



## Economy, Environment and Communities, Development Management

### Planning Committee

Report of Head of Planning and Building Control on 30 November 2023

Plans List Item Number: 4

#### Reason for bringing to committee

Significant Community Interest

#### Application Details

**Location:** SODEXO GOVERNMENT SERVICES, 85, STONNALL ROAD, ALDRIDGE, WALSALL, WS9 8JZ

**Proposal:** PLANNING APPLICATION FOR THE INSTALLATION OF TWO SINGLE-STOREY MODULAR UNITS FORMING AN EXTENSION TO THE EXISTING APPROVED PREMISES (AP) TOGETHER WITH ANCILLARY SITE WORKS AT 85 STONNALL ROAD, ALDRIDGE, WS9 8JZ

**Application Number:** 22/1173

**Case Officer:** Charlotte Van De Wydeven

**Applicant:** Probation Service

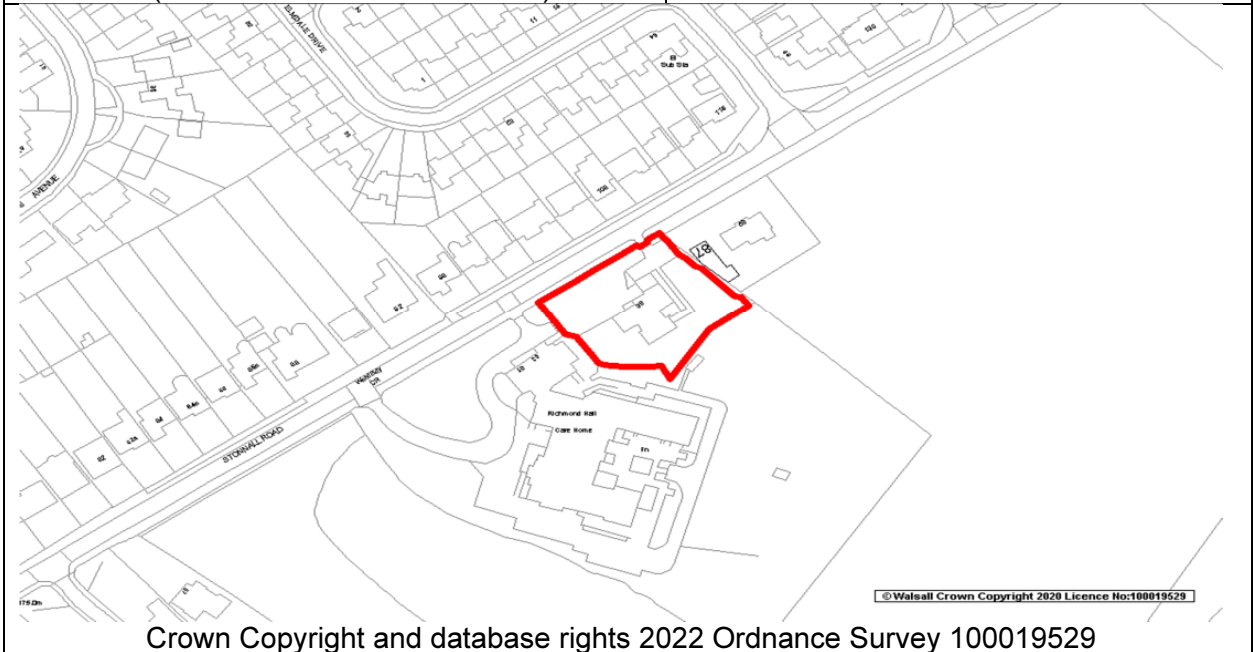
**Ward:** Aldridge Central And South

**Agent:** Miss Ugne Staskauskaite

**Expired Date:** 13-Oct-2022

**Application Type:** Full Application: Minor Use Class C2A (Secure residential institutions)

**Time Extension Expiry:** 15-Dec-2023



## Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to Conditions and a legal agreement to secure mitigation payments towards the Cannock Chase SAC and subject to;

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;

## Proposal

The proposed development is for the installation of two single-story modular units forming an extension to the existing 'Approved Premises' (AP) together with ancillary site works at 85 Stonnall Road, Aldridge, WS9 8JZ.

85 Stonnall Road AP is a 2-storey detached building, which currently provides accommodation for 8 residents plus staff facilities. There is a garden surrounding the property and a car park for staff. Access is taken from Stonnall Road.

On the Ground Floor, there is an entrance lobby, residents lounge, dining room, separate lounge (quiet room), laundry, kitchen, main office and two rear offices, 2 residents' bedrooms, a resident shower room, and 3 toilets. On the First floor, there are 6 residents' bedrooms, 1 bathroom, 1 shower room, 2 toilets and the manager's office.

The proposed scheme is to introduce 4 single occupancy rooms within two separate prefabricated offsite modular buildings for the National Probation Service (NPS) Approved Premises (AP). The development would use modern methods of construction by constructing the units off site and brining to site and lifting into their final positions to minimise the amount of onsite construction and disruption to both the existing unit and surrounding residential areas.

Each proposed unit will comprise of 2No. secure rooms which will include a bedroom / living space / kitchen area, and a separate en-suite. This will be in the form of two units making 4No. new rooms in total. The proposed spaces have been designed to Ministry of Justice standards in terms of size and layout, but do not work to National Space Standards as set out within the Department for Communities and Local Government: Technical Housing Standards document, as these units would be classed under secure accommodation used as temporary living spaces as opposed to full time living accommodation for extended periods of time by persons.

The proposed prefabricated units will be placed in the south west side of the site which allows it to be close to the existing National Probation Service building although not directly linked. The landscape strategy has been designed for ease of access between both units allowing level access between the main building and both new units, and all buildings will be linked via security systems.

The units have flat roofs and are square in shape, with only external doors and windows located on their facing elevations which look into the proposed courtyard space they occupy.

## Site and Surroundings

The application site comprises 0.19 ha within the ownership of the Ministry of Justice.

The site is approximately 4.3 miles northeast of Walsall Town Centre, in the town of Aldridge. The site lies on the eastern edge of Aldridge and the surrounding area is residential in character to the north, immediately adjacent to the south of the site is a residential care home and to the east are private residential dwellings. In the wider area to the south and east is Druids Heath Golf Club and beyond are agricultural fields.

The site is within the West Midlands Green Belt. The building is not listed and there are no Tree Preservation Orders on or adjacent to the site.

The existing site contains 9 bedrooms for residents within a 2-storey building. The existing units are used as secure probation service rooms as temporary accommodation for residents transitioning from prison services. Approved premises formally known as probation or bail houses are residential units which house ex-offenders within the community. The existing building given its use as an AP [Approved Premises] would fall into planning use class: C2A – Secure Residential Institution: Use for a provision of secure residential accommodation, including use as a prison, young offenders' institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.

The existing building is situated within a walled garden and surrounded by trees and is well set back from the highway.

### Relevant Planning History

Application Ref.	Description	Date	Decision
06/2002/FL/E12	New Entrance Canopy & Conservatory Roof & Ramps	05.01.2007	Grant
BC26788P	Section 53 Determination: Conversion to bail Hostel	24.07.1989	PP not required
BC41573P	Outline – Proposed Extension to Bail Hostel	03.01.1995	Refused
BC26783P	Erection of residential unit for nine teenagers, alternative care unit forming part of the Druids Heath community house	N/A	N/A

### Relevant Policies

#### National Planning Policy Framework (NPPF)

[www.gov.uk/guidance/national-planning-policy-framework](http://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 15 – Conserving and enhancing the natural environment**

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

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

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

### **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**

- GP2: Environmental Protection
- GP5: Equal Opportunities
- ENV7: Countryside Character
- ENV10: Pollution
- ENV14: Development of Derelict and Previously- Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H7: Hostels and Houses in Multiple Occupation
- T7: Car Parking
- T8: Walking
- T9: Cycling
- T13: Parking Provision for Cars, Cycles and Taxis

### **Black Country Core Strategy**

- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality
- EC2: Cannock Chase SAC

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

- HC2: Development of Other Land for Housing
- GB1: Green Belt Boundary and Control of Development in the Green Belt
- EN1: Natural Environment Protection, Management and Enhancement
- T4: The Highway Network
- T5: Highways Improvements

### **Supplementary Planning Document**

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

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

- NE1 – Impact Assessment
- NE2 – Protected and Important Species

- NE3 – Long Term Management of Mitigation and Compensatory Measures *Survey standards:*

- NE4 – Survey Standards

*The natural environment and new development:*

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

*Development with the potential to affect trees, woodlands and hedgerows:*

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting

## **Designing Walsall**

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW10 Well Designed Sustainable Buildings

## **Consultation Replies**

### **Ecology Officer**

No objection subject to SAC mitigation

### **Local Highways Authority**

No objection subject to condition to formalise parking arrangements.

### **Severn Trent Water**

No objection subject to drainage condition

### **Strategic Planning Policy**

No objection subject to condition to ensure units are used only in connection with the premises. Further comments as discussed in the report below.

### **Environmental Protection**

No comment

### **West Midlands Police Service**

No objection, recommendations regarding security measures provided.

### **West Midlands Fire Officer**

No objection, information provided in relation to compliance with Part B of Schedule 1 to the Building Regulations 2010.

## Representations

There were a total of 17 objections received from local residents. The concerns raised were surrounding both existing and perceived exacerbated safety, harassment, and crime issues, from the use of the building(s) as a bail hostel, and the proposed extension.

Email correspondence was received from Cllr Pard Kaur, asking for the full details regarding the application to be sent, and that the previous application to be looked at. Cllr also asked informally that the application is reviewed by the committee before any application is approved.

## Determining Issues

- Principle of Development and Green Belt Assessment
- Design of Works and Character of Area
- Amenity of Nearby Residents
- Amenity of Future Occupiers
- Residential Amenity and Safety
- Transport and Highways
- Ecology
- Cannock Chase Special Area of Conservation (SAC)
- Waste and Recycling

## Assessment of the Proposal

### Principle of Development and Green Belt Assessment

A section 53 determination (the equivalent under the 1971 Act of a lawful development application) for the use of the premises as a bail hostel was granted in 1989 (application BC26788P) and there have been subsequent applications for alterations or extensions.

The main planning policy issue in relation to the current proposal is that the site lies in the Green Belt. As such it would represent inappropriate development unless it fell within one of the exceptions in NPPF paragraph 149. Clause c) of that paragraph allows the extension or alteration of a building, provided that it does not result in disproportionate additions over and above the size of the original building.

The current proposal is for two modest freestanding buildings rather than an extension, but it could be argued that the proposed use is to form an extension of the existing use of the current building so the effect is the same.





Figure 1: 85 Stonnall Road as stood in 1989

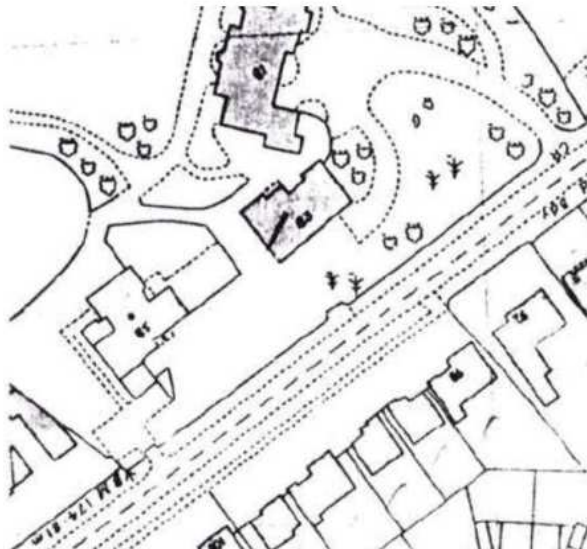


Figure 2: Block plan of 85 Stonnall Road as stood in 1989. Neighbouring properties are shown.

The above historical drawings show 85 Stonnall Road as the property stood in 1989. Although there is planning history on this site to indicate there have been various developments allowed; the dwelling does not appear to differ in its footprint to current day other than the area of hardstanding to the front of the dwelling. As such, it is considered that the current proposal would be acceptable as it would not result in disproportionate additions to the original building (original in the sense means as first built or as it existed in 1948) given the modest size of the proposal in comparison to the two-storey detached dwelling.

As such, the works would be acceptable in principle, subject to other material considerations. It is recommended that a condition is imposed to ensure the units are only used in connection with the existing use of the premises and are not sold or let as separate dwellings.

### **Design of Works and Character of Area**

The proposed development will be built using modern construction methods and the units will be delivered to the site prefabricated. The proposed wooden and grey cladding provides a minimal architectural outlook, which aims to tie in with the natural elements of the site. The proposed prefabricated units will be placed on the existing hardstanding on the southwest side of the site which allows it to be close to the existing building although not directly linked.

It is considered that whilst the buildings are simplistic in design, they are built for purpose and the use of materials as above would result in a robust development.

The street scene is mixed in style and size with a variety of styles of houses, as such it is considered the proposal would assimilate well with the surrounding area and would not be out of place.

The proposed buildings do not project further than the established building line and at 2.4m in height, are a modest addition and would be subservient to the existing building.

Given all the above, it is considered that the design of the proposal is acceptable.

### **Amenity of Nearby Residents**

The surrounding area is characterised by predominantly residential properties of mixed styles and sizes. The nearest residential property to the north east of the site is 87 Stonnall Road at a distance of 15.3m, to the north of the site 106 Stonnall Road is sited at a distance of 38.5m and to the south west of the site lies a Care Home, Richmond Hall, 83 Stonnall Road is sited at a distance of 18.2m. To the rear of the property is open fields.

Appendix D of the Designing Walsall SPD states that there should be 24m separation between habitable windows in two storeys (and above) developments however, it states that this standard will be applied more robustly at the rear than across roads at the front. It also specifies that there should be 13m separation between habitable windows and blank walls exceeding 3m in height.

The proposed modular units lie to the south, southwest of the existing AP. To the south lies a Care Home – Richmond Hall. There is at least a 12m gap between the Care Home and 85 Stonnall Road boundary. Minimum garden dimensions set out in Designing Walsall SPD are 12m and 13m separation between habitable windows and blank walls exceeding 3m in height.

The proposed modular units only have openings in the front elevation, which faces away from Richmond Hall. Therefore, the minimum distance standards are being met, as set out in the Designing Walsall SPD (2008). In addition, the view from Richmond Hall Care Home and Regal Care Home will be obstructed by the mature vegetation and there are no habitable windows within Care Homes facing the proposed extension.

There is existing mature landscaping within the site, which will continue to further ensure that a limited overlooking occurs from one garden into another.

87 Stonnall road is adjacent to the subject site. This property is a detached property.

The proposed units are not sited near to this dwelling, and as such, would not be detrimental in terms of being overshadowing or overbearing.

The proposal complies with the Policy ENV3 of the Black Country Core Strategy and Policy ENV32 of the Saved Unitary Development Plan

### **Amenity of Future Occupiers**

Each proposed unit will comprise of 2No. secure rooms which will include a bedroom / living space / kitchen area, and a separate en-suite. This will be in the form of two units making 4No. new rooms in total. The proposed spaces have been designed to MOJ standards in terms of size and layout, but do not work to National Space Standards as set out within the Department for Communities and Local Government: Technical Housing Standards document, as these units would be classed under secure accommodation used as temporary living spaces as opposed to full time living accommodation for extended periods of time by persons.

The internal GIA of each unit equates to 20.2 Sqm, so a total of 80.8 Sqm additional living space across the 4 units, and the external footprint of each unit equates to 47.25 Sqm or 94.5 Sqm combined between the two units. These are considered suitable for the use of the buildings and will provide for a comfortable level of amenity for future occupiers.

### **Residential Amenity and Safety**

The NPPF now refers to fear of crime (paragraphs 92 and 130), although this is primarily in the context of the design of places. NPPF paragraph 96 states that “to ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.”

Crime prevention is referred to in the development plan in paragraph 5 of BCCS policy ENV3. Saved UDP policy H7 provides guidance on proposals for the establishment, enlargement or alteration of hostels or HMOs.

The existing use of the premises has been controversial. Some of the planning history is relevant to the current proposal. It was determined in response to an application in 1989 under section 53 of the Town and Country Planning Act 1971 that planning permission was not required to convert the premises to a bail hostel (application BC26788P).

A subsequent planning application to extend the premises was refused in 1995 on the grounds that “*The residents of the area and the adjoining properties now experience severe and material problems and incidents arising from the existing use of the premises, which are incompatible with the surrounding residential area. The further expansion of a use which, in the considered view of the local planning authority, is unsuitable for that area has the potential to further exacerbate these problems, to the detriment of the amenities which local residents could reasonably be expected to enjoy*” (application BC41573P).

The proposal became the subject of a planning appeal and ultimately hearings in both the High Court and the Court Appeal. These confirmed that fear of crime was a material consideration that could be taken into account in the determination of planning applications.

Of particular note, the Inspector considered the implications of an expansion of the hostel. He concluded:

*'I consider that the proposed expansion of this hostel would be likely to significantly increase the disturbance endured by those living nearby'.*

He next considered the apprehensiveness and insecurity of residents living in the vicinity of the hostel and stated that:

*'Such harmful effects would be capable of being a material consideration provided, of course, that there were reasonable grounds for entertaining them; unsubstantiated fears – even if keenly felt- would not warrant such consideration, in my view'.*

The Inspector found that the hostel had attracted numerous police visits, some involving arrests, personal injuries, or the breach of bail conditions. Evidence submitted demonstrated that residents might well have had to endure such occurrences at fairly regular and frequent intervals.

With regards to the current application, from the objections received from local residents, it would appear that the previous concerns about the premises remain. However, whilst a total of 17 objections were submitted, none of these provided evidence of the perceived on-going issues at the hostel, such as the frequency of police visits to the property, and the nature of these visits i.e., whether they involve arrests, personal injuries or breach of bail conditions. Also, any other police/incident reports that have affected local residents.

Without such evidence, it is difficult to consider whether there are reasonable grounds for residents to feel apprehensive, and whether the expansion would exacerbate the potential frequency of 'occurrences'. Therefore, limited weight can be attributed to these concerns when assessing the application.

Furthermore, additional information was submitted by the applicant/agent to support the application, that would be contrary to the assertions made by the local residents. It was stated that Stonnall Road AP works very closely with the local Police, both the Offender Management teams and community/neighbourhood policing. Previous meetings (within the last 2 years) with such have not identified known issues of concern or increase of crime directly linked to the Approved Premise or its residents. Police colleagues attend the site regularly as they provide Police Offender Management for some of the residents. In addition to this Police will attend should a resident have their licence revoked to facilitate the return to custody. It is part of a well-managed risk management structure, ensuring public protection remains at the forefront of what the service provides. Stonnall Road is an active member of the local neighbourhood watch reaching out to 1,600 homes with recent articles about the management, structure and positive outcomes of its business. Complaints locally from neighbours have been minimal and generally relate to infrequent littering. This is being addressed by the Approved Premise financing and installing an outside litter bin. Residents of the AP are subject to robust licence conditions which are regularly enforced.

Additionally, it can be considered that the public benefits arising from the proposal in respect of its contribution towards managing the transition from custody to the community for offenders through a structured method of protection, rehabilitation and resettlement are a material consideration in assessing this application and carry a degree of weight in that process.

The additional information provided by the applicant/agent also summarises proposed community safety measures;

- The additional units are sited in a secure area and within the existing perimeter walls and fenced/gated area.
- CCTV will be reviewed to ensure full oversight of the planned buildings.
- External lighting is provided to both new buildings, complete with emergency fittings.
- Intruder alarm systems are provided to both new buildings.
- Residents who are placed in these planned buildings will have first demonstrated their progress within the main building as they progress to moving on from the Approved Premise.

West Midlands Police have not objected to the proposal and have provided safety and security recommendations for the management of the premises, it is recommended that this is included as an informative note on the decision notice.

In summary, taking account of all the information available, it is considered that the minimal increase of 4 additional spaces and occupancy increase from 8 to 12 people is not considered to increase the security risk impact on the wider community. The modest extension would not materially affect the safety, nor perceived safety of the local area, with particular regard to crime, disorder and antisocial behaviour.

The development complies with Policy ENV3 of the Black Country Core Strategy.

### **Transport and Highways**

There are six parking spaces for the staff on the site including one disabled parking space. The proposed development increases parking provision by three spaces for use by staff. AP residents do not have access to cars.

There will be no increase in staff members and therefore, no increase in vehicle movements therefore it would not impact local traffic.

The proposed development complies with Policy H7 and Policy T13 of the Saved Unitary Development Plan.

### **Ecology**

The mitigation and precautionary working practices outlined within the Preliminary Ecological Appraisal and Preliminary Roost Assessment report completed by ArbTech in July 2022 should be implemented in full according to the specified timescales, unless otherwise agreed in writing by Walsall Council. This can be subject to a condition. The proposal does not offer any further ecology concerns.

### **Cannock Chase Special Area of Conservation (SAC)**

Pursuant to the Habitats Directive (92/43/EEC), where a plan or project is not connected with the nature conservation management of a European designated site, the competent authority must determine whether the plan or project is likely to have a significant effect on the site, either alone or in combination with other plans or projects. This is reflected in national law in the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations"), which place a duty upon competent authorities to consider the potential for effects upon sites of European importance prior to granting consent. This is referred to as a screening assessment. If likely

significant effects are identified by the screening assessment, the competent authority must then undertake an Appropriate Assessment of the implications.

Approximately 20% of Cannock Chase falls within the Cannock Chase Special Area of Conservation ("SAC"), allocated primarily for its dry heathland. Council areas in the vicinity of the SAC have formed a Partnership and commissioned reports to assess impacts upon the SAC and how they arise. The evidence indicates that development which would increase visitors within 15km of the SAC may have a significant impact.

Walsall Council joined the Cannock Chase SAC Partnership on 17th October 2022 and has implemented Black Country Core Strategy Policy EQ2 which enables the collection of payments to mitigate against impacts arising from new relevant development falling within the 15km Zone of Influence of the Cannock Chase SAC. The mitigation payment of £290.58 per each net new dwelling is non-negotiable. Permission must be refused where appropriate mitigation is not provided pursuant to the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations").

The applicant/agent did not submit any additional information. The Project has been screened to identify whether potential effect pathways between the Project and the SAC are present which are likely to result in significant effects upon the SAC. The screening exercise carried out on April 1st 2022 by the SAC Partnership authorities found likely significant effects on the SAC arising as a result of increased recreational activity from new residential development and related population growth that is likely to disturb the ground. A 21/12/12 Cannock Chase SAC Visitors Survey investigating visitor access patterns found that the majority (75%) of visitors originated from within a 15km distance of the SAC (also supported by 2018 visitor survey data) and The Cannock Chase SAC Planning Evidence Base Report Stage 2 (12/07/21) determined that within this 15km 'zone of influence', measures to reduce recreational pressure would be most effective.

The Habitat Regulation Assessment Stage 1: Screening Assessment has been undertaken using the available information associated with this planning application. The screening assessment is designed to check if an application is likely to have a significant effect on Cannock Chase SAC's conservation objectives, based on available evidence. Should it be determined that no significant affects are likely, no further assessment in respect to the SAC is required. Please note as per guidance and CJEU ruling (case C323/17), mitigation measures cannot be taken into account at the screening stage of the HRA assessment.

The proposed application is situated within 15km from Cannock Chase SAC and proposes a net increase of two residential units. This development would result in an increase in recreational disturbance resulting in significant harm of the SAC and should progress directly to Stage 2 the undertaking of an Appropriate Assessment.

While Walsall Council, as the Competent Authority, will carry out HRA Stage 2: Appropriate Assessment, which will include the consultation of key stakeholders including Natural England, it will be the responsibility of the applicant to provide and secure suitable mitigation on which to base the Appropriate Assessment. Suitable mitigation should be in the form of the necessary mitigation payment of £290.58 per each net new dwelling which can be secured by a Unilateral Undertaking, or within a Section 106 Agreement when other obligations are required.

The applicant submitted an HRA Form and has agreed to provide the SAC mitigation payment via a planning obligation which will need to be completed prior to planning approval being granted.

### **Waste and Recycling**

The 4 additional rooms to the scheme would generate relatively little refuse and recycling and as such the existing facilities are appropriate.

Any waste produced as part of the building works will be managed by the contractor. Any waste which is not reusable will be taken to an appropriate approved centre for recycling or disposal. New timbers or joinery materials that may be used will be from a sustainable source and will be used in preference to others. Proof of sourcing of these will be mandatory. Careful material estimating will be employed throughout the development to minimise both waste and cost.

As an active water conservation measure, twin flush cisterns are proposed, together with basin and sink taps with spray head nozzles and thermostatic blending valves. Showers will similarly be thermostatically controlled for both safety and economy.

### **Conclusions and Reasons for Decision**

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

### **Positive and Proactive Working with the Applicant**

Officers have spoken with the applicant's agent and in response to concerns raised regarding Cannock Chase Special Area of Conservation, and security measures, and additional information has been submitted which enable full support to be given to the scheme.

### **Recommendation**

Planning committee resolve to Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and a Legal Agreement to secure mitigation payments towards the Cannock Chase SAC and subject to;

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed.

### **Conditions and Reasons**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/drawings:

- AQ226-E-GA-100 - Lighting Layout (Rev T1)
- AQ226-E-GA-120 - Fire & Security Layout (Rev T1)
- Proposed\_Section\_-\_STON1-CBLS-00-ZZ-DR-A-3902-D2\_REV\_T0\_-\_19-08-22.pdf
- Proposed\_Site\_Plan\_-\_STON1-CBLS-00-ZZ-DR-A-0010-D2\_REV\_T0\_-\_19-08-22.pdf
- Proposed\_Elevations\_-\_STON1-CBLS-00-ZZ-DR-A-3701-D2\_REV\_T0\_-\_19-08-22.pdf
- Proposed\_Elevations\_-\_STON1-CBLS-00-ZZ-DR-A-3702-D2\_REV\_T0\_-\_19-08-22.pdf
- Proposed\_Level\_00\_and\_Roof\_Plan\_-\_STON1-CBLS-00-ZZ-DR-A-3101-D2\_REV\_T0\_-\_19-08-22.pdf

Reason: To ensure the quality of the development is maintained and to prevent harm to the character, appearance and visual amenity of the area.

3. The additional buildings shall be used for residents of the bail hostel, an Approved Premises, and for no other purpose.

Reason: Their use as separate residential units would result in an unsatisfactory relationship with the use of the principal building safeguard the amenities of adjoining dwellings and future residents and to comply with the NPPF, Walsall's Unitary Development Plan saved policy GP2 and Designing Walsall SPD appendix D.

4. The mitigation and precautionary working practices outlined within the Preliminary Ecological Appraisal and Preliminary Roost Assessment report completed by ArbTech in July 2022 should be implemented in full according to the specified timescales. This should include:

- a. Retention of the trees and shrubs, where possible, with additional native tree and shrub planting incorporated within the design;
- b. Vegetation removal outside bird nesting season (Sept to Feb);
- c. Provision of the two bat boxes on either the building or retained trees;
- d. Use of a sensitive lighting scheme in accordance with Guidance Note 08/18 Bats and artificial lighting in the UK, bats and the Built Environment series, BCT, 2018
- e. Precautionary working practices in respect to Hedgehogs,

Reason: To preserve and enhance the natural environment and safeguard any protected species in accordance with Black Country Plan policy ENV1, saved Unitary Development policy ENV23 and Supplementary Planning Document Conserving Walsall's Natural Environment.

5a) If bat/s or evidence of bats are found during these operations:

1. Natural England or the ecologist for this project must be contacted.
2. The bat/s should not be handled or touched and the vicinity of the roost shall be immediately reinstated.
3. No further destructive works shall be carried out to the building until the need for Natural England licence has been established.
4. Within one week of finding bats or evidence of bats, a written report by the ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation



5. Work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued

Reason: to conserve local bat populations and to be in accordance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural habitats, & c.) Regulations 1994 Black Country Plan policy ENV1, saved Unitary Development policy ENV23 and Supplementary Planning Document Conserving Walsall's Natural Environment.

6a) Prior to the development first coming into use, the extended parking area shall be implemented, the area being consolidated, hard surfaced in tarmac and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain, together with the clear demarcation of the parking bays.

b) The parking area shall thereafter be retained and used for no other purpose.

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

7a) The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

b) The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution in accordance with Unitary Development Plan saved policies T13, T7 GP2 and ENV40.

### **Notes for Applicant**

#### **Severn Trent Water**

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

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

Please note if you wish to respond to this email please send it to  
Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days.

If your query is regarding drainage proposals, please email to the aforementioned email  
address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

West Midlands Police

- Door-sets and windows to PAS 24 standard or higher, were PAS24:2016, now PAS 24:2022.
- Lighting and alarms are important.
- The premises operate a curfew for residents 11pm to 6am, Consider access control to the new accommodation. Immediately alerting staff of door access. Combined with window security. To assist monitoring by staff.
- Cctv alone insufficient without constant screen monitoring - I would expect existing cctv and security measures to be reviewed.

**END OF OFFICERS REPORT**