committee**

No further consultee responses received.

## **Neighbour Comments Received Since 7th October 2021 Planning Committee**

Emails were received on 3rd November 2021 by a local resident in relation to advising that people have been seen at the site and requesting if the Local Planning Authority had knowledge of who the visitors were and their reasons for visiting. The resident was advised that the Local Planning Authority did not know who these people were or the reason for their visit. It was suggested it could be in relation to the appeal but the officer could not confirm this.

It was also confirmed at the time of writing that the appeal was not yet live.

An email was received on 12th April 2022 from a local resident requesting an update on the appeal and to advise that there had been visitors to the site. Subsequently before the Local Planning Authority were able to respond the appeal became live. The local resident was notified about of the appeal. Again the Local Planning Authority confirmed that they did not know who had visited the site.

The local resident also advised they considered the case officer's report had been removed from the file. The Local Planning Authority responded with a link to all documents in relation to the application and that they could review Planning Committee documents on Walsall Council's website.

## **Conclusion**

The Local Planning Authority have brought the application back to Planning Committee to inform Members of the change in policy in relation to Walsall Housing Land Supply following their non-determination resolution. As the appeal is a hearing there is an opportunity for the local ward Members to assist in defending the Planning Committee's decision by giving evidence at the hearing.

Previous reports and updates follow below.

## **THE UPDATE REPORT OF 7th OCTOBER 2021 FOLLOWS:**

There is a current appeal against non-determination of this planning application. There is also an appeal from the applicant for an award of costs which is to follow. Officers are therefore seeking a resolution from Members of this Planning Committee on how they would have otherwise determined this application. The resolution will be forwarded to the Planning Inspectorate and will form part of the Council's appeal documents.

At the Planning Committee meeting of 10th December 2020, Members deferred this planning application to facilitate further discussions between the applicant and Council officers to further explore an alternative means of vehicle access and egress from the site other than Cricket Close.

At the Planning Committee meeting of 4th February 2021, an update was presented to Members explaining that access to the site via the Broadway is not possible for two reasons (unacceptable impacts to the operation and safety of a classified A road and Strategic Highway link and it would require the inclusion of third party land at the Tennis Club to facilitate). It was however explained to Members that the applicant had submitted revised plans to provide a temporary construction



haul road from the Broadway which could be provided across the site to reduce impacts on existing residents during the construction period (using a 'left in' and 'left out' junction onto The Broadway). The Local Highway Authority confirmed that following consultation with Walsall Road Safety Team they would not accept a permanent new access onto the Broadway as this is a key safety corridor and a permanent new access would increase the risk of accidents, but that a temporary access via the Broadway would be acceptable with the primary and permanent access from Cricket Close as proposed.

Members of the 4th February 2021 Planning Committee resolved to defer this planning application to facilitate further discussions between the applicant and Council officers to further explore an alternative means of vehicle access and egress from the site and to consider a comprehensive development to include land at the redundant tennis club (this is third party land and subject of a previous objection from Sports England) and a potential alternative access via the Metro Inn hotel off Birmingham Road (this land is also third party land).

The applicant has since sought independent legal advice following the second deferral of this planning application which confirms that it is not possible to have permanent access to the site from the Broadway for the reasons set out above and presented to Members. The correspondence also questions the 'lawfulness' of the second deferral which sought to consider land falling outside of the application site boundary which they consider should not be a material planning consideration in the determination of this planning application and explains that all reasonable and justified options have been explored and set out to Members. Advice is being sought on this matter from the Council's Planning Solicitor and an update will be provided in the supplementary paper. This matter would also need to be considered as part of the Council's appeal documents.

#### **Consultee Responses Received Since 4 February 2021 Planning Committee**

Natural England have advised that they continue to have no objections to this proposal and the proposed amendments to the original application put forward to planning committee on 4 February 2021 are considered unlikely to have significantly different impacts on the natural environment than the initial proposal.

#### **Neighbour Comments Received Since 4 February 2021 Planning Committee**

Two residents requested an explanation for the extension of time agreement until 28 February 2021 and was advised that this was to give the applicant and their representatives' time to reflect on the outcome of the planning committee on 4 February 2021. One of the residents complained that there was no supporting evidence on the Council's website that progress was being made to break the 'deadlock' with the applicants. They considered that the application should be withdrawn to prevent the planning portal being "clogged-up" for years with similar over-optimistic applications having little chance of being approved". The Local Planning Authority is required to determine applications put before them and it would be a matter for the applicant's whether or not they wish to withdraw their planning application.

A resident contacted the Local Planning Authority to question why an official seemingly from Severn Trent Water was taking photographs of the site which they considered indicated that there was the probability of forthcoming activity and requested the current status of the application.

The resident was advised that the Local Planning Department had no details of any potential activity by Severn Trent Water and that the planning application remained under assessment.

### **Supplementary Paper 4th February 2021**

The supplementary paper explained that the Council's independent viability assessor confirms the scheme can achieve a policy compliant level of 25% social rent tenure along with the urban open space contribution of £93,799. They also conclude that the scheme would remain viable whilst providing 25% shared ownership tenure along with an off-site commuted affordable housing sum of £266,362 and the urban open space contribution of £93,799.

The applicant however explained that early payment of contributions would further impact the schemes viability and requests phased triggers for payment throughout the development. A further independent review will be needed to assess the triggers and any impacts on overall level of contribution.

The applicant's offer was increased, and Planning Committee Members were therefore advised to confirm for the Section 106, one of the following options should the application be approved in line with officer's recommendation:

- a. Policy compliant level of contributions / provision; or
- b. the developers offer of 25% shared ownership affordable housing, £266,362 off-site contribution towards affordable housing and £93,799 towards open space.

A number of further representations and consultee comments were received and set out in the supplementary paper, and the recommendation updated accordingly as follows:

Recommendation: Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and S106 to secure urban open space contribution, affordable housing and landscape management company to manage landscaping subject to;

- Independent review of Section 106 payment triggers and level of contribution sought To resolve tree issues raised by the Council's Arboriculturalist
- The amendment and finalising of conditions
- No further comments from a statutory consultee or neighbour raising material planning considerations not previously addressed

### **Conclusion**

The Local Planning Authority considers that the applicant has demonstrated a vehicle access via Cricket Close remains to be the most feasible option which would not result in unacceptable highway safety impacts and accords with local and national planning policies and guidance. The proposed temporary construction access off the Broadway is also considered acceptable and would help to minimise impacts to surrounding residential occupiers of Cricket Close during that period and conditions could be included on any approval to secure this.

The Local Highway Authority, and Walsall Road Safety Team do not object to the proposal as set out and do not support alternative access via the Broadway. No other evidence has been provided to the LPA which would warrant a refusal on highway safety grounds in this instance.

The recommendation has been updated to take account of further updates:

**Recommendation:** Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and S106 to secure urban open space contribution, affordable housing and landscape management company to manage landscaping subject to;

- Independent review of Section 106 payment triggers and level of contribution sought
- To resolve tree issues raised by the Council's Arboriculturalist
- The amendment and finalising of conditions
- No further comments from a statutory consultee or neighbour raising material planning considerations not previously addressed

Planning Committee Members are asked to confirm for the Section 106, one of the following options should the application be approved in line with officer's recommendation:

- a. Policy compliant level of contributions / provision; or
- b. the developers offer of 25% shared ownership affordable housing, £266,362 off-site contribution towards affordable housing and £93,799 towards open space.

#### **Updated Conditions and Notes for the Applicant**

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2: This development shall not be carried out otherwise than in conformity with the following approved plans: -

- Planning Application form dated 7/5/2020
- Location Plan, drawing no. D000, deposited 7/5/2020
- Site Layout Plan, drawing no. D01 Revision AA, deposited 27/11/2020
- Planning Statement incorporating Statement of Community Involvement by Planning & Development Ltd, dated May 2020, deposited 7/5/2020
- 20yr Baseline Flood Extent, 14378-XX-XX-FR-DR-0001 Revision P01, deposited 7/5/2020
- 100yr Baseline Flood Extent, 14378-XX-XX-FR-DR-0002 Revision P01, deposited 7/5/2020
- 100yr+35 Baseline Flood Extent, 14378-XX-XX-FR-DR-0003 Revision P01, deposited 7/5/2020
- 100yr+75 Baseline Flood Extent, 14378-XX-XX-FR-DR-0004 Revision P01, deposited 7/5/2020
- 1000yr Baseline Flood Extent, drawing no. 14378-XX-XX-FR-DR-0005 Revision P01, deposited 7/5/2020
- 20yr Post Development Flood Extent, 14378-XX-XX-FR-DR-0006 Revision P01, deposited 7/5/2020
- 100yr Post Development Flood Extent, 14378-XX-XX-FR-DR-0007 Revision P01, deposited 7/5/2020



- 100yr+35 Post Development Flood Extent, 14378-XX-XX-FR-DR-0008 Revision P01, deposited 7/5/2020
- 100yr+75 Post Development Flood Extent, 14378-XX-XX-FR-DR-0009 Revision P01, deposited 7/5/2020
- 1000yr Post Development Flood Extent, drawing no. 14378-XX-XX-FR-DR-0010 Revision P01, deposited 7/5/2020
- Garage and Utility Plan, drawing no. D10 Rev. B, deposited 7/5/2020
- House Type 2B A AF Plans and Elevations drawing no. D09 Rev. F, deposited 7/5/2020
- House Type 2B N OM Plans and Elevations drawing no. D02 Rev. G, deposited 7/5/2020
- House Type 3B N2 SO Plans and Elevations drawing no. D04 Rev. F, deposited 7/5/2020
- House Type 3B WN OM Plans and Elevations drawing no. D06 Rev. F, deposited 14/8/2020
- House Type 4B 2.5S OM Plans and Elevations drawing no. D12 Rev. G, deposited 14/8/2020
- House Type 4B 2S OM Plans and Elevations drawing no. D07 Rev. G, deposited 14/8/2020
- House Type 5B 2.5S OM Plans and Elevations drawing no. D08 Rev. F, deposited 14/8/2020
- ICP SUDS Mean Annual Flood Data, deposited 07/05/2020
- Landscape Plan, drawing no. D900 Rev B, deposited 7/5/2020
- Severn Trent Water Sewer Record, issued 12/06/14 and deposited 07/05/2020
- Hydrock Consultants Ltd Storm Sewer Design, East, deposited 7/5/2020
- Hydrock Consultants Ltd Storm Sewer Design, West, deposited 7/5/2020
- Street Elevations 1, 2 & 3, drawing no. D20, deposited 14/8/2020
- Street Elevations 4 & 5, drawing no. D21, deposited 14/8/2020
- Street Elevations 6 & 7, drawing no. D22, deposited 7/5/2020
- Topographical Survey, drawing no. 0001, Rev 1, deposited 7/5/2020
- Tree Survey prepared by Dr Stefan Bodnar, February 2020, deposited 7/5/2020
- Hydrock Construction Traffic Management Plan, dated 23/3/2020, document reference 14378-HYD-XX-XX-TS-TP-7001.P1, deposited 7/5/2020
- ASL Desk Study Report Land Off Cricket Close, ASL Report no. 116-14-067-11Rev. 2, February 2020, deposited 7/5/2020
- Drainage Strategy by Hydrock, document reference 14378-HYD-XX-XX-DR-D-2200 Rev. P01, deposited 7/5/2020
- Energy Statement by Focus, April 2020, deposited 7/5/2020
- Flood Risk Assessment and Drainage Strategy by Hydrock, dated 26/3/2020, document reference 14378-HYD-XX-XX-RP-FR-0001, deposited 7/5/2020
- Framework Travel Plan by Hydrock, dated 30/3/2020, document reference 14378-HYD-XX-XX-FTP-TP-6001.P2, deposited 7/5/2020
- Traffic Noise and Industrial Noise Assessment by John Waring, Issue 1, dated 9/6/2017, deposited 7/5/2020
- ASL Site Investigation, Land off Cricket Close, ASL Report no. 116-14-067-09Rev. 1, February 2020, deposited 7/5/2020
- Hydrock SUDS mitigation, drawing no. 14378-HYD-XX-XX-CA-D-5100 Rev. P01, deposited 7/5/2020
- Hydrock Transport Statement dated 30/3/2020, Document Reference 14378-HYD-XX-XX-TS-TP-4001.P2, deposited 7/5/2020
- Design and Access Statement, Rev 1, deposited 10/09/2020
- Dawn/Dusk Emergent Bat Survey by Dr Stefan Bodnar, June 2020 and deposited 18/11/2020
- Boundary Treatment, drawing D14 Rev. N, deposited 30/11/2020

- Hydrock Technical Design Note, dated 9/11/2020, document reference C-14378-HYD-XX-XX-TN-TP-1001.P01.01, deposited 18/11/2020
- Materials Schedule, drawing no. D30, deposited 27/11/2020
- Preliminary Ecological Assessment (Extended Phase 1 Ecological Survey) by Dr Stefan Bodnar February 2020, revised November 2020 deposited 18/11/2020
- Manual Reptile Survey by Dr Stefan Bodnar, May 2020 Revised November 2020 deposited 18/11/2020

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

3: a) Notwithstanding the submitted details, prior to commencement of the development hereby permitted, a further bat survey shall be undertaken by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy to determine the presence or absence of roosting or hibernating bats. The bat survey results including details of mitigation measures and contingency plans shall be submitted in writing to and agreed in writing by the Local Planning Authority.

3: b) Should bats be found on site during the course of construction the approved mitigation measures and contingency plans shall be implemented

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

Reason: To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

4: a) Prior to commencement of the development hereby permitted and notwithstanding the information provided, a badger survey shall be undertaken by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy to determine the presence or absence of badgers and their setts. Details of mitigation measures and contingency plans shall be submitted in writing to and agreed in writing by the Local Planning Authority.

4: b) Should badgers be found on site during the course of construction the approved mitigation measures and contingency plans shall be implemented

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

Reason: To conserve local badger populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

5: a) Prior to commencement of the development hereby permitted and notwithstanding the information provided, a habitat survey shall be undertaken at the optimum time as prescribed by Table 2: Optimum Survey Times for Vegetation Surveys, page 33 of Conserving Walsall's Natural Environment, by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy to assess the plant species and plant communities present. Details of mitigation measures and contingency plans shall be submitted in writing to and agreed in writing by the Local Planning Authority.

5: b) Should important or rare plant species be found on site during the course of construction the approved mitigation measures and contingency plans shall be implemented

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

Reason: To conserve local important habitats and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

6: a) Prior to commencement of the development hereby permitted and notwithstanding the information provided, a reptile survey shall be undertaken by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy to determine the presence or absence of reptiles including slow worms. Details of mitigation measures and contingency plans shall be submitted in writing to and agreed in writing by the Local Planning Authority.

6: b) Should reptiles be found on site during the course of construction the approved mitigation measures and contingency plans shall be implemented

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

Reason: To conserve local reptile populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

7: a) Prior to commencement of the development hereby permitted, drainage plans for the discharge of surface water and disposal of foul sewerage shall be submitted to and approved in writing by the Local Planning Authority.

7: b) The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

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

8: 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
- xiii. Re- covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc.
- xiv. Scheme for the ecological protection of the Full Brook Wildlife Corridor and watercourse buffer from site preparation, clearance, and during construction.

8: 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.

9: a) Prior to commencement of the development hereby permitted a survey shall establish whether there are any invasive species such as Japanese Knotweed and Giant Hogweed on the site and shall be submitted in writing to the Local Planning Authority for approval.

9: b) If any invasive species are identified in the survey report a detailed method statement for the long term eradication and management of any invasive species on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of any invasive species and measures to ensure that any soils brought to the site or used from within the site are free of seeds, roots or stems of any invasive plant covered by the Wildlife and Countryside Act 1981. Any Japanese Knotweed to be removed utilising 'dig and dump' shall not be removed from the site otherwise than to a landfill site licensed to accept it.

9: c) No works shall be carried out on site until the detailed method statement has been approved.

9.d) The agreed works shall thereafter be carried out and retained for the lifetime of the development.

Reason: To ensure the effective removal of and to prevent the spread of any invasive species in the interests of avoiding harm to the environment and in accordance with UDP policy GP2 and ENV23 of Walsall's Unitary Development Plan.

10: a) Prior to the commencement of any building or engineering operations of the development hereby approved details of the proposed finished floor levels, ridge and eaves heights of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties.

10: b) The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

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

11: 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 that match the existing materials 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.

11: 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.

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

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

12: c) 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.

13: a) Prior to commencement of the development hereby permitted details of a programme of site investigations and archaeological work, to include a watching brief, shall be submitted in writing to and approved in writing by the Local Planning Authority.

13: b) No development shall be carried out on site otherwise than in accordance with the approved details.



Reason: In order to secure an adequate record of the site's archaeology in accordance with saved policy ENV25 of Walsall's Unitary Development Plan.

14: a) The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the Flood Risk Assessment and Drainage Strategy, Hydrock, 26th March 2020 and Technical Design Note, Hydrock, 18th September 2020, have been implemented.

14: b). The development shall not be carried out otherwise than in accordance with the approved details included in the Management and Maintenance Schedule outlined in the Technical Design Note.

Reason: To reduce the risk of surface water flooding to the development and surrounding properties for the lifetime of the development to comply with Walsall's Unitary Development Plan saved policies GP2 and ENV40.

15: a) Prior to the first occupation of any dwelling of the development, the development shall be constructed with the access road, parking and vehicle manoeuvring areas being 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, together with the clear demarcation of all parking bays.

15: b) These areas shall thereafter be retained and used for no other purpose.

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

16: a) Prior to the first occupation of the development hereby permitted, a scheme of bat and bird boxes to be incorporated into the development site shall be submitted in writing to and approved in writing by the Local Planning Authority.

16: b) The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

16: c) The entrances to bat and bird boxes shall be kept clear from obstructions at all times.

Reason: To conserve local bat and bird populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

17: a) Prior to the commencement of the hereby approved development above damp-proof course, details of the number, type and location of the proposed electric vehicle charging points shall be submitted in writing to and approved in writing by the Local Planning Authority.

17: b) Prior to the first occupation of any dwelling of the development, the development shall be constructed in accordance with the agreed electric vehicle charging points and thereafter retained and available for the use of future occupiers of the development and used for no other purpose.

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.

18: Site clearance and dismantling works shall be undertaken outside the bird nesting season. The bird nesting season extends between mid-February and September inclusive but is weather dependant and nesting may take place outside this period. If nesting birds are discovered, clearance works should be delayed until the young have fledged.

Reason: To conserve local bird populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

19: 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.

20: 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
- Recycling and refuse areas to be secured at the rear of the properties in a lockable storage facility
- 1.8m high closed board fencing with 0.3m trellis topper to be erected around the perimeter (inside of the boundary hedging) of each dwelling.
- All 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 in compliance with NPPF 12 and saved policy ENV32 of Walsall's Unitary Development Plan.

21: a) 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.

21: 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.

22: 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 additional 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.

23: 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 E (building incidental to the enjoyment of a dwelling house), shall be installed in any part of this development.

Reason: To safeguard the openness of the Green Belt, ecology and amenities of the occupiers of adjoining premises and to comply with saved UDP policies 3.2 to 3.5, GP2, ENV23 and ENV32 of the Walsall Unitary Development Plan and Policy GB1 of Walsall Site Allocation Document.

### **Notes for Applicant**

### **Police Architectural Officer**

Below is a link to Secured by Design guides, including Housing, police approved crime reduction information.

<https://www.securedbydesign.com/guidance/design-guides>

The applicant to refer to crime prevention and home security advice contained within SBD New Homes.

Please

see:

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

Secured by Design security standards are explained.

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

### **Severn Trent Water**

Severn Trent Water advise that there are public sewers located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact 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, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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 contact [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days. Alternately you can call our office on 0345 266 7930

### **West Midlands Fire Service**

**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 access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult)

## Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwelling-houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling-house.

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

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

## Overall

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

## Water

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

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

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



## **Sprinklers**

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

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

Blocks of flats with a floor more than 30m above ground level should be fitted with a sprinkler system, throughout the building (ADB Vol 1, Section 7)

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)

## **Knotweed**

Wildlife and Countryside Act 1981 section 114 (2) states that it is illegal to allow Japanese knotweed to spread in the wild. If knotweed is discovered on the property it should be dealt with in accordance with the act

## **Contaminated Land**

### **CL1**

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 +A1:2013 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

### **CL2**

When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical

background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

### CL3

Validation Reports 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 records and results of any post remediation ground gas testing are available then these 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.

### Noise

Pollution Control cannot verify that the actual glazing and ventilation has been or will be installed as per manufacturer's instructions or as stated in drawings that may be supplied by the applicant. It is recommended that such confirmation be obtained from a suitable third party, such as a Building Control Inspector or the acoustic performance verified by a person or organisation certified for the purposes of sound insulation testing by either by the Association of Noise Consultant (ANC) or the United Kingdom Accreditation Service (UKAS).

### THE UPDATE REPORT OF 4TH FEBRUARY 2021 FOLLOWS:

#### **Current Status**

At the Planning Committee meeting of 10th December 2020, members deferred determination of this application to allow for discussions with the applicant to consider an alternative access other than Cricket Close.

The planning agent has confirmed that their client has listened to the committee's concerns relating to road safety and traffic impacts for residents of Cricket Close especially during the construction phase of the project. They have confirmed that access to the site via the Broadway is not possible for two reasons;

1. When commenting on a previous application (Planning application reference no. 17/0845) the Highway Authority provided the following assessment of an access from The Broadway:

*"The Highway Authority considers that the introduction of a new priority junction at this location onto Broadway, even for a relatively modest number of dwellings, is unnecessary. Broadway is a classified A road and Strategic Highway link that already experiences considerable delays and congestion particularly during peak periods. Internal highway disciplines have been consulted and the consensus is that creating a new priority junction this close to the Birmingham Road / Broadway twin roundabout junction and a staggered*

*pedestrian crossing, would simply add further congestion and delays with the potential of increased collision risks...”*

2. An access from The Broadway would require the use of the former Tennis Club land parcel. Our current proposals do not include the former tennis club land parcel because to do so would raise policy issues relating to the loss of a sports facility.

To address concerns of residents in respect of construction traffic a temporary constriction traffic access road has been proposed from the Broadway.

Notwithstanding the issues relating to a permanent access from The Broadway, the Applicant is able to confirm that all construction traffic will use a ‘left in’ and ‘left out’ junction onto The Broadway and not Cricket Close. A drawing has been provided to show arrangements for a temporary access onto The Broadway and a temporary wide haul road into the application site. The planning agents have confirmed that these arrangements can be implemented without encroaching on the former tennis courts which will be fenced off during the construction phase of the project and construction traffic would be prohibited from using Cricket Close.

The agents have proposed the inclusion of three conditions detailed hereunder:

*Condition 1. “the extension and continuation of the existing lane separation hatching on Birmingham Road between the Cricket Close junction and the Hotel access to the west. The extended hatching to include a ghost right turn lane at the Cricket Close junction together with a Keep Left central island on the east bound approach to the junction and any kerb realignments as necessary.”*

*Condition 2. “the provision of tactile pedestrian dropped kerbs across the service road access junction serving nos. 2 to 6 Cricket Close, together with any minor footway extension works to accommodate the crossing”*

*Condition 3. “the provision of a tactile pedestrian crossing across Cricket Close at the termination of the existing footway outside no. 1 Cricket Close across the bend”*

The Local Highway Authority (LHA) have confirmed that the above proposed Condition 1 works are likely to be overridden by SPRINT and would not form part of the proposal however proposed conditions 2 and 3 would be required if approved and will therefore be considered against the government’s tests on planning conditions and updated if necessary.

The LHA have confirmed that following consultation with Walsall Road Safety Team they will not accept a permanent new access onto Broadway as this is a key safety corridor and a permanent new access would increase the risk of accidents. Furthermore, saved UDP Policy T4 aims to limit the introduction of new permanent access roads onto classified roads such as the Broadway. The LHA will only consider a temporary access via Broadway and the primary and permanent access to this site is considered to be, in terms of highway safety, to be from Cricket Close.

The introduction of a new permanent access from Broadway is considered will create turning movements that could not be supported at this location because of the risk of accidents. Furthermore, if a permanent access was permitted through Cricket Close and the proposed new development, there is the likelihood this would create a ‘rat run’ for drivers wishing to avoid delays at the roundabout.

Plans have been revised in order that the proposed temporary construction road falls within the red line defining the application site.

Consultees and neighbours have been re-consulted on these additional plans, the consultation period expires 9/2/2021. Any further comments received from neighbours will be reported in the Supplementary Paper. The following updated consultee comments have been received;

### **Highways**

The Local Highway Authority have confirmed they will not accept direct access onto Broadway for all the development traffic on road safety and capacity grounds and will only consider this access for construction traffic on a temporary and controlled basis.

The Local Highways Authority have commented that the revisions to the proposed temporary construction access route, as shown on amended drawing no. D50 Rev. B deposited on 25/01/2021, are acceptable along with the proposed associated operating Method Statement of the same date, subject to planning permission being approved.

The housing development traffic (with the exception of Plots 28 and 29 off Broadway), will be through Cricket Close, the development of 27 houses effectively being an extension to the close. Cricket Close is an adopted public highway and designed for residential traffic. The additional traffic impact on Cricket Close and the Cricket Close/Birmingham Road junction as a result of the development has been assessed. In terms of predicted vehicle trip generation based upon 27 dwellings using TRICS database, it is predicted that the development will generate 15 additional two-way trips in the am peak traffic period and 14 in the pm period. This equates to 1 additional trip every 4 minutes on the local highway network in the peak traffic periods, with around a 50% split between east and westbound trips.

The Cricket Close/Birmingham Road junction has been tested with the predicted additional traffic and is predicted to operate within capacity. It is considered the proposed development is unlikely to have a detrimental effect on the safe and efficient operation of Cricket Close being largely imperceptible to the existing highway users and residents.

On the basis that West Midlands Fire Service are in agreement that an appropriately positioned fire hydrant overcomes the necessity for an emergency access link to the development then the Highways Authority support the proposal subject to the inclusion of planning conditions in respect of the construction of adoptable highway infrastructure, installation of street lighting, provision of parking and manoeuvring areas, provision of a construction methodology statement and incentives to promote sustainability credentials. The Fire Service has been contacted for further comments and have responded as detailed below.

### **Fire Officer**

West Midlands Fire Service have raised no objections to the proposal subject to compliance with Approved Document B, Volume 1, Dwellings, 2019 of Building Regulations covering fire safety matters with and around buildings. Further clarification has been sought from the Fire Officer in respect of Highway Officers concerns, but their response has been the same by advising compliance with Approved Document B.

## **Sports England**

Sports England have commented that it would not be possible to play tennis on 3 of the tennis courts if the temporary road is installed and if the road is left in place post development, it would permanently remove the ability to play tennis on the courts. As the applicants have not come forward with a plan for the future of the tennis courts, they have advised that it is their role to protect the ability to play tennis or other sport on this site. As a consequence, Sports England will require a planning condition to ensure that the court area affected by the temporary road is reinstated post the development work, if approved. If this recommended condition is not imposed on any planning consent, then Sports England would consider this development has not met their planning policy and they would object to the application.

## **Pollution Control**

### **Acoustics**

Pollution Control Officers have considered the acoustic information provided and recommend the inclusion of planning conditions in respect of passive mechanical ventilation once suitability has been determined. Once these aspects are resolved and prior to occupancy, if approved, a planning condition requiring the submission of an acoustic validation could be included to establish whether the acoustic performance is acceptable and installed in accordance with manufacturer's instructions.

### **Air Quality**

With regard to air quality Officers do not have any major concerns about air quality in this location and planning conditions were previously recommended in respect of electric vehicle charging points and low NOx boilers. Informative notes relating to these conditions will included, if the application is approved.

### **Ground Contamination**

Additional soil sampling information has been provided in respect of ground contamination however this supplementary information does not indicate that the area fronting Broadway has been sampled where plot no's 28 and 29 are proposed. Officers concur with the proposed actions to address land contamination matters for the part of the proposed development site that has been investigated. To take this forward the applicant will be required to provide a Remediation Statement/Strategy to confirm that the recommended actions will be implemented and detail the required works. This document will need to include any requirements for the area of the site fronting Broadway.

In these circumstances Pollution Control officers consider the submitted reports are not sufficient at this stage to remove the requirement for a proposed contaminated land condition which would therefore be attached to any permission.

## **Tree Officer**

Comments have been received from the Council's Tree Officer advising there appears to be a discrepancy between the number of trees on site and those shown on drawings. There are trees protected by TPOs on the northern part of the development site and the proposed location of Units 28 & 29 will result in all tree removals in this area. T29, the large individual tree is a TPO tree although it appears this tree can be retained. However, H7, to the left of the tennis courts



(not shown on the Site Plan) is indicated in the Tree Survey as Leylandii which are not protected. However, there are other deciduous trees to the left of H7 that have not been surveyed and appear to be protected. Even trees that are not within the red line boundary but still pose a constraint to the development, are a material consideration in the planning process.

These issues require further clarification and shall be updated in the supplementary paper.

### **Clean and Green/Waste Management**

They have advised each property will require a minimum of a 140ltr grey bin for general waste and a 240ltr green bin for recycling. Bins will need to be presented on collection day at the nearest point accessible to the refuse collection vehicle.

### **Archaeology**

The Archaeologist has confirmed there is no change to their earlier recommendation that a condition be placed on planning consent requiring a program of archaeological work comprising a watching brief on ground works. This would ensure that any archaeological remains exposed/truncated are preserved by record.

### **Planning Obligations**

As previously advised in the supplementary paper the applicant submitted a viability assessment that has been independently assessed, confirming that the proposed development is viable and can deliver planning policy compliant contributions for 25% social rent affordable housing, urban open space contributions. Whilst the applicant recognises this position, they would prefer the 25% affordable housing to have a shared ownership tenure.

The council's independent assessor also considered this housing tenure and confirmed, if 25% shared ownership is agreed, the development is viable and can pay an off-site contribution of £300k towards affordable housing. As an alternative to this, the applicant has asked for 25% of the development to be shared ownership tenure and to provide an off-site payment of £100k towards affordable housing, as the council's assessor, in following government advice has not been able to consider land costs in this instance, given the applicant has owned the land for several years.

The applicant states, their offer is made, confirming that the development is more likely to be built out rather than the policy compliant options. Hence planning committee need to confirm for the Section 106, one of the following options, either:

- a. Policy compliant contributions
- b. 25% shared ownership affordable housing and £300k off-site contribution towards affordable housing
- c. The developers' offer of 25% shared ownership affordable housing and £100k off-site contribution towards affordable housing

The Council's independent assessor has subsequently advised that they consider the difference in value between the affordable housing as social rent tenure and shared ownership tenure, as estimated by the Applicant within their FVA, is £377,300 so £100,000 looks light.

Highways England, Historic England, Natural England, Network Rail and the Fire Officer have no objections or further comments in respect of the proposed amended plans.

## **Representations**

*(Officers comments in italics)*

Councillor Martin has made the following comments in respect of the amended plans;

- Residents of Cricket Close are not objecting to the proposal to develop this site *(noted)*
- Residents are objecting to the access and exit to the development via Cricket Close on highway safety grounds *(the Local Highways Authority have raised no objections on highway safety grounds and only in respect of fire safety)*
- This proposal was refused however deferred to look at highway safety and the proposed amendment as set out does not in any way address this issue *(the proposal was deferred by planning committee for further consideration on highway access rather than refused and the proposal is to introduce a temporary access road for construction traffic to reduce disturbance to residents)*

Objections have been received from 9 residents to the amended proposal on the following grounds;

- Can planning committee arrange a site visit to see issues first- hand? *(officers site photographs and presentation provide the necessary context for members of the Planning Committee)*
- Resident interested in buying corner 5B Plot (plot 28) – *comment noted*
- Proposed construction access road is temporary, and objections remain as traffic from the new properties would be through Cricket Close, a quiet cul-de-sac - *(comment noted and is covered in the report)*
- Walsall Council has allowed building and construction to the detriment of the area and implemented traffic and road alterations which have turned the area into gridlock and increase in pollution simply for monetary gain, without considering residents – *(The Local Highways Authority has no objections on highway grounds to the proposal)*
- Access from the Broadway is acceptable not only for site traffic but for the new residents *(comments noted, and this has been covered in the report)*
- Safety concerns of an additional access road onto Broadway as siting another junction on this busy road is dangerous. Traffic calming measures must be introduced to protect cyclists, pedestrians and residents moving on and off their driveways *(comments noted, and the proposed new road would be temporary).*
- Volume of traffic through their small close on/off Birmingham Road is already dangerous with those already living on Cricket Close let alone adding to that with future builds. All previous objections remain *(these matters are covered in the report).*
- Tall sound-proof fencing requested for properties backing onto Broadway which are over 8 feet tall to protect residents' privacy and security *(A supporting plan has been provided by the resident detailing the proposed location for this tall fence to the rear of 7 & 9 Broadway. Perimeter boundary treatment would be covered as part of the planning condition however it is unlikely a fence of that height would be supported in a residential setting, if approved)*
- Does not address the direction of the committee of 10/12/2020 for long term access to the site.

- The temporary road proves that access from the Broadway is possible.
- Amendment fails to address requirements regarding social housing delivery made by committee
- Applicant is trying to force the project through by changing small details rather than addressing the principle objections namely the future of the tennis court, the access to the site, and social housing provision.
- Numerous accidents coming out of Cricket Close and Ravensdale Gardens and traffic lights need to be considered
- Significant increase in the number of cars each household has on Cricket Close over the last 36 years (*comment noted*)
- Caution needed where residents come off their drives where there is a blind bend (*comment noted*)
- Already difficult to exit the close via Birmingham Road at peak times (*comment noted*).
- New Sprint bus along the A34 will only increase the build-up of traffic as areas of the route will be narrowed (*Sprint route changes are not a material planning consideration for this application*)
- Alternative access consultation for the Broadway was carried out by Steve Woods Consultants in October 17 and evidence supporting this was stated in his findings (*Mr Woods comments were based on the original application for more houses, not the current proposal before planning committee*)
- Unrealistic photos of Cricket Close, it has never been known for there to be no vehicles parked on any drives or the road and they are obviously air brushed out (*case officers have made site visits during the assessment of the application*)
- Traffic surveys need to be carried out more than once at realistic times and not with Covid restrictions in place (*comment noted*)

## **Conclusion**

The proposed revision to include a temporary access road for construction traffic is considered will alleviate any disturbance for residents on Cricket Close during the construction phase if the application is approved.

The Local Highway Authority have confirmed they will not accept direct access onto Broadway for all the development traffic on road safety and capacity grounds and will only consider this temporary access for construction traffic on a temporary and controlled basis only.

Concerns raised by Highways Officers regarding fire appliance emergency access have not been resolved. An Emergency Access was deemed necessary under the previous proposals and Highways Officers have questioned why it is not deemed necessary now. The Fire Officer has raised no objections to the proposed scheme and has subsequently been contacted twice for clarification on this change. The Fire Officer has responded each time only to state that compliance with Approved Document B, Volume 1, Dwellings, 2019 Building Regulations is required which would be added as a note to applicant on any approval.

**Recommendation:** The recommendation is to grant permission as follows;

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and S106 to secure urban open space contribution, affordable housing and landscape management company to manage landscaping subject to;
  - Securing further comments from the Council's Arboriculturist

- The amendment and finalising of conditions;
- No further comments from a statutory consultee or neighbour raising material planning considerations not previously addressed;
- Address Pollution Control concerns once they have secured further soil samples for the area fronting Broadway

## **THE ORIGINAL REPORT OF 10TH DECEMBER 2020 FOLLOWS:**

### **Reason for Bringing to Committee: Major Application**

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and S106 to secure urban open space contribution, affordable housing and landscape management company to manage landscaping subject to;

- Securing comments from the Council's Arboriculturist and Highways Officers
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- Address Pollution Control concerns once they have secured further soil samples
- Finalising the District Valuer's Advice

## **Proposal**

Proposed construction of 29 dwellings with associated landscaping, access roads, car parking and infrastructure.

The proposed site includes 2 new dwellings to the north east of the site fronting Broadway and are served by a separate shared vehicle access from Broadway. A total of 27 dwellings are proposed for the southern element of the application site and would be accessed from Birmingham Road (A34) via Cricket Close.

The proposed house type comprises a mix of type and size including 2, 3, 4 and 5 bedroom properties. Houses include both two and two and a half storey dwelling with a mix of designs including detached and semi-detached properties. Of the proposed 29 new dwellings the submitted plans indicate that seven x 2 bedroom, affordable houses are proposed, located on plot no's 5, 6, 7, 24, 25, 26 and 27.

71 parking spaces are proposed plus 2 parking spaces proposed for 11 Cricket Close, an existing dwelling with a limited frontage for off-street parking. Plot no's 2, 3, 4, 5, 7, 26 and 27 would have one off-street parking space provided and the plans detail four further visitor spaces near to plots 14 and 16.

New trees and soft landscaping are proposed around car parking which is positioned to the front and sides of the proposed dwellings. Separate garages with utilities are proposed for plot no's 10, 11, 12, 13, 14, 16, 28 and 29.

A combination of 1.8 metre high walls and 1.8 metres high close boarded timber fencing topped with 300mm trellis are proposed as boundary treatment for the site along with 450mm knee high timber railings along the southern boundary of plot no. 28.

Plot 29 is located approximately 36 metres from the boundary of Metro Inn Hotel located near to the corner of the Broadway and Birmingham Road junction.

A green buffer is proposed around the periphery of the site to the east, south and west along with a green corridor separating the proposed development from properties on Ravensdale Gardens and Ravensdale Close.

This application is supported by the following documents;

Planning Statement Incorporating a Statement of Community Involvement, prepared by Planning and Development Ltd, dated May 2020

This statement concludes that the proposal have a number of significant benefits and should be supported by the Local Planning Authority for the following reasons;

- Proposals are squarely aligned to the Development Plan strategy to encourage housing development at sustainable locations
- Walsall Council has identified the site as an opportunity for residential development and is land allocated for housing by Policy HC1 of the adopted Site Allocations Development Plan.
- Proposals constitute sustainable development and will place homes in a location which is very accessible to public transport and the services and facilities within the local neighbourhood. NPPF makes it clear that
- Proposals will make a contribution to the Council's public purse through payment of New Homes Bonus.
- Development will provide a high quality development that is sensitive to the sites location and its surroundings
- Proposals avoid developing on Green Belt designated land.

In summary the statement concludes the proposals are in accordance with national and local planning policy. They will deliver material planning benefits which weigh in favour of Planning permission being granted.

Transport Statement prepared by Hydrock on 30/03/2020 which states:

- Sustainability assessment shows that the site is accessible by non-car modes and provides an alternative to car travel (e.g. journeys to work) and as such promotes the aim of reducing car travel
- The traffic impact assessment shows the development would generate 15 vehicles in the AM peak, and 14 vehicles in the PM peak, which equates to approximately 1 vehicle trip joining the local highway network every 4 minutes during both the morning and evening peak hours.
- No additional 'NET' trip assessments have been undertaken to take into account what the existing site i.e. the Tennis Club could generate

Framework Travel Plan prepared by Hydrock on 30/03/2020



The document states;

- The proposed development site is located in an accessible location within Walsall and is well located to make use of the existing public transport links and pedestrian/cycle routes
- Proposal complies with both the local and national policies summarised in the document (section 2)

Document aims to develop and deliver a framework residential travel plan for annual review and an annual action plan prepared and agreed. The aim is to introduce a package of measures for the site to promote sustainable travel choices and reduce reliance on the car.

#### Design and Access Statement Rev 1 by BM3

This document comments upon the design of the proposed development in terms of the site, local character and context, environmental impact, accommodation mix, scale, materials, car parking, outdoor space and the public realm.

#### Preliminary Ecological Assessment prepared by Dr. Stefan Bodnar, February 2020 (updated)

The report states that;

- The value of the site in ecological value to wildlife is generally low with the woodland and riparian stream habitats of moderate value
- Retention and protection of mature trees, woodland and enhancement of boundary features are important in terms of maintaining connective features of the site and screening of the development.

In conclusion the report states;

- Further surveys and reports are recommended in order to fully determine the presence of any protected species and the implications of the proposed development on these species
- Bird nesting season; clearance will have to be outside mid-March to mid-July
- No Statutory or Non Statutory Designated Nature Conservation Sites within the site or that will be impacted upon
- Habitats within the site indicate the area is used for bat foraging and commuting

#### Dusk and Dawn Emergent Bat Survey prepared by Dr Stefan Bodnar in July 2017

This report concludes that bat activity was present on both visits however the survey confirmed there were no bat roosts associated with the site. Part of the site is extremely well-lit from street lighting which splays and may account for the lack of bat activity in habitats that might otherwise be suitable. No mitigation is required although enhancement with bat boxes could be undertaken.

#### Dusk and Dawn Emergent Bat Survey prepared by Dr Stefan Bodnar in June 2020

The updated bat activity survey revealed 4 bats present on the first occasion and 3 bats on the second visit with low activity. The conclusions were the same as in July 2017 in that part of the site is extremely well-lit from street lighting which splays and may account for the lack of bat activity in habitats that might otherwise be suitable. No mitigation is required although enhancement with bat boxes could be undertaken.

Reptile Survey prepared by Dr Stefan Bodnar & Dr Louise Sutherland, June 2017 states that:

No reptiles or great crested newts were discovered during the survey but there is still a small possibility these species may be on site in very small numbers or could move into the habitats within the site at some point in the future and the appropriate safeguards will need to be employed.

Manual Reptile Survey by Dr Stefan Bodnar & Dr Louise Sutherland, May 2020 states that:

No reptiles were recorded during this survey and it is assumed that it is likely that reptiles are absent from this site or are at a very low population density. In addition there were no great crested newts recorded on site during the survey and it is considered the lack of reptiles and amphibians is likely to be a result of the site's relative isolation for these species. Safeguarding conditions are recommended during the development works, if approved.

Construction Traffic Management Plan prepared by Hydrock dated 23/03/2020

This report documents the systems and controls to be adopted to minimise any adverse environmental effects associated with construction traffic during the construction of the proposed development.

Site Investigation prepared by ASL, February 2020

This report provides foundation construction advice for the proposed development and advises that the disposal of surface water to soakaways or other infiltration systems is unlikely to be suitable for the proposed development. Contamination assessment has resulted in recommended mitigation measures.

Desk Study Report prepared by ASL, February 2020

This report considers the site, geology, hydrology, and hydro-geology and site history. The report recommends an intrusive ground investigation ahead of any development works to determine the founding properties of the underlying ground conditions and to determine the actual contaminative ground conditions, along with an assessment of hazardous ground gas, although the risk to identified receptors is generally considered to be very low.

Flood Risk Assessment and Drainage Strategy by Hydrock dated 26/03/2020

The report states that provided an approved SUDs is employed the proposed scheme will;

- Be safe and resilient to flooding in the critical design flood event with an acceptable level of residual risk
- Not increase flood risk through loss of floodplain storage, impedance of flood flows or increase in surface water run-off

And the proposed development is concluded in the report to meet the flood risk requirements of the NPPF.

## Energy Statement prepared by Focus Consultants, April 2020

Report identifies potential options for meeting Policy ENV7

- Through the use of solar photovoltaics
- Through the use of an enhanced fabric and services specification

## Noise Report prepared by John Waring Acoustic Consultant dated 9/6/2017

The report concludes the following;

- Gardens should be fenced with a 2 metre high close boarded fence of surface density 7.0kg/m<sup>2</sup>. If preferred a brick wall would be equally effective
- Double glazing would be sufficient to bring noise levels within the dwellings to below the maximum design noise levels provided specialist ventilation units are used
- This should be considered to be a minimum standard of glazing and so be more certain of achieving the average noise levels and peak night time noise level.
- Assessment of the noise impact of the nearby Metro Hotel has concluded that following guidance given in BS4142 there is likely to be a low impact on the surrounding residents

## Arboricultural Assessment by Dr Stefan Bodnar, February 2020

- During constructions works the root protection areas (RPA), 'Construction Exclusion Zones' are to be protected by barriers and ground protection
- Hard surfacing within the RPA shall be designed to avoid root loss
- Hard surfacing in these areas shall be permeable and gas porous and edge supports such as kerbs or edgings on foundations and haunchings shall not be use within the RPA

## **Site and Surroundings**

This irregular shaped piece of land is located to the south east and approximately 1.6 miles from Walsall Town Centre measuring 1.42 hectares. Walsall Golf Course lies to the south of the application site within designated Green Belt. This site was Urban Open Space within the UDP however was subsequently allocated for housing by Walsall's Site Allocation Document adopted in 2019. The southernmost tip of the application site lies within designated Green Belt.

The site includes an un-used patch of land to the north with abandoned allotments to the south. This site falls within Flood Zone 1. To the western and eastern edges of the development there are two streams, the Full Brook and its tributary. The Full Brook is designated as part of a Wildlife Corridor.

Adjacent to the site lies 5 tennis courts which were previously used by Walsall Tennis Club. The highest point of the site is to the north-west corner of the site and the site slopes down to the south and west.

The site is heavily overgrown with scrub vegetation and there are a number of protected trees to the northern element of the application site fronting Broadway.

There are residential dwellings located to the north, east and west of the application site along with Metro Inns Hotel to the north, accessed separately from Birmingham Road. The A34 between Walsall and Birmingham benefits from access to public transport links including a bus stop close to the entrance of Cricket Close.

## Relevant Planning History

Former Allotments R/O 1-9, Cricket Close, Land At & Including Walsall Tennis Club, Birmingham Road & Land To The East Of Broadway, Walsall

17/0845 – Proposed erection of 50 dwellings with car parking, access roads, public open space and associated infrastructure – withdrawn 16/5/19 at the applicant's request as mitigation for the loss of the tennis club could not be identified and secured at that time

Land Between 1 & 3 and Between 9 & 11 Cricket Close, Walsall, WS5 3PU

11/0017/FL - Construction of a two storey detached dwelling with ancillary on site car parking for 2 vehicles, and a new access to the allotment gardens – Granted subject to conditions 31/03/11 but not implemented.

## Relevant Policies

### National Planning Policy Framework (NPPF)

[www.gov.uk/guidance/national-planning-policy-framework](https://www.gov.uk/guidance/national-planning-policy-framework)

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

**Key provisions** of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

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

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

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

### **National Planning Policy Guidance**

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

### **Reducing Inequalities**

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

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

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

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

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

## **Development Plan**

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

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

- 3.2 to 3.5 The Countryside and Green Belt
- 3.6 to 3.8 Environmental Improvement
- 3.11 Forestry and Trees
- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H4: Affordable Housing
- T1 - Helping People to Get Around
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Space
- LC4: Allotment Gardens

### **Black Country Core Strategy**

- CSP4: Place Making
- CSP5: Transport Strategy
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

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

HC1: Land allocated for New Housing Development



HC3: Affordable Housing and Housing for People with Special Needs  
GB1: Green Belt Boundary and Control of Development in the Green Belt  
EN1: Natural Environment Protection, Management and Enhancement  
EN3: Flood Risk  
T4: The Highway Network  
T5: Highway Improvements

## **Supplementary Planning Documents**

### **Conserving Walsall's Natural Environment**

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

### **Designing Walsall**

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

Appendix D: Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. The requirement to design longer rear gardens to reflect an area's character is applicable and the guidelines should not mean to be the maximum achievable distances.

Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above (this standard will be applied more robustly at the rear than across roads at the front), 13m

separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m<sup>2</sup> for housing and 20 sq. metres useable space per dwelling where communal provision is provided.

### **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**

**Highways England** – No objections

**Transportation** – To be updated at planning committee

**Planning Policy** – No objections and advise a S106 agreement will be required in respect of affordable housing and off-site open space.

**Pollution Control** –To be updated at planning committee

**Tree Preservation Officer** –To be updated at planning committee

**Ecology** – No objections subject to additional survey work being undertaken.

**Flood Risk Manager** – No objections subject to the inclusion of a planning condition in order to secure implementation of the scheme in accordance with the submitted documents if approved.

**Historic England** – No objections

**Housing Strategy** – To be updated at planning committee

**Severn Trent Water** – No objections subject to the inclusion of a planning condition and informative note in respect of sewage

**Natural England** – No objections as there are no significant impacts on statutory designated conservation sites or landscapes

**Public Health** – No objections

**Police Architectural Liaison Officer** – No objections and recommend Secured by Design principles

**Rail Infrastructure Manager** – No objections

**Sport England** – No objections

**West Midlands Fire Service** – No objections and require the inclusion of an informative note

**Archaeology** - No objections subject to the inclusion of a planning condition to include a watching brief on ground works.

## Representations

*(Officer comments in italics)*

Objections have been received from 13 neighbours on the following grounds;

- Entrance and exit points via Cricket Close are not practical and potentially hazardous
- Turning right onto Birmingham Road (A34) from Cricket Close will become increasingly more difficult due to an increase in traffic volume
- No right hand filter on the A34 to speed up the traffic flow
- Safety of children and residents. Roads are typically narrow with cars parked
- Misled as the letter states 29 dwellings but it has come to light that this relates to Phase 1 and that Phase 2 will follow shortly *(The local planning authority can only consider the application before it. If phase 2 comes forward at a later date, that would be as a separate planning application)*
- Additional traffic re-routed from M6 after an incident always causes significant disruption to Birmingham Road *(This a separate matter to the determination of the current planning application)*
- Existing problems with the sewage system causes problems *(The development would have to comply with the requirements of Building Control legislation and the requirements of Severn Trent Water)*

- Disruption from construction traffic (*A construction management plan would form part of an approval*)
- Parked cars obstruct emergency vehicles and the refuse lorry (*This is outside the scope of the planning application and would be managed by third party agencies*)
- University overflow parking (*This is outside the scope of the planning application and the University has increased on-site parking to the front*)
- Parking will worsen if the Government stops people parking on the kerb (*not a material planning consideration to the determination of this planning application*)
- Devalue house prices (*not a material planning consideration*)
- Increased traffic volume because of new Sprint bus to Birmingham and what impact will this have on local traffic? (*Sprint route changes are not a material planning consideration*)
- Existing parking is difficult with around 30 houses and without extra housing and tradesmen's vehicles. (*not a material planning consideration, the development has to demonstrate it has its own parking provision*)
- Need to protect this green land (*This land has been designated for housing development in Walsall's SAD, Policy HC1 and site reference HO305*)
- With Covid-19 there should not be increased dwellings in the area and furthermore controlling the region population numbers. (*This is not a material planning consideration and Government policy is to increase the numbers of houses available*)
- Loss of trees detrimental to the area
- Will Cricket Close become a 'Park and Ride' for the Sprint bus? (*not a material planning consideration and the Council is processing an application for new housing at this location*)
- Pollution of the stream from further housing (*no evidence to substantiate this claim*)
- Reversing out of drive will become more hazardous (*This is outside the scope of the planning application*)
- Safest access would be via the Broadway (*There is no evidence put forward to substantiate this claim, the Local Planning Authority can only determine the planning proposal before them*)
- Loss of wildlife and the buffering and screening between new and existing developments from woodland (*a green buffer around the east, south and west boundaries of the site would be maintained and protected species are considered in the body of the report*)
- Extra load on the stream during storm conditions (*no evidence to substantiate this claim. All developments must demonstrate they do not exacerbate flooding*)
- Some existing houses only have space to park one vehicle and on-street parking is vital to current residents (*The parking of current residents is outside the scope of the planning application. The proposed development is weighed against the Council's policies*)
- Increased traffic congestion with close proximity to Lake Avenue, Ravensdale Gardens and Springvale Avenue (*Birmingham Road is part of the Strategic Highway Network and it is considered that the addition of 29 further houses, if approved would have a nominal increase in traffic volume*)
- Potential Phase 2 of the development on the former Tennis Club would put further pressure will be placed on the road network in the area (*The local planning authority can only consider the application before it. If phase 2 comes forward at a later date, that would be as a separate planning application and residents would be notified in accordance with the national planning requirements at that time*)
- Unresolved issue with the drainage into the brook at the head of the close and this should be resolved before any planning permission is approved. (*All developments must demonstrate they do not exacerbate flooding and cannot be required to overcome existing issues off site*)
- Boundary Treatment Document and Transport Statement have inaccurate drawings which suggest 11 Cricket Close has a longer private drive than exists. No. 11 has been extended and the proposal would remove any useable frontage parking for no. 11

- Not enough junction spacing on Birmingham Road (A34) and this would not be an issue if access was taken from Broadway
- The controlled pedestrian crossing on Broadway is ideally located for pedestrian and permeability purpose (*This is outside the scope of the application and the Local Planning Authority can only determine the planning proposal before them*)
- Birmingham Road already over capacity with extensive queuing (*Birmingham Road is part of the Strategic Highway Network and it is considered that the addition of 29 further houses, if approved would have a nominal increase in traffic volume*)
- Sprint bus will result in the loss of pavement on the Birmingham Road (A34) Walsall direction and not enough consideration given to the upcoming future of the Cricket Close and Birmingham Road junction (*Sprint route changes are not a material planning considerations for this application*)
- Danger of a rat-run being created (*The proposal does not show a through route from Birmingham Road to Broadway*)
- Object to 2 car parking spaces being allocated to 11 Cricket Close around the corner from their property as the front of the house is covered by CCTV and this would not have adequate crime prevention
- No submission of bat surveys, reptile surveys and noise report (*bat surveys, reptile surveys and noise reports have been provided in support of the application*)
- Lack of consideration of school places in the area for phase 1 and 2 of the proposed development (*no adverse comments received from Education Walsall*)
- No available spaces for any reception to Year 6 places (*no adverse comments received from Education Walsall*)
- Drainage problems with the brook and allotments (*All developments must demonstrate they do not exacerbate flooding*)
- Two blind corners and parked cars. The Council puts money before safety and should any type of accident occur the Council will be taken to court as being complicit as they knew full well the dangers that this proposal will cause. (*No evidence provided to substantiate the claims. The local highway authority is advising the local planning authority regarding highway safety matters*)
- As no details of subsequent phases are given residents are unable to adequately comment on the full implications if additional housing is still proposed on the former Tennis Club Site particularly how this part of the site would be accessed rendering the application process undemocratic and fundamentally flawed (*The local planning authority can only consider the application before it. If phase 2 comes forward at a later date, that would be as a separate planning application and residents would be notified and would be able to comment on it*)
- Proposal has again failed to meet Walsall's planning parking provision contained in TG13 which is a minimum standard that should be fulfilled
- Application relies heavily on garage parking space which will be under-utilised (*The local planning authority can only consider the application before it*)
- Several properties only have 1 space per property which is below minimum requirements and it is insufficient to offset these deficiencies against increased parking at larger properties and rely on average densities
- Transport and access survey does not consider the implication of additional traffic travelling at speed along Cricket Close and the impact on residents. Survey indicates more than a third of all vehicles on the surrounding network are above the speed limit yet there is no mention of how this will be alleviated to make the junctions safer or reduce speed. (*Birmingham Road is part of the Strategic Highway Network and it is considered that the addition of 29 further houses, if approved would have a nominal increase in traffic volume*)
- The Transport Statement makes no mention of the lack of parking
- The report suggests that cyclists will be able to use the surrounding road network because of the width of the carriageways but neglects to point out that excessive speeding and



frequent accidents already prevent keen cyclists using this form of transport (*Traffic violations are dealt with by different legislation*)

- Phased development yet application frequently refers to the reduced number of properties (*The local planning authority can only consider the application before it. If further phases come forward at a later date, that would be as a separate planning application and residents would be notified and would be able to comment on it*)
- Not clear how the Tennis Club part of the site would be accessed (*The local planning authority can only consider the application before it. The tennis club does not operate from the site currently. If a future proposal comes forward at the tennis club and it requires planning approval, neighbours will be notified in accordance with the national legislation and would be able to comment on it*)
- Outline proposals for subsequent phases must be released even if they will not be pursued until the Tennis Club has formally relocated (*The local planning authority can only consider the application before it. If further phases come forward at a later date, that would be as a separate planning application and residents would be notified and would be able to comment on it*)
- No space to install a single electric vehicle charging point in a communal area, these should be provided for every property in the proposal (*The Council's Air Quality SPD includes for all new houses to have electric charging points for vehicles and there is no requirement to deliver a communal electric point*)
- Travel plan is tokenistic and only directed at initial occupants with no long term or sustainable impact on travel behaviours (*Highways do not require a Travel Plan for 29 dwellings*)
- No mention in the report of the Sprint bus development and will have a huge impact on traffic along Birmingham Road resulting in the survey results included in the report being void (*Sprint route changes are not a material planning consideration*)
- The sections on the report on biodiversity results have been redacted and the resident is aware that bats, owls, parakeets, foxes, hedgehogs as well as a large population of birds and insects all nest within the site. There is no mention of this broad biodiversity and the mitigation to be taken to protect it. (*GDPR legislation requires the council to redact sensitive data when publishing on the website*)
- Developer should be required to utilise non-gas heating methods such as ground source heating within the design and build stage (*This would require the Government to change legislation. The councils Air Quality SPD encourages the use of low NOx boilers*)

## Determining Issues

- Principle of Development
- Impact on the Character and Appearance of the Area
- Impact on Residential Amenities
- Green Belt
- Noise
- Air Quality
- Drainage and Flood Risk
- Ground Conditions
- Coal
- Ecology
- Trees
- Archaeology
- Access and Parking
- Planning Obligations
- Local Finance Considerations



### Principle of the Development

The site is allocated for new housing development as site reference HO305 in SAD Policy HC1: Land Allocated for New Housing Development. Policy HC1 considers that each site should achieve a density of at least 35 dwellings per hectare and in this instance the proposal would have a density of 41 houses per hectare. Notwithstanding UDP Policy LC1: Urban Open Spaces, the later SAD policy supersedes the UDP policy for the delivery of housing. The former allotments on this site are decommissioned and have not been in use for a long time and the Council has re-designated this site for a housing scheme.

The proposal is supported in principle for housing on strategic planning policy grounds subject to a Section 106 agreement to secure the provision of affordable housing in accordance with SAD policy HC3 and BCCS policy HOU3.

The proposal involves the redevelopment of an open area of land adjacent to former Walsall Tennis Club site. The tennis club is shown edged in blue on the proposed site layout plan, and whilst in the same ownership, the tennis club site is not included in this planning application to be redeveloped.

This is a sustainable location within an existing residential area with access to shops in Walsall Town Centre, schools and with bus stops within walking distance. The principle of housing in this location is considered acceptable, subject to impact upon the character of the area, ecology, flood risk, residential amenity, access and parking.

A previous application for the redevelopment of the site, including the tennis club land was withdrawn as mitigation for the loss of the tennis club could not be identified and secured at that time. The application site sits on land contained outside of the tennis club and there will be no loss of sports facilities requiring mitigation. In this case, proposed housing is comparable to the proximity of the tennis courts to the existing housing and Sports England consider the proposed relationship would be acceptable. The proposal does not prevent access to the tennis courts ensuring the existing sports facility is not adversely affected by this current proposal.

The principle of 29 dwellings on an identified site for residential use within an existing sustainable residential area is considered would be acceptable and accords with the aims of local and national planning policies.

### Impact on the Character and Appearance of the Area

This application proposes a two and two and a half storey dwellings which are a mix of detached and semi-detached houses. Plot numbers 28 and 29 would have a separate vehicular access from Broadway with plots 1 to 27 accessed from Birmingham Road (A34) and Cricket Close.

The application site is surrounded by a mix of residential properties of varying age and design along with Metro Inn Hotel to the north of the application site. It is considered that the introduction of additional infill housing on this unused former allotment site would integrate with the existing character of the area and urban form. The proposed buildings, whilst of their own style and character, are considered on balance to contribute to the existing mixed architectural character of the area. The stand-off buffer adjacent to the water course would retain a green corridor through the site.

The current proposal would have a higher housing density of 41 houses per hectare than existing houses on Cricket Close at 22 houses per hectare. This proposed density would be in accordance with the requirements of SAD Policy HC1 which considers that each site should achieve a density of at least 35 dwellings per hectare

The proposed green buffer around the development would be considered would soften the appearance of the proposed development and it is considered that this proposal would reflect the overall urban pattern of the existing development. This proposal is an infill development which would sit within the existing urban landscape and its density is considered appropriate and in accordance with SAD Policy HC1. This level of density is considered would not constitute overdevelopment of the site when considering neighbouring housing densities.

The proposed 7 affordable units would be of similar design and scale to a number of properties identified for market sale and their appearance are considered tenure blind which helps social integration.

The proposed two storey houses range between 7.7 and 8.9 metres high whilst the two and a half storey properties would be between 9.4 and 9.7 metres high. House types are mixed across the site which is considered would assist with providing a stronger neighbourhood.

The Police Architectural Liaison Officer has recommended that the rear and sides of properties bordering accessible areas will be more vulnerable and trellis to the top of fencing in these areas is a recommended security measure, which can be secured via a planning condition. In addition external LED lights with daylight sensors to the external front, rear and side walls of the houses is recommended to provide security for residents particularly when entering and leaving, and parking areas, which can be secured via a planning condition. In addition, the security of windows and doors, plus burglar alarms can also be secured via conditions.

Whilst a materials schedule has been provided, it is considered that there is insufficient details on specific materials types and colours. However a safeguarding condition can require further details, if approved.

Planning conditions can be included in respect of the provision of details of the proposed facing materials to be used in the development along with details of the proposed finished floor levels and ridge and eaves heights of the buildings

### **Impact on Residential Amenities**

The Cricket Close residents' comments have been weighed in the overall assessment of the proposal. The nearest housing to the proposal is located along Cricket Close, Broadway, Ravensdale Close and Ravensdale Gardens. It is considered there's sufficient separation distance between the proposed new dwellings and existing housing. Consequently it is considered that the proposal would have a limited impact on the outlook or privacy of existing occupiers.

The proposed development would provide secure private amenity spaces for new residents. Private gardens serving new houses vary in size. The Council's recommended minimum rear garden size is 12 metres in length or have an area of 68 square metres, as referred to in Appendix D of Designing Walsall SPD. Plot numbers 10 and 24 would have rear gardens at 46 square

metres, whilst the remaining plots would be 60 square metres or greater. Whilst the private amenity space for some dwellings is less than recommended it is considered on balance acceptable as the site has a green buffer surrounding the site and the overall provision for the development is considered meets Designing Walsall.

Some separation distances between rear facing habitable room windows in this development would be a minimum of 22.1 metres across private gardens. There is a recommended minimum separation distance of 24 metres between facing habitable room, rear, windows referred to in Appendix D of Designing Walsall. However the majority of proposed new dwellings in this instance would exceed the 24 metres separation distance. Overall the proposal is considered on balance to accord with the aims and objectives of council guidance taking into account the small shortfall of separation distances limiting any impact on residents' amenity.

This cul de sac development would provide passive surveillance for both existing residents of Cricket Close and those on the proposed development, if approved. People passing and re-passing along the public highway contribute to natural surveillance for neighbours and locality, including the proposed two additional parking spaces proposed for 11 Cricket Close. Furthermore the proposed cul-de-sac layout of the proposal would prevent Cricket Close becoming a rat-run.

The Planning agents have confirmed they own the parcel of land adjacent to 11 Cricket Close and recognise there is a right of access to no. 11. The applicants recognise that access cannot be prevented or restricted and the area cannot be built upon. It must remain as an access to the applicants land beyond (the development site) and no. 11. The occupiers of 11 Cricket Close are unable to rely on this part of the applicant's land for parking. The planning agents have confirmed, the only proposed works to be undertaken in this area are to bring it up to adoptable highway status, if approved.

The applicants boundary information matches the red outline shown on the location plan submitted for 2017 planning application (*reference no. 17/0799*) submitted by the occupiers of 11 Cricket Close. Number 11 have been utilising the applicants land for parking and this will now become highway, if approved.

The 2017 planning application at 11 Cricket Close concluded, this proposal would enlarge existing bedrooms rather than add additional bedrooms and whilst there was limited off-street parking on the frontage, the Local Planning Authority was unable to request any additional parking as the existing garage would be retained and the parking situation would not significantly worsen as a result of their proposed domestic extension.

The site no longer being vacant land is considered would contribute to the safety and security of adjacent residents as there is currently no natural surveillance of the land. This land currently allows for unauthorised access or egress for third party individuals who may wish to carry out anti-social behaviour. The proposed new development is considered would allow for natural surveillance and increasing safety and security of the space.

Planning conditions which meet the 6 tests can be included in respect of the provision of details of the proposed facing materials to be used in the development along with details of the proposed finished floor levels and ridge and eaves heights of the buildings.

On balance the proposal is considered acceptable and would have a limited impact on residential amenity for existing and proposed new residents.

### **Green Belt**

The area to the south of the application site, along with Walsall Golf Club, are within land which is designated Green Belt. No development is proposed within designated Green Belt as part of this proposal and consequently the application does not have to carry out a green belt assessment. The application site is surrounded by 20th Century housing to the north, east and west boundaries and as this is an infill proposal it is considered it would have a limited impact upon the existing openness of the Green Belt. Furthermore it is considered that the management of the wildlife corridor would enhance the area.

### **Noise**

To be updated at planning committee

### **Air Quality**

To be updated at planning committee

The applicant will need to install electric vehicle charging points and low NOx boilers in the development and these elements can be addressed via a safeguarding planning condition that meets the 6 tests.

### **Drainage and Flood Risk**

This site is located within Flood Zone 1. Hydraulic modelling of the watercourses on two sides of the site, confirming flooding affecting areas of the proposed development site. The Lead Local Flood Agency (LLFA) has commented that the updated Flood Map for Surface Water shows significant ponding towards the eastern, western and southern sections of the site associated to watercourses in this location and their confluence. The unnamed watercourses converge to the south to form Full Brook. The flooding is expected to be from the watercourses in these locations and not surface water run-off.

The LLFA has reviewed the updated information submitted in support of the planning application and have no objection to the LPA granting permission subject to a planning condition, to ensure the development is implemented in accordance with the requirements of the approved drainage scheme shown in the Flood Risk Assessment and Drainage Strategy, Hydrock, 26th March 2020 and Technical Design Note, Hydrock, 18 September 2020. A safeguarding condition meeting the 6 tests can be imposed.

### **Ground Conditions**

Pollution control have asked for further soil sampling before offering commentary regarding ground conditions.

### **Coal**

This site is in a coal development low risk area and standing advice from the Coal Authority will be provided, if approved.

### **Ecology**

The Council's Ecologist has advised that an EcoRecord data search has revealed that the site is a Potential Site of Importance (PSI) and that the Full Brook is designated as part of a Wildlife Corridor. Consequently it is recommended that an assessment of the habitat quality and whether this is likely to be of value at a local level. The survey date for the habitat survey falls just outside the optimum survey time and it will be necessary to re-survey the site during the optimum survey time for vegetation surveys to ensure a robust assessment of the sites importance, in accordance with the timing requirements of Conserving Walsall's Natural Environment SPD.

The Ecologist has advised that the Full Brook and the watercourse buffer should be protected during construction and consideration to lighting must be made to ensure the wildlife corridor is not lit. These measures can be included within a Construction Environmental Management Plan and conditioned.

It is recommended that a pre-construction badger survey is undertaken as the submitted survey found evidence of foraging badger on the site with no evidence of setts within 30 metres of the site boundary. The Ecologist recommends that pre-construction badger, reptile and bat surveys are undertaken as recommended in the reports. The reptile survey should consider the presence of slow worms. These can be secured as part of the determination of the application.

The ecologist has advised that the initial bat, reptile and habitat reports provided have been updated to address their concerns. However the submitted reports acknowledge that there is a need for additional surveys prior to the commencement of construction, if approved.

Planning conditions are recommended to require an invasive plant survey to consider the presence of plant species including Japanese Knotweed and Giant Hogweed prior to commencement of works, if approved.

Site clearance and dismantling works should be undertaken outside the bird nesting season. The bird nesting season extends between mid-February and September inclusive and this can be conditioned, if approved.

The applicant's Ecologist has confirmed that current landscaping plan is indicative only and require revision to meet the needs of the site's ecology. A revised landscape plan should be submitted which safeguards the semi-natural broadleaved woodland to the south of the site and adjacent to the streams and which shows adequate enhancements in areas of open space to compensate for the impacts of the proposed development. The requirement for a revised landscape plan can be conditioned.

Further enhancements could include bat and bird boxes along with wildlife friendly planting which can be conditioned. Overall, in weighing the planning balance of the proposal, it is considered the development and the proposed natural environment enhancements would bring a positive benefit to the local ecology, flora and fauna of the location.

## **Trees**

Comments to be updated once received from the Council's Arboriculturist.

## **Archaeology**

The Council's Archaeologist has advised there are no heritage assets recorded within the development site area, and whilst there is evidence of medieval agricultural activity in the golf course and fields to the south (ridge and furrow, and earthworks), the potential for unknown archaeological remains of Roman, medieval, or post-medieval date are low. However they have advised that the proximity of the watercourses means that this may have been an attractive area or focus for prehistoric activity (such as Bronze Age burnt mounds), with the additional potential for waterlogged environmental remains, which would be very significant if present. As the area has always been fields and then allotments, below-ground truncation here may be fairly minimal.

It is therefore recommended that a condition be placed on planning consent requiring a program of archaeological work comprising a watching brief on ground works. This would ensure that any archaeological remains exposed/truncated are preserved by record.

### **Access and Parking**

To be updated at planning committee.

A planning condition can be included to ensure that that this development, if approved, is constructed in accordance with the access road, parking and vehicle manoeuvring areas being 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, together with the clear demarcation of all parking bays.

The Local Highway Authority is working on public transport improvements to the A34 carriageway. This fall outside the scope of the current planning application and a matter for the Local Highways Authority to ensure these works are Highway safe.

### **Planning Obligations**

This development triggers the Council's policies regarding contributions towards Urban Open Space and 25% Affordable Housing.

Open Space contributions for a development of this size, within this ward, requires a contribution of £93,799.00 (defined by Urban Open Space SPD) towards open space improvements in the neighbourhood. Within a 0.85 km radius of the application site are the following designated Urban Open Space; New College Close (145 metres from the application site), Greenslade Road (0.56km from the application site), and Highgate Drive (0.58 km from the application site). The LPA advise any open space contributions could be spent to improve and maintain these locations and are considered to be related to the proposed development and can be an off set for any private amenity shortfalls in the development.

To comply with the Council's affordable housing policy, 25% of the units on site should be for affordable social rent. Housing Strategy have advised they are supportive of the over provision of affordable housing on this site (48%) but considers that both tenures do not match the requirements for the East of the borough, where it should be 100% 'social rent' (not the affordable rent or shared ownership offered).

The applicant has submitted a viability assessment which considers that both schemes (social rent or affordable rent) are not viable largely due to the significant amount of infrastructure works compared to the relatively low number of units. The report comments that the applicant is supportive of delivering affordable units at this site however on the alternative basis that the



affordable units are for shared ownership. Furthermore the report considers that the impacts of the current pandemic on the residential market over the coming months could impact upon funding and finance which would most likely increase the cost of development.

The Council's independent assessor, has reviewed the applicant's financial viability assessment and concluded there are no viability issues in respect of the proposed scheme to justify the requested change the affordable housing tenure of the 7 dwellings from social rent to shared ownership. The applicants have advised that Shared Ownership homes would be their preferred tenure in the required delivery of affordable homes on this site.

The applicant has accepted the findings of the Council's independent assessor, and asks, if the applicant provides 7 shared ownership properties rather than social rent would the Council accept the difference in value between the social rent and shared ownership tenures (£377,300) as a commuted sum payment, for the Council to invest in social rent elsewhere in the borough. Whilst the LPA confirms the development is viable and can secure social rent as policy compliant housing tenure, it would be a decision for planning committee to confirm whether they would prefer to offer the applicants alternative affordable housing offer of shared ownership and offsite payment of £377,300.00.

The applicants have advised that by way of demonstrating their commitment to the borough, they would include the seven Shared Ownership properties, but with an additional contribution of £100,000 (one hundred thousand pounds) towards the provision of social housing or other community related projects elsewhere in the borough.

In addition to the contributions, the S106 will include a landscape management company clause for the developer and future occupants to be party to the company for the management of land in perpetuity within the redline, that's not part of the individual dwelling curtilages to save the council having the future burden of maintaining the remaining land around the 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 29 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

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the proposed development would integrate with the character of the area. The proposed buildings whilst of their own style and character are considered to contribute to the existing mixed architectural character of this area and this development would be appropriate. The proposal is considered would have a limited impact on the amenity for neighbouring occupiers and subject to no statutory consultee raising material planning considerations not previously addressed.

As such the development is considered to meet the aims and objectives of the National Planning Policy Framework (para 127), policies CSP4, CSP5, HOU1, HOU2, TRAN2, TRAN4, TRAN5, ENV1, ENV2, ENV3, ENV5, ENV6, ENV7 and ENV8 of the Black Country Core Strategy and saved policies 3.6 to 3.8, GP2, GP3, GP5, GP6, ENV10, ENV11, , ENV18, ENV23, ENV32, ENV33, H4, T1, T7, T8, T9, T10, T11, T12, and T13 of Walsall Unitary Development Plan, policies HC1, HC3, GB1, EN1, EN3, T4 and T5 of Walsall's Site Allocation Document and Supplementary Planning Documents Designing Walsall, Conserving Walsall's Natural Environment, Open Space, Affordable Housing and Air Quality. 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 with the inclusion of safeguarding conditions.

## Positive and Proactive Working with the Applicant

Officers have worked with the applicant and their agent and in response to concerns raised amended plans and additional ecological information have been submitted which enable a positive recommendation to be made.

## Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and S106 to secure urban open space contribution, affordable housing and landscape management company to manage landscaping subject to;

- Securing comments from the Council's Arboriculturist, Highways Officers
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- Address Pollution Control concerns once they have secured further soil samples
- Finalising the District Valuer's Advice

1: The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2: This development shall not be carried out otherwise than in conformity with the following approved plans: -

- Planning Application form dated 7/5/2020
- Location Plan, drawing no. D000, deposited 7/5/2020
- Site Layout Plan, drawing no. D01 Revision AA, deposited 27/11/2020
- Planning Statement incorporating Statement of Community Involvement by Planning & Development Ltd, dated May 2020, deposited 7/5/2020
- 20yr Baseline Flood Extent, 14378-XX-XX-FR-DR-0001 Revision P01, deposited 7/5/2020
- 100yr Baseline Flood Extent, 14378-XX-XX-FR-DR-0002 Revision P01, deposited 7/5/2020
- 100yr+35 Baseline Flood Extent, 14378-XX-XX-FR-DR-0003 Revision P01, deposited 7/5/2020
- 100yr+75 Baseline Flood Extent, 14378-XX-XX-FR-DR-0004 Revision P01, deposited 7/5/2020
- 1000yr Baseline Flood Extent, drawing no. 14378-XX-XX-FR-DR-0005 Revision P01, deposited 7/5/2020
- 20yr Post Development Flood Extent, 14378-XX-XX-FR-DR-0006 Revision P01, deposited 7/5/2020
- 100yr Post Development Flood Extent, 14378-XX-XX-FR-DR-0007 Revision P01, deposited 7/5/2020
- 100yr+35 Post Development Flood Extent, 14378-XX-XX-FR-DR-0008 Revision P01, deposited 7/5/2020
- 100yr+75 Post Development Flood Extent, 14378-XX-XX-FR-DR-0009 Revision P01, deposited 7/5/2020
- 1000yr Post Development Flood Extent, drawing no. 14378-XX-XX-FR-DR-0010 Revision P01, deposited 7/5/2020
- Garage and Utility Plan, drawing no. D10 Rev. B, deposited 7/5/2020
- House Type 2B A AF Plans and Elevations drawing no. D09 Rev. F, deposited 7/5/2020
- House Type 2B N OM Plans and Elevations drawing no. D02 Rev. G, deposited 7/5/2020
- House Type 3B N2 SO Plans and Elevations drawing no. D04 Rev. F, deposited 7/5/2020
- House Type 3B WN OM Plans and Elevations drawing no. D06 Rev. F, deposited 14/8/2020
- House Type 4B 2.5S OM Plans and Elevations drawing no. D12 Rev. G, deposited 14/8/2020
- House Type 4B 2S OM Plans and Elevations drawing no. D07 Rev. G, deposited 14/8/2020
- House Type 5B 2.5S OM Plans and Elevations drawing no. D08 Rev. F, deposited 14/8/2020
- ICP SUDS Mean Annual Flood Data, deposited 07/05/2020
- Landscape Plan, drawing no. D900 Rev B, deposited 7/5/2020
- Severn Trent Water Sewer Record, issued 12/06/14 and deposited 07/05/2020
- Hydrock Consultants Ltd Storm Sewer Design, East, deposited 7/5/2020
- Hydrock Consultants Ltd Storm Sewer Design, West, deposited 7/5/2020
- Street Elevations 1, 2 & 3, drawing no. D20, deposited 14/8/2020
- Street Elevations 4 & 5, drawing no. D21, deposited 14/8/2020
- Street Elevations 6 & 7, drawing no. D22, deposited 7/5/2020
- Topographical Survey, drawing no. 0001, Rev 1, deposited 7/5/2020

- Tree Survey prepared by Dr Stefan Bodnar, February 2020, deposited 7/5/2020
- Hydrock Construction Traffic Management Plan, dated 23/3/2020, document reference 14378-HYD-XX-XX-TS-TP-7001.P1, deposited 7/5/2020
- ASL Desk Study Report Land Off Cricket Close, ASL Report no. 116-14-067-11Rev. 2, February 2020, deposited 7/5/2020
- Drainage Strategy by Hydrock, document reference 14378-HYD-XX-XX-DR-D-2200 Rev. P01, deposited 7/5/2020
- Energy Statement by Focus, April 2020, deposited 7/5/2020
- Flood Risk Assessment and Drainage Strategy by Hydrock, dated 26/3/2020, document reference 14378-HYD-XX-XX-RP-FR-0001, deposited 7/5/2020
- Framework Travel Plan by Hydrock, dated 30/3/2020, document reference 14378-HYD-XX-XX-FTP-TP-6001.P2, deposited 7/5/2020
- Traffic Noise and Industrial Noise Assessment by John Waring, Issue 1, dated 9/6/2017, deposited 7/5/2020
- ASL Site Investigation, Land off Cricket Close, ASL Report no. 116-14-067-09Rev. 1, February 2020, deposited 7/5/2020
- Hydrock SUDS mitigation, drawing no. 14378-HYD-XX-XX-CA-D-5100 Rev. P01, deposited 7/5/2020
- Hydrock Transport Statement dated 30/3/2020, Document Reference 14378-HYD-XX-XX-TS-TP-4001.P2, deposited 7/5/2020
- Design and Access Statement, Rev 1, deposited 10/09/2020
- Dawn/Dusk Emergent Bat Survey by Dr Stefan Bodnar, June 2020 and deposited 18/11/2020
- Boundary Treatment, drawing D14 Rev. N, deposited 30/11/2020
- Hydrock Technical Design Note, dated 9/11/2020, document reference C-14378-HYD-XX-XX-TN-TP-1001.P01.01, deposited 18/11/2020
- Materials Schedule, drawing no. D30, deposited 27/11/2020
- Preliminary Ecological Assessment (Extended Phase 1 Ecological Survey) by Dr Stefan Bodnar February 2020, revised November 2020 deposited 18/11/2020
- Manual Reptile Survey by Dr Stefan Bodnar, May 2020 Revised November 2020 deposited 18/11/2020

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

3: a) Prior to commencement of the development hereby permitted and notwithstanding the information provided, a bat survey shall be undertaken by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy to determine the presence or absence of roosting or hibernating bats. Details of mitigation measures and contingency plans shall be submitted in writing to and agreed in writing by the Local Planning Authority.

3: b) Should bats be found on site during the course of construction the approved mitigation measures and contingency plans shall be implemented

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

Reason: To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

4: a) Prior to commencement of the development hereby permitted and notwithstanding the information provided, a badger survey shall be undertaken by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy to determine the presence or absence of badgers and their setts. Details of mitigation measures and contingency plans shall be submitted in writing to and agreed in writing by the Local Planning Authority.

4: b) Should badgers be found on site during the course of construction the approved mitigation measures and contingency plans shall be implemented

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

Reason: To conserve local badger populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

5: a) Prior to commencement of the development hereby permitted and notwithstanding the information provided, a habitat survey shall be undertaken at the optimum time as prescribed by Table 2: Optimum Survey Times for Vegetation Surveys, page 33 of Conserving Walsall's Natural Environment, by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy to assess the plant species and plant communities present. Details of mitigation measures and contingency plans shall be submitted in writing to and agreed in writing by the Local Planning Authority.

5: b) Should important or rare plant species be found on site during the course of construction the approved mitigation measures and contingency plans shall be implemented

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

Reason: To conserve local important habitats and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

6: a) Prior to commencement of the development hereby permitted and notwithstanding the information provided, a reptile survey shall be undertaken by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy to determine the presence or absence of reptiles including slow worms. Details of mitigation measures and contingency plans shall be submitted in writing to and agreed in writing by the Local Planning Authority.

6: b) Should reptiles be found on site during the course of construction the approved mitigation measures and contingency plans shall be implemented

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

Reason: To conserve local reptile populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

7: a) Prior to commencement of the development hereby permitted, drainage plans for the discharge of surface water and disposal of foul sewerage shall be submitted to and approved in writing by the Local Planning Authority.

7: b) The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

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

8: 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
- xiii. Re- covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc.
- xiv. Scheme for the ecological protection of the Full Brook Wildlife Corridor and watercourse buffer from site preparation, clearance, and during construction.

8: 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.

9: a) Prior to commencement of the development hereby permitted a survey shall establish whether there are any invasive species such as Japanese Knotweed and Giant Hogweed on the site and shall be submitted in writing to the Local Planning Authority for approval.

9: b) If any invasive species are identified in the survey report a detailed method statement for the long term eradication and management of any invasive species on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures to prevent the spread of any invasive species and measures to ensure that any soils brought to the site or used from within the site are free of seeds, roots or stems of any invasive plant covered by the Wildlife and Countryside Act 1981. Any Japanese Knotweed to be removed utilising "dig and dump" shall not be removed from the site otherwise than to a landfill site licensed to accept it.

9: c) No works shall be carried out on site until the detailed method statement has been approved.

9.d) The agreed works shall thereafter be carried out and retained for the lifetime of the development.

Reason: To ensure the effective removal of and to prevent the spread of any invasive species in the interests of avoiding harm to the environment and in accordance with UDP policy GP2 and ENV23 of Walsall's Unitary Development Plan

10: a) Prior to the commencement of any building or engineering operations of the development hereby approved details of the proposed finished floor levels, ridge and eaves heights of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties.

10: b) The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

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

11: 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 that match the existing materials 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.

11: 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.

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

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

12: c) 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.

13: a) Prior to commencement of the development hereby permitted details of a programme of site investigations and archaeological work, to include a watching brief, shall be submitted in writing to and approved in writing by the Local Planning Authority.

13: b) No development shall be carried out on site otherwise than in accordance with the approved details.

Reason: In order to secure an adequate record of the site's archaeology in accordance with saved policy ENV25 of Walsall's Unitary Development Plan.

14: a) The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the Flood Risk Assessment and Drainage Strategy, Hydrock, 26th March 2020 and Technical Design Note, Hydrock, 18th September 2020, have been implemented.

14: b). The development shall not be carried out otherwise than in accordance with the approved details included in the Management and Maintenance Schedule outlined in the Technical Design Note.

Reason: To reduce the risk of surface water flooding to the development and surrounding properties for the lifetime of the development to comply with Walsall's Unitary Development Plan saved policies GP2 and ENV40.

15: a) Prior to the first occupation of any dwelling of the development, the development shall be constructed with the access road, parking and vehicle manoeuvring areas being 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, together with the clear demarcation of all parking bays.

15: b) These areas shall thereafter be retained and used for no other purpose.

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

16: a) Prior to the first occupation of the development hereby permitted, a scheme of bat and bird boxes to be incorporated into the development site shall be submitted in writing to and approved in writing by the Local Planning Authority.

16: b) The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

16: c) The entrances to bat and bird boxes shall be kept clear from obstructions at all times.

Reason: To conserve local bat and bird populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

17: a) Prior to the commencement of the hereby approved development above damp-proof course, details of the number, type and location of the proposed electric vehicle charging points shall be submitted in writing to and approved in writing by the Local Planning Authority.

17: b) Prior to the first occupation of any dwelling of the development, the development shall be constructed in accordance with the agreed electric vehicle charging points and thereafter retained and available for the use of future occupiers of the development and used for no other purpose.

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

18: Site clearance and dismantling works shall be undertaken outside the bird nesting season. The bird nesting season extends between mid-February and September inclusive but is weather dependant and nesting may take place outside this period. If nesting birds are discovered, clearance works should be delayed until the young have fledged.

Reason: To conserve local bird populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

19: 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.

20: 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
- Recycling and refuse areas to be secured at the rear of the properties in a lockable storage facility
- 1.8m high closed board fencing with 0.3m trellis topper to be erected around the perimeter (inside of the boundary hedging) of each dwelling.
- All 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 in compliance with NPPF 12 and saved policy ENV32 of Walsall's Unitary Development Plan.

21: a) 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.

21: 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.

22: 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 additional 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.

23: 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 E (building incidental to the enjoyment of a dwelling house), shall be installed in any part of this development.

Reason: To safeguard the openness of the Green Belt, ecology and amenities of the occupiers of adjoining premises and to comply with saved UDP policies 3.2 to 3.5, GP2, ENV23 and ENV32 of the Walsall Unitary Development Plan and Policy GB1 of Walsall SITE Allocation Document.

## **Notes for Applicant**

### **Police Architectural Officer**

Below is a link to Secured by Design guides, including Housing, police approved crime reduction information.

<https://www.securedbydesign.com/guidance/design-guides>

The applicant to refer to crime prevention and home security advice contained within SBD New Homes.

Please see:

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

Secured by Design security standards are explained.

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

### **Severn Trent Water**

Severn Trent Water advise that there are public sewers located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact 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, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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 contact [Planning.apwest@severntrent.co.uk](mailto:Planning.apwest@severntrent.co.uk) where we will look to respond within 10 working days. Alternately you can call our office on 0345 266 7930

### **West Midlands Fire Service**

#### **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 access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult)

### **Section 13: Vehicle access**

Provision and design of access routes and hard-standings

13.1 For dwelling-houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling-house.

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

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

### ***Overall***

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

### **Water**



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

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

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

### **Sprinklers**

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

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

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

Blocks of flats with a floor more than 30m above ground level should be fitted with a sprinkler system, throughout the building (ADB Vol 1, Section 7)

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)

### **Knotweed**

Wildlife and Countryside Act 1981 section 114 (2) states that it is illegal to allow Japanese knotweed to spread in the wild. If knotweed is discovered on the property it should be dealt with in accordance with the act

**END OF OFFICERS REPORT**