

Planning Committee

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

Plans List Item Number: 1

Reason for bringing to committee

Major Application

Application Details

Location: 348, WOLVERHAMPTON ROAD WEST, WILLENHALL, WV13 2RN

Proposal: DEVELOPMENT OF 28 RESIDENTIAL UNITS (6 FLATS AND 22 HOUSES) WITH ASSOCIATED PARKING AND LANDSCAPING.

Application Number: 20/0490

Case Officer: Gemma Meaton

Applicant: Mr Nick Laight

Ward: Willenhall South

Agent: Mr Daniel Hodson

Expired Date: 04-Aug-2020

Application Type: Full Application: Major Use Class E(e) (Medical or Health Services)

Time Extension Expiry: 08-Apr-2021

Recommendation

Planning Committee resolve to Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and a S106 Agreement to secure a contribution towards provision for Urban Open Space, On-site Landscaping Maintenance; Monitoring; and to secure a viability review (uplift clause), and subject to:

- No new material considerations being received within the re-consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- Agreement of an appropriate location for Public Open Space S106 contribution spend with Clean & Green and ward members



Proposal

The proposal is for the redevelopment of the former Johnson's VW Garage site for residential purposes and proposes 28 new dwellings with houses and apartments comprising as follows;

Apartment Block

- A two storey rectangular block with three ground floor and three first floor units making a total of 6 dwelling units, each with one double bedroom
- Pitched roof design with gable ends and a total height of 9.3m
- 20m in length and 9m in depth
- Constructed of red brick with a grey tiled roof, grey uPVC windows, rainwater goods and doors
- All dual aspect apartments with a north to south orientation
- Habitable room windows in all exterior elevations
- Separate entrances facing south onto Wolverhampton Road West, accessed by a single gated pedestrian access
- Secure private amenity space to the rear of the block of 147m² (24.5m² per apartment)
- Positioned fronting Wolverhampton Road West, set back by between 3m and 4m, with landscaped area and with 1.2m high railings enclosing building
- 2.1m close boarded feather edged fencing with an additional 30mm trellis top and concrete posts to the western boundary
- 6 allocated parking spaces and one visitor space, equalling 1.2 spaces per apartment
- Storage of cycles located to the rear of the building within the secure amenity area

Houses

- 20 semi-detached houses and two detached houses (10 no. 2 bed, 8 no. 3 bed and 4 no.4 bed) based around 4 house types
- All houses accessed from a new adoptable road off Wolverhampton Road West
- Houses to be faced with red brick in a mixture of plain red and multi red with grey tiles and 20mm projecting brick detailing
- 2.1m high close boarded feather edged fencing with an additional 30mm trellis top fencing surrounding the boundary of the site with a mixture of 2.1m and 1.2m close boarded boundary fencing and 1.2m black vertical bar railings provided for internal boundaries
- Provision for 44 car parking spaces, equalling 2 spaces per dwelling
- Private amenity space between 62m² and 125m² with an average of 81m²
- A minimum of 18m habitable room window to window separation distance with the critical point between plots 8 and 25 and plots 7 and 26 at the front across the adoptable access road.
- A minimum of 23m separation between habitable rooms and two storey blank walls with the critical point at the front of plots 19 and 20 and the blank wall on the flank of plot 23, and 19m separation between the rear facing windows of flat units 1-6 and the flank wall of plot 7, and no other significant internal

- interactions
- A 25m habitable room window to window separation distance between plot 11 and 70 Cumberland Road at an angle of approximately 40 degrees and 7m between plot 22 and the single storey outbuilding to the rear of 334 Wolverhampton Road West, and no other significant external interactions.
- Soft landscaping proposed throughout

The development would have a density of 44 dwellings per hectare.

The application is supported by the following documents:

Design and Access Statement

Describes the site and surroundings, site context and evolution of the proposed scheme. Pre-application advice has been received in relation to this scheme and the Design and Access Statement sets out how this advice has been incorporated into the proposed scheme.

Housing Statement

Provides a background to the site, proposed housing provider and applicant. Sets out the proposed housing mix and provides justification for the proposal. It is proposed that the scheme be 100% affordable housing, split between affordable rent and shared ownership.

Tree Survey

Confirms there are no protected trees within the Site. Indicates that there are some group of trees in the north east of the site bordering the infilled canal, and two other trees one on the north eastern boundary and one on the adjacent property on the south eastern boundary. The report indicates that the layout is compatible with the retention of the trees, and recommends a tree protection plan be prepared to ensure that trees are not damaged during construction.

Archaeological Desk Based Assessment

Confirms that there are no archaeological designated heritage assets on the site, and the proposed development will have no impact upon the significance of any archaeological designated heritage assets outside of the site. The report explains that the site lies within the undesignated heritage asset of County Bridge Farm a former farmstead first depicted on late 18th Century mapping. The 19th Century undesignated heritage asset of Bentley Canal forms the sites northeast boundary.

The assessment concludes that based on the available information and past impacts, it is considered here that there is 'low' potential for the survival of features and deposits pre-dating the Post-medieval (1540 AD – 1900 AD) period on site. 18th and 19th Century activity on the site is demonstrated and for that reason the potential for the survival of features and deposits of these dates must be considered to be 'moderate - high'.

Any potential archaeological interest can be appropriately safeguarded and provided for through an appropriately worded planning condition.

Preliminary Ecological Appraisal

Illustrates that the majority of the site is of 'low ecological value', prevention of disturbance to the adjacent protected species habitat and wildlife corridor is of most importance on this site.

There are no Statutory or Non-Statutory Designated Nature Conservation Sites within the site, within 1km from the site or at greater distances that will be impacted by this development, however the adjacent non designated wildlife corridor should be protected during development of this site.

The Biological Data Search revealed no protected species recorded within the site, although the site survey determined an active protected species habitat within 2m from the site boundary. Therefore it is recommended that the existing palisade fencing is maintained, close board fencing is erected along garden boundaries, and a minimum 10m no development buffer zone along the northern boundary of the site is established for the site.

Further recommendations are made to secure precautions to protect wildlife and ecology.

Coal Mining Risk Assessment

Advises that there are no known mine workings below the site and that although there are some coal seams present, intrusive investigation has shown no evidence of former mining. Accordingly no special precautions are considered warranted with respect to unrecorded shallow workings. There is a low potential for unrecorded mine entries on site but potential associated residual risk can be addressed by means of a discovery strategy during ground works. Gas exclusion measures should be provided for the new residential structures. The study shows no reason why the development should not go ahead safely subject to the imposition of the conditions described.

Noise Assessment

Concludes that although the most exposed parts of the site are exposed to significant levels of noise, this could be controlled and mitigated through the use of boundary treatments, acoustic glazing and ventilation. Subject to the imposition of a condition requiring details of mitigation measures to be submitted and approved, the proposed

development would be of negligible risk to adverse impact from noise and would be subject to satisfactory internal acoustic environments.

Transport Statement

The site has a good level of pedestrian and cycle infrastructure and is well connected to good public transport services. Safe and suitable access is available from Wolverhampton Road West, with no access through Cumberland Road, and the access junction can be provided in line with relevant design guidance.

The development proposal is forecast to generate 10 two-way vehicle movements during the morning peak period and 15 two-way vehicle movements during the evening peak period; whilst these vehicle movements are less than those generated by the previous land use of a car showroom, even if they were considered as entirely new, such a traffic flow is minimal.

The housing development will not have a material impact on the capacity or safety of the adjacent highway network and will not have an unacceptable impact on highway safety

Site and Surroundings

The site is 0.63Ha in extent and most recently used as a used car dealership until it was demolished and cleared in early 2020.

The site is located on the northern side of the Wolverhampton Road West (District Distributor – B4464), with houses across the road, flats directly to the rear along Cumberland Road where there are also houses in proximity, also along the rear boundary is the drained extent of the former Walsall canal. To the eastern boundary are additional houses accessed directly off Wolverhampton Road West, and the west is a recently redeveloped filling station and convenience store. Further to the west is the Key Master (former Red Lion) Public House.

Bentley Local Centre is 870m away, with Willenhall District Centre 1.2km away. Junction 10 of the M6 and access to the Black Country Route are 1.3km away.

The site is within a Coal Development High Risk Area.

Relevant Planning History

20/0297, Prior Notification: Demolition of Single Storey Garage, prior approval granted 09/04/2020.

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in

both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **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 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic 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.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.6 to 3.8 Environmental Improvement
- 3.9 Derelict Land Reclamation
- 3.11 Forestry and Trees
- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV11: Light 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
- H4: Affordable Housing
- 7.4 Strategic Policy Statement
- T1 - Helping People to Get Around
- T6 - Traffic Calming
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space
- 8.7 to 8.9 Strategic Policy Statement
- LC3: Children's Play Areas

Black Country Core Strategy

- CSP1: The Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- 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
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- RC1: The Regeneration Corridors
- HC1: Land allocated for New Housing Development
- HC3: Affordable Housing and Housing for People with Special Needs
- EN1: Natural Environment Protection, Management and Enhancement
- EN3: Flood Risk
- T2: Bus Services
- T4: The Highway Network
- T5: Highway Improvements

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

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 68m² 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

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

Archaeology

No objection subject to a condition relating to a programme of archaeological work to inform any further archaeological mitigation prior to or during development.

Coal Authority

No objection, in line with the Coal Mining Risk Assessment submitted.

Environment Agency

No objection

Highways England

No objection

Historic England

No objection

Housing Strategy

No objection, a 25% affordable housing contribution would be required in accordance with BCCS Policy HOU3. This would equate to 7 units. The preferred mix would be 2 x 4 bed, 2 x 3 bed, 3 x 2 bed house. The tenure mix would be either 5 social rent and 2 shared ownership, or all 7 social rent, dependent on applicant preference.

Lead Local Flood Authority

No objection subject to condition relating to surface water drainage.

Natural England

No objection

Network Rail

No comments to make

Pollution Control

No objections subject to conditions for contaminated land, Construction Environmental Management Plan, Electric Vehicle Charging, low emissions boilers, acoustic glazing and noise mitigation measures

Public Health

No objections, recognise the contribution this development will have to increasing the provision of good quality housing in Walsall plus the contribution it will make to supporting the local economy during the construction phase

RSPB

No objection

Severn Trent Water

No objection subject to condition relating to drainage

Sport England

No objection

Strategic Planning Policy

The site is allocated for housing as site reference HO321 under SAD Policy HC1. The proposal can therefore be supported subject to a S106 agreement to secure the provision of affordable housing and a contribution to off-site open space improvements.

Transportation

No objection subject, inclusion of planning conditions requiring surfacing of access and parking areas, engineering details of highway works, construction methodology statement and cycle shelter.

West Midlands Fire Service

No objection subject to compliance with approved document B of the building regulations.

West Midlands Police

No objection, Comments made relating to landscaping climbing aids, height of fencing, gates and access to the rear, surveillance for parking, cycle store materials, lighting, and alarms.

Representations

Three responses have been received objecting to the proposal on the following grounds;

- Overlooking onto properties on Cumberland Road
- Belief that members of the public will drive onto Cumberland Avenue when attempting to access the development thereby increasing traffic
- Objection to any access though Cumberland Road
- Highlight the agent of change principle in relation to the existing operations of

surrounding businesses and potential impact on prospective residents in relation to noise and disturbance.

Determining Issues

- Principle of Development
- Impact on the Character and Appearance of the area
- Security
- Archaeology
- Impact upon residential amenities
- Noise
- Ecology
- Access and Parking
- Planning Obligations
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The site is allocated for residential development within the Walsall Site Allocation Document (2019) under Policy HC1 for an estimated 33 dwellings (Site HO321). The Policy requires the design of development on these sites to take account of their context and surroundings and help to create places where people choose to live. Each site should achieve a density of at least 35 dwellings per hectare, except where part of the site is needed to provide open space or other facilities in accordance with other policies. The Site achieves a density of approximately 44 dwellings per hectare which would meet this requirement.

Further to this, the National Planning Policy Framework seeks to make as much use as possible of previously-developed or 'brownfield' land. The site is within a sustainable location within an existing residential area with access to shops and services.

As such, and subject to full assessment of all material considerations, the principle of residential development in this location is considered acceptable and accords with the aims of local and national planning policies.

Impact on the Character and Appearance of the Area

The application proposes a two storey residential apartment block in the western corner, with houses spread around the rest of the site arranged around a single access road and turning head.

The low-rise apartment block is considered to respect the urban character of the area through its placement and use of red brick, and grey tile. The use of projecting bricks and canopies would add interest. The height and scale of the proposed buildings is compatible with the neighbouring buildings on Wolverhampton Rad West and on Cumberland Road. The development maintains an active frontage by providing direct pedestrian access to the block from the street.

The proposed apartment building would be visible from the west along Wolverhampton Road West due to the neighbouring convenience store being set back from the road meaning that the flank elevation of the building would be prominent on this side.

The bin store and cycle store has been provided within the amenity space with access to the bins easily available from the adoptable roadway area. The rear gated parking for the apartment block will ensure security. The details of these parking gates can be secured by condition to ensure they are appropriate.

Within the rest of the scheme, the dwellings would be arranged around the 'T' shaped access. The houses would follow the sweep of the road, to the right through the site, and would terminate with a view towards plot 15 and 16 which have purposely been constructed as taller and more prominent 4 bed dwellings in order to provide a sense of arrival within the street scene.

The density of the development would reflect the semi-detached nature of the surrounding urban area and make the best use of a brownfield site. It is considered, on balance, that the scheme would respond to the urban character of the area in this regard and a high quality urban form would be created. Two metre pedestrian footways are provided on both sides of the main access road through the site, and a single two metre footway is provided along the turning head, running along the eastern edge of plots 11 and 22 is considered to contribute to high quality public realm.

Elements of landscaping and the use of semi-detached dwellings break up the street scene, providing a sense of space and depth in the public realm to ensure a high quality character is created. The landscaping can be controlled by a suitably worded planning condition and a planning obligation can ensure its ongoing maintenance. This obligation would meet the tests set out in the NPPF given it is necessary to make the scheme acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind.

The dwellings would be built from a mix of red and multi brick with grey tile, with anthracite grey uPVC windows, doors and rainwater goods. 20mm projecting brick detailing would be used to add interest. A suitably worded planning condition can be included in respect of the provision of final details of the proposed facing materials along with details of the proposed finished floor levels of the buildings. These conditions would meet the tests as set out in the NPPF.

Security

The scheme is legible and permeable while avoiding the potential for crime. The boundary treatment surrounding the site would be constructed from a 1.8 metre close-boarded feather-edged fence with 0.3m trellis on top to minimise any potential for antisocial behaviour and an increase in crime. Ground floor side windows also improve natural surveillance and have been included where there is parking located adjacent to properties. A suitably worded planning condition can ensure that details relating to gates, windows, doors, boundary fencing, intercoms for flats and secure mailboxes are provided, where required, to ensure a safe and suitable scheme is created.

The revised scheme is therefore considered appropriate given the proposed is considered a high quality design that respects the character of the area.

Archaeology

The application includes a report relating to potential archaeological importance of the site. The report sets out that the archaeological interest is not of such value that it would preclude or constrain development of the site. Further works are recommended. The Council's Archaeological Consultant agrees with this conclusion. There are potential for archaeological remains relating to the undesignated heritage asset of County Bridge Farm a former farmstead first depicted on late 18th Century mapping on the site, but they would not for a major constraint on development.

As such, with an appropriate condition in place requiring a programme of archaeological work to be agreed and undertaken that would identify and preserve by record any archaeology that may be affected by the development, the scheme is considered acceptable in this regard.

Impact on Residential Amenities

The proposed scheme is considered to respect and protect the amenity of existing neighbouring properties, as the layout ensures that existing residents will not be overlooked, given the design of the proposed site, and their privacy would therefore be maintained. The design of the scheme would also ensure that there is no unacceptable shading caused by the proposed development. The height of the proposed apartment block would be 9.3 metres to the ridge. Its location would mean it would not adversely impact upon the existing dwellings.

Each of the 6 one bedroom apartments would be provided over a single storey and would accommodate two people. They would have a gross internal floor area of 50m² which is in line with guidance provided in the Nationally Described Space Standard for dwellings of this type. The apartments would be arranged as open plan living areas with separate bedroom, bathroom and built in storage. The apartments would be at least dual aspect, arranged on a north south axis meaning that there would be with good access to light from windows to each room. 137m² of private shared amenity space is provided for the apartment block to the rear, which is well in excess of the 120m² policy requirements.

It is noted that there will be an 18 metre separation distance between the habitable windows of the proposed apartment building and the side wall of number 7 which is generously over the 13m requirement set out by the Designing Walsall SPD. There is also a 24m separation between the front elevation of plots 17/18 and the side elevation of plot 23, Likewise the distance between the front elevation of plots 23/24 and the rear/side corner of No 66 Campbell Drive is between 20 and 24m.

Plot 11/12 would be adjacent to No 72 Campbell Drive but would be set further forward and with a separation distance of over 4m would be not cause any new overlooking to the rear amenity space of the adjacent property. Plots 21/22 would back onto the rear amenity space of the recently approved (19/1186) bungalow at 332 Wolverhampton Road West, however the orientation of the buildings and offset would mean that there would be no overlooking introduced as a result of the development.

First floor side windows would either be obscure glazed or more than 1.7m above the floor level to prevent overlooking, it is recommended that this aspect be secured by condition. There would be no overlooking directly into habitable rooms given the orientation of the proposed houses. Given the urban nature of the site, and the fact there would be no direct overlooking into habitable windows, it is considered that, on balance, this relationship is acceptable and future residents would have a suitable standard of private amenity.

The proposed houses would vary between two and four bedrooms and would have internal areas of 67-110m², which is considered to provide an adequate level of amenity for the occupants. Rooms are reasonably laid out with good access to light and a practical arrangement that minimises circulation space and maximises usable areas and storage.

The gardens to the houses adhere broadly to the policy requirements (either 12m in length or 68m²) to ensure sufficient private space for future residents. As many of these are close to the minimum requirement, should extensions be added to the proposed dwellings they risk creating inadequate amenity spaces. It is therefore recommended that a condition be attached to the decision to remove permitted development rights for extensions within the development such that each proposal can be considered on its own merits.

Given the above, it is considered that, on balance, the proposed scheme would have an acceptable impact on the amenity of existing and future residents.

Noise

The application includes a noise report from the applicant's consultants, and subsequent confirmation that the assessment conforms with *ProPG Planning and Noise*, which concludes that mitigation measures would be required to control the impact of surrounding noise on the proposed development. Noise is dominated by traffic from Wolverhampton Road West. During gaps in the local traffic, more distant traffic including the M6 was audible. The filling station was audible only in terms of vehicles using with no noise from pumps and other mechanical equipment. A suitability worded planning condition that meets the tests set out in the NPPF, would ensure that any required mitigation, is provided and implemented. This would suitably address any existing noise climate concerns and ensure a suitable standard of amenity for future residents.

Conditions are recommended to ensure that there will be no unacceptable adverse impacts in terms of noise or air quality, during the construction phase.

Air Quality

The Council has adopted the Black Country Air Quality Supplementary Planning Document (SPD), which means that for this type of application an Air Quality Low Emission Scheme should be prepared and implemented.

Pollution Control have requested that mitigations measures be put in place to prevent unacceptable impacts on air quality. Mitigation measures include the requirement for electric vehicle charging points, and the use of low-emissions boilers. A suitably worded planning condition, that meets the tests set out in the NPPF, can ensure this is addressed. In addition to this, Pollution Control have requested a Construction Environmental Management Plan is secured through a suitably worded planning condition to ensure any construction impacts are sufficiently mitigated.

In light of the above, and with the proposed mitigation/conditions in place, the proposed is considered acceptable in this regard.

Ecology

There are no Statutory or Non-Statutory Designated Nature Conservation Sites within the site, within 1km from the site or at greater distances that will be impacted by this development, however there is a non-designated wildlife corridor to the rear of the proposed development. In line with Paragraph 170 of the NPPF, it should be ensured that there is a net biodiversity gain as a result of any development.

A preliminary ecological appraisal was submitted with the planning application. The report concludes that the majority of the site is of 'low ecological value',

The report concludes that the prevention of disturbance to the adjacent protected species habitat and wildlife corridor is of most importance on this site. Therefore it is recommended that the existing palisade fencing is maintained, close board fencing is erected along garden boundaries, and a minimum 10m no development buffer zone along the northern boundary of the site is established for the site.

Japanese knotweed was identified on the site and within the wildlife corridor to the north. The Japanese knotweed should be either eradicated from the site in accordance with EA guidelines or entirely avoided and zones off with a 7m buffer zone from any earth moving works.

No bat roosts were found to be present at the site, but precautionary measures should be utilised. New landscaping would enhance the site for biodiversity and the provision of bat brick/boxes would provide alternative roosting opportunities. As bats are negatively affected by light, the lighting on the proposed development should be minimal, low lux, cowled (directed downwards to prevent light splay), and used on timers or motion sensors. The details of any lighting to be installed as part of the development should be agreed as part of a suitably worded planning condition, and thereafter any additional lighting should require the submission of a planning application so that its impacts can be carefully assessed.

The ecological assessment recommends that native hedges and trees are planted along roadways and within gardens on this site on site to create and maintain foraging opportunities for the birds and bats which use the adjacent wildlife corridor.

Any vegetation clearance should take place outside of the bird breeding season. Bird breeding season is between mid-March and mid-July, although certain species can breed outside these months and if breeding birds are found then work should cease and the advice of an ecologist sought. If clearance is undertaken within the bird breeding season then all site features should preferably be checked immediately prior to clearance by a suitably qualified ecologist.

A suitably worded planning condition could ensure that the recommendations within the ecological appraisal. This should also include requiring details of enhancement measures to ensure the scheme contributes to the natural and local environment in line with Paragraph 170 of the NPPF. A condition controlling the type of landscaping would ensure that suitable species are included.

The tree survey confirms there are no protected trees within the Site, and indicates that the layout is compatible with the retention of the trees around the periphery of the site. It is recommended that a tree protection plan be prepared to ensure that trees are not damaged during construction.

The Lead Local Flood Authority has reviewed the submitted information, is satisfied with the proposals outlined and have no objection to planning permission being granted. Severn Trent also have no objections to the scheme subject to a condition which ensures that suitable foul and surface drainage water flows can be achieved.

No detailed landscaping scheme has been submitted with the application. A suitably worded condition should be provided to ensure that the landscaping ensures a high quality design, contributes to the ecological value of the site and surroundings, and prevents anti-social behaviour. A management scheme, secured through a planning obligation, will also ensure that these spaces are suitably managed.

As such, with suitably worded conditions and a planning obligation in place, the proposed is considered acceptable in this regard.

Access and Parking

The NPPF explains that development should only be refused in transport grounds where the residual cumulative impacts of the development are severe. The submitted transport statement, confirms that the additional net increase in vehicle movements would not be severe, with the addition of 25 additional 2-way trips along Wolverhampton Road West.

The low level impact has been confirmed by the Highway Authority who have no objection to the scheme. The proposals would also bring benefits the surrounding area given a residential scheme will attract smaller and quieter vehicles than that associated with the historic use as a vehicle sales garage.

Parking has been provided at a rate of 1 per unit in the flatted portion of the development, and 2 per dwelling house, a total of 51 car parking spaces are provided. Taking into account the fact the site is considered to be within a highly sustainable location on the edge of the town centre with sustainable transport options within a reasonable walking distance, on balance the Highway Authority considers the level of parking acceptable. They have, however, requested a conditions requiring details of surfacing of access and parking areas, engineering details of highway works, construction methodology statement.

The proposed apartments would be served by a bin storage area fronting the new adoptable access road. The cycle storage area would be located to the west of the proposed apartment block within the secure amenity area. Bin and cycle storage for all the houses would be within their private amenity areas. A suitably worded planning condition can ensure the provision, and retention, of the bin and refuse storage and their design. This will ensure they are of a high quality design and will ensure their retention.

The Highway Authority considers the development overall will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with Paragraph 109 of the NPPF.

Planning Obligations

Given the scale and type of development, planning obligations relating to affordable housing; urban open space; on-site open space maintenance; monitoring; and a review of the viability of the site will be required.

Urban Open Space

Given the scale of the development it triggers the need to make provision for Open Space. For a development of this size, within this ward, a contribution (as defined by the Urban Open Space SPD) of £45,738.00 is required. Western Avenue is within 300 metres of the application site, considered a district level strategic park in the revised Green Space Strategy 2018-2022. The LPA would advise any open space contributions would be spent at Western Avenue as this is considered to be related to the proposed development given it is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development., which would meet the 3 tests for securing S106 contributions in this instance. The final location for contribution would need to be agreed with Clean and Green and subject to consultation with ward members at the site.

The applicant has provided a viability report that contends that, due to viability reasons, they are unable to provide the contribution specified by the Urban Open Space SPD. The submitted viability assessment has been assessed by Lambert Smith Hampton on behalf of the Local Planning Authority and further negotiations have concluded that half the Urban Open Space contribution could be secured as a S106 contribution, a provision of £22, 869. It is therefore recommended that this amount is secured in a S106 Agreement.

Affordable Housing

The development triggers the Council's policies regarding contributions towards 25% Affordable Housing. Saved Policy H4 (Affordable Housing) of the Walsall Unitary Development Plan sets out that developers must ensure that affordable housing will be reserved for those that need it and will remain available at low costs of initial and successive tenants.

Policy HOU3 (Delivering Affordable Housing) of the Black Country Core Strategy sets out that local planning authorities will seek to secure 25% of affordable housing on all sites of 15 or more dwellings where it is financially viable. The tenure and type of affordable housing will be determined on a site by site basis based on the best available information regarding housing need. On sites where 25% affordable housing is proven not to be viable, the maximum provision will be sought that will not undermine the viability of the scheme, subject to achieving optimum tenure mix and securing other planning obligations as necessary. Claw back and other flexible arrangements will be sought through planning agreements, wherever possible, to allow for changing market conditions.

Policy HC3 (Affordable Housing and Housing for People with Special Needs) requires affordable housing on all sites of 15 dwellings or more where it is financially viable in line with Policy HOU3 of the Black Country Core Strategy.

The Council's Affordable Housing SPD (April 2008) sets out guidance affordable housing. This includes guidance on the mix of sizes and spatial location within the site.

To comply with the Council's affordable housing policy, 25% of the dwellings (7 dwellings) should be affordable in nature with the required tenure split 75% social rent and 25% shared ownership. The affordable housing provision should also include a range of sizes including some 2-4 bed provision. Housing Strategy's preferred option would be 2 x 4 bed, 2 x 3 bed, 3 x 2 bed houses. The tenure mix would be either 5 social rent and 2 shared ownership, or all 7 social rent.

The applicant's submitted viability assessment sets out that the intention is to provide a 100% affordable housing scheme in partnership with a Registered Provider. However, as the planning application does not specify this use and because an end-user Provider would prefer there to be no S106 Agreement accompanying any planning consent (to maximise the potential for securing Homes England grant funding), the intention is to assess the viability of the project as if it were coming forward as a market/private led scheme.

The submitted viability assessment has been assessed by Lambert Smith Hampton on behalf of the Local Planning Authority, who conclude that "the scheme is unable to support any affordable housing", therefore it is recommended that the s106 obligation for affordable housing be waived in this instance.

On site landscaping

The provisions of an in perpetuity Management Strategy for the areas of un-adopted soft/hard landscaping within the site would be required this has been accepted by the applicant. This will help to ensure the scheme remains high quality in the future as areas of landscaping will be maintained.

Uplift Clause

Given that the scheme has been found to be unviable with the affordable housing and full open space contributions, it is recommended that planning committee secure a clause in the Section 106 to consider uplift in value to take account of time taken for the development to be built, reviewing the viability at 70% completion of the development.

Council's costs and monitoring

A contribution towards the Council's monitoring of the Section 106 will be secured within the agreement.

On balance, the proposed scheme is considered to be acceptable as appropriate measures can be secured with a planning obligation.

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 28 new homes.

The Government has indicated that, for 2020-21, 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

The site is allocated in the SAD for residential development (Site HO321) and is required, by Policy HC1 to take account of its context and surroundings, and help to create places where people choose to live.

It is considered that the proposed development would be laid out to respect and reflect the urban character of the area. The proposed buildings would be varied and interesting in appearance but with a strong thematic character and cohesive use of materials. There would be elements of landscaping within the scheme which would break up the parking and provide interest. The apartment block respects the scale of the area and has been sensitively designed, with an active frontage along Wolverhampton Road West.

The proposed scheme would have an acceptable impact upon the amenity of existing neighbouring residents with the separation distances, as set out within the Designing Walsall largely respected. There would be no overlooking or overbearing impact created. Planning conditions could mitigate against any construction impact or ongoing impact after the scheme has been constructed with regards to air quality or noise. The submitted technical information has confirmed that the additional highway impact would be acceptable.

The amenity of future residents is considered, on balance, to be acceptable. The urban form provides for a positive high quality living environment, while internal spaces have been efficiently designed to provide good amenity. Each dwelling has access to an acceptable level of private amenity space in line with the requirements set out in Designing Walsall SPD.

Technical consultees have confirmed that with the application of suitably worded planning conditions that the scheme would be acceptable with regards to air quality, ground conditions/coal, ecology, and drainage and flood risk.

The access and parking arrangements for the site are considered appropriate. Sufficient parking has been proposed, and provision has been made to maximise sustainable transport opportunities for future residents.

With regards to planning obligations, a viability assessment has been submitted showing that only a part contribution to urban open space is feasible. Affordable housing would not be feasible for S106 contributions but that the entire scheme is proposed as an affordable development. The viability assessment has been assessed by Lambert Smith Hampton on behalf of the Local Planning Authority and the reasoning and recommendations found to be sound. An uplift clause is recommended within any S106 Agreement to review viability at a later stage.

As such, the development is considered to meet the aims and objectives of the National Planning Policy Framework, Policies CSP4, CSP5, HOU1, HOU2, HOU3, TRAN2, TRAN4, TRAN5, ENV1, ENV2, ENV3, ENV5, ENV7 and ENV8 of the Black Country Core Strategy and saved policies 3.6 to 3.9, 3.11, 3.13 – 3.15, GP2, GP3, GP5, GP6, ENV10, ENV11, ENV13, ENV14, ENV16, ENV17, ENV18, ENV23, ENV25, ENV26, ENV27, ENV32, ENV33, H4, T1, T6, T7, T8, T9, T10, T11 and T13 of Walsall Unitary Development Plan, policies and Supplementary Planning Documents Designing Walsall, Conserving Walsall's Natural Environment, Open Space, Sport and Recreation, Affordable Housing and Air Quality.

Taking the above factors into account 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 with the layout, parking and footway provision and additional information in relation to noise and archaeological impacts, amended plans and documents have 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 S106 Agreement to secure a contribution towards provision for Urban Open Space, On-site Landscaping Maintenance; Monitoring; and to secure a viability review (uplift clause), and subject to:

- No new material considerations being received within the re-consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- Agreement of an appropriate location for Public Open Space S106 contribution spend with Clean & Green and ward members

Conditions and Reasons

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

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

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

- Site Location Plan, K969-001(-)
- Proposed Site Plan, drawing no. K969-005(I)
- Type B (Apartments) Plans and Elevations K969-020(A)
- Type C Plans and Elevations K969-030(A)
- Type D Plans and Elevations K969-040(A)
- Type F Plans and Elevations K969-050(A)
- Plots 21 & 22 Plans and Elevations K969-080(A)
- Plots 27 & 28 Plans and Elevations K969-085(B)
- Strategic Drainage Plan K837-102
- SuDs Maintenance Plan K837-105
- Street Scene Elevations K969-070(C)
- Coal Mining Risk Assessment, by Sladen Associates, ref. 20 2029-2, dated Jul

2020

- Design & Access Statement by DJD Architects, ref. K969.80, dated 05-05-2020
- Historic Environment Desk Based Assessment by Benchmark Archaeology, received 03-02-2021
- Tree Survey Report by Red Kite Landscape Architecture, Ecology, Greenspace ref. 373.19 dated Feb 2020
- Preliminary Ecological Appraisal by S Bodnar ref. Willenhall0620_PEA dated Jun 2020
- Noise Assessment by ADC Consultants ref. ARR/C/2229.07, dated 28-08-2020
- Noise Assessment Confirmation by ADC Consultants ref. ARR/PPN/C/2229.07, dated 02-12-2020
- Transport Statement, by Hub Transport Planning Ltd. Ref. T20520 dated 05-05-2020

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 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 if 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 mitigation measures

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.

4. a Prior to the commencement of the development, full engineering details of the adoptable highway works, including the estate road, footways, drainage, lighting, together with works within the existing highway, the bellmouth, redundant access reinstatement, lining alterations, shall be submitted to the Local Planning Authority.

b The highway works above shall not be implemented otherwise than in accordance with the approved details.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with UDP Policy GP2, T4 and in the interests of highway safety.

5: a Notwithstanding the information provided, prior to the commencement of the development hereby approved, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority.

b The scheme shall not be implemented otherwise than in accordance with the approved details before the development is first brought into use.

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.

6: 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.

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.

7: a) Notwithstanding the information provided:

- i) Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- ii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of identified and/or potential hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- iii) Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted in writing to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- iv) The remedial measures as set out in the 'Remediation Statement' required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- v) If during the undertaking of the approved remedial works or during the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and has been submitted in writing to and agreed in writing by the Local Planning Authority.
- vi) A validation report setting out full confirming the details of the remedial measures implemented and cross referencing those measures to the approved Remediation Statement together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted in writing to and agreed in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)
- vii) The development shall not be carried out otherwise than in accordance with the approved Remediation Statement.

Reason: To prevent potential contamination of the ground due to any potentially hazardous materials associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

8: a. Prior to commencement of the development hereby permitted details of acoustic mitigation measures that conform to the measures put forward in section 6 of the Noise Assessment provided by ADC Acoustics ref. ARR/C/2229.07 dated 28/08/20/20 shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. Prior to the occupation of the each dwelling within the development hereby permitted, the approved acoustic mitigation measures for that dwelling as detailed in shall be implemented.. The mitigation measures shall then be retained for the life of the development.

Reason: To protect local amenity and to meet the requirements of saved UDP policies GP2 and ENV10.

9a. Prior to commencement of the development hereby permitted details of a programme of site investigations and archaeological work shall be submitted in writing to and approved in writing by the Local Planning Authority.

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.

10a. Prior to commencement of the development hereby permitted an air quality assessment shall be submitted in writing to and approved in writing by the Local Planning Authority. The assessment shall include details of recommendations for mitigation measures.

b. Prior to occupation the approved mitigation measures shall be carried out to the satisfaction of the Local Planning Authority.

c. The development hereby permitted shall not be carried out otherwise than in accordance with the agreed mitigation measures and such measures shall thereafter be retained for the lifetime of the development.

Reason: To reduce potential negative health impact upon future occupants in compliance with the saved policy ENV10 of Walsall's Unitary Development Plan.

11: a Notwithstanding the information provided, prior to the commencement of the hereby approved development above damp-proof course, a schedule of facing materials to be used in the development shall be submitted to and agreed in writing by the Local Planning Authority.

b The development shall not be constructed otherwise than in accordance with the agreed details and thereafter retained for the life of the development.

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

12: a Prior to the commencement of the hereby approved development above damp-proof course, details of the proposed bin storage facilities and cycle storage facilities serving the apartments shall be submitted to and approved in writing by the Local Planning Authority.

b) No dwelling in the apartment building shall be occupied until the bin storage and cycle storage has been provided in accordance with the approved details. The bin storage facilities shall be available for future occupiers and thereafter retained.

Reason: To ensure the satisfactory appearance and operation of the development and encourage sustainable modes of travel to comply with saved policies GP2, ENV32 and T13 of the Walsall Unitary Development Plan and Black Country Core Strategy TRAN4.

13: a) Prior to occupation of the development hereby approved details of both hard and soft landscape works to include native plant species or species with known benefits to wildlife within the landscaping shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved scheme shall not be carried out otherwise than in accordance with the agreed details during the first planting season following the completion any part of the development being brought into use.

c) Any trees shrubs or plants that die within a period of 5 years from the completion of each development phase or are removed and or become seriously damaged or diseased in that period shall be replaced and if necessary, continue to be replaced in the first available planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area and to enhance the wildlife habitat in accordance with saved policies ENV17, ENV23, ENV24 and ENV33 of Walsall's Unitary Development Plan and SPD Conserving Walsall's Natural Environment.

14: a) Prior to the first occupation of any dwelling on the development, all parking and vehicle manoeuvring areas serving that dwelling shall be consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain.

b) Prior to the first occupation of any apartment on the development, the access road and parking area shall be implemented, and the parking bays clearly demarcated on the ground.

c) The areas in a and b above 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.

15: a Prior to their first occupation, all first floor side elevation that are below 1.7 metres above the floor level of the room are to be obscurely glazed to at least Pilkington privacy level 4 and any opening part of the window must be at least 1.7 metres above the floor level of the room. Once installed the frame and glazing are to be retained thereafter.

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

16. The development hereby permitted shall not be brought into use until the approved drainage scheme shown in the Strategic Drainage Plan, Drawing number K837-102, has been implemented. Thereafter the drainage scheme shall be retained and maintained in accordance with the SUDS Maintenance Plan, Drawing number K837-105.

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.

17: The development shall not be carried out otherwise than in accordance with the past coal mining mitigation measures detailed in the Coal Mining Risk Assessment prepared by Sladen Associates ref. 20 2129-2 dated July 2020.

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

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

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

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

19. Notwithstanding the information shown on submitted plans, the development hereby approved shall not be constructed otherwise than to meet the following minimum security measures and thereafter the security measures shall be retained;

- PAS24; 2016 doors for individual dwellings
- PAS24; 2016 windows where easily accessible
- Cycle storage to be secured to LPS1175 SR2 Cycle pods
- Refuse areas to be secured to LPS1175 SR2
- Main apartment ingress and egress LPS1175 SR2 with compatible UL293 access control panel
- Rear access alleyways should have walls/fencing, which is of a robust construction and at a height of 2.1m, with 2.1m gates into each garden served by the rear alleyway, the gates should be key lockable from both sides. The access point to the rear alleyway itself needs to be gated to the same specifications, with a self-closing mechanism incorporated to maintain the security of the gate; the gate should be sited as near to the front building line as possible
- All ground floor windows and any accessible windows should have at least one pane of 6.4mm laminated glass. This includes French doors and patio doors
- No Lead or metal should be used on the ground floor, where possible lead substitute products should be used
- All the buildings on this development should be suitably fitted with an intruder alarm
- Where thumb turn locks are to be installed these should be those that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks

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

20: The development shall not be carried out otherwise than in accordance with the agreed ecological mitigation and enhancement measures as set out in section 4 of the Ecological Assessment, ref. Willenhall0620_PEA undertaken by Dr. Stefan Bodnar RSP dated June 2020 with the nesting bird check undertaken by a suitably qualified and experienced person. The ecological mitigation measures shall be retained for the life of the development.

Reason: To mitigate harm to the natural environment in accordance with saved UDP policies GP2 and ENV23.

21. 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 amenities of the occupiers of adjoining premises and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

Notes for Applicant

1. 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 if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851. 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).
2. 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 2, Table 20). Turning facilities should be provided in any dead-end access route that is more than 20m long (ADB Vol 2, Diagram 50, designed on the basis of Table 20) Blocks of flats not fitted with fire mains should have vehicle access for a fire appliance not more than 45m from all points within each dwelling, measured on a route suitable for laying hose. The direct distance is reduced to two thirds to allow for internal layout. If this cannot be met a fire main should be provided (ADB Vol 2, 16.3; BS 9991:2015 50.1.2). Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 15 and "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK:
<https://dl.dropboxusercontent.com/u/299993612/Publications/Guidance/Firefighting/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. The approval of Building Control will be required to Part B of the Building Regulations 2010

3. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
4. The applicant will be expected to enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927 Stephen.Pittaway@walsall.gov.uk.
5. No construction, demolition, or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall otherwise only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. (* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)
6. Where stabilisation/piling works are included in the agreed Construction Management Plan, the level of structure-borne vibration transmitted to occupied buildings from the stabilisation/piling works shall not exceed the specified criteria for 'low probability of adverse comment', as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting' as may be amended or replaced from time to time.
7. 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 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same

CL2: When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3: Validation reports will need to contain details of the 'as installed' remediation or mitigation works agreed with the Local Planning Authority. For example, photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported 'clean cover' materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate, records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive, and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

8. Residential Footways Highway Specification: Footways and footpaths in residential areas that are not expected to take Vehicle traffic. Construction: 30mm AC6 asphalt concrete dense surfacing 100/150 Cl. 909 50mm AC20 dense binder 100/150 Cl.906.100mm Sub base. If the sub-grade has a CBR of only 3%, then the sub-base should be thickened up to 350mm.
9. Vibration levels during ground stabilisation/piling works shall not exceed the Low Probability of Adverse Comment, as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting'.
10. The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points:

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

Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded.

The charging unit is to be supplied by its own independent radial circuit.

Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following:

- West Midlands Low Emissions Towns and Cities Programme, Good Practice – Air Quality Planning Guidance,
- Black Country Air Quality Supplementary Planning Document (SPD),
- General Procurement Guidance for Electric Vehicle Charging Points, UK Electric Vehicle Supply Equipment Association (April 2015),
- Institute of Engineering and Technology (IET) Code of Practice for Electric Vehicle Charging Equipment Installation.

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

11.Fire Officer - Approved Document B, Volume 1, Dwelling-houses, 2019

Requirement B5: Access and facilities for the fire service

Section 13: Vehicle access

Provision and design of access routes and hard-standings

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

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

a. Provide access for a pumping appliance to within 45m of all points inside each flat of a block, measured along the route of the hose.

b. Provide fire mains in accordance with paragraphs 13.5 and 13.6.

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

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

Overall

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

Water 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

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

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

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

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

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

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

12. Police Architectural Design recommendations

Cycle stores, approved products, are recommended (SBD Homes 2019 page 68, 56).

These located in a clearly visible area. Lighting must be at the levels recommended by BS 5489-1:2013. External LED lights with daylight sensors to the external walls, particularly by entrances and lighting to the parking areas. This to provide security for residents entering and leaving. (SBD Homes 2019 page 63 49.1).

Alarm and cctv installers should be approved by NSI, SSAIB or both.

Please see <https://www.nsi.org.uk/> and <https://ssaib.org/>

I would recommend security using the principles of Secured By Design.

The applicant may wish to consider 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

Dwelling houses / flats entrance door-sets (SBD Homes 2019 page 29, 21.1-8).

PAS 24: 2016 standard doors for houses and apartments.

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

END OF OFFICERS REPORT