



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 07 September 2023

Plans List Item Number: 2

Reason for bringing to committee

Council application/owned land.

Application Details

Location: SITES AT TEMPLE BAR, CEMETERY ROAD, VILLERS STREET, NEW HALL STREET AND FORMER INGERSOLL RAND ARCHITECTURAL HARDWARE, MOAT STREET, WILLENHALL, WV13 1SZ

Proposal: OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING STRUCTURES ON LAND AT MOAT STREET, TEMPLE BAR, CEMETERY ROAD, VILLIERS STREET AND NEW HALL STREET, WILLENHALL AND THE DEVELOPMENT OF UP TO 54 APARTMENTS, 53 HOUSES AND RETENTION OF LOCAL LISTED BUILDING FOR RESIDENTIAL PURPOSES, ASSOCIATED JUNCTION IMPROVEMENTS AND CAR PARKING, THE CREATION OF NEW PUBLIC OPEN SPACE AND ALL ASSOCIATED ANCILLARY WORKS (ACCESS AND LAYOUT TO BE CONSIDERED) (ADJ TO PROW WILL61).

Application Number: 23/0338

Case Officer: Stephanie Hollands

Applicant: Walsall Council

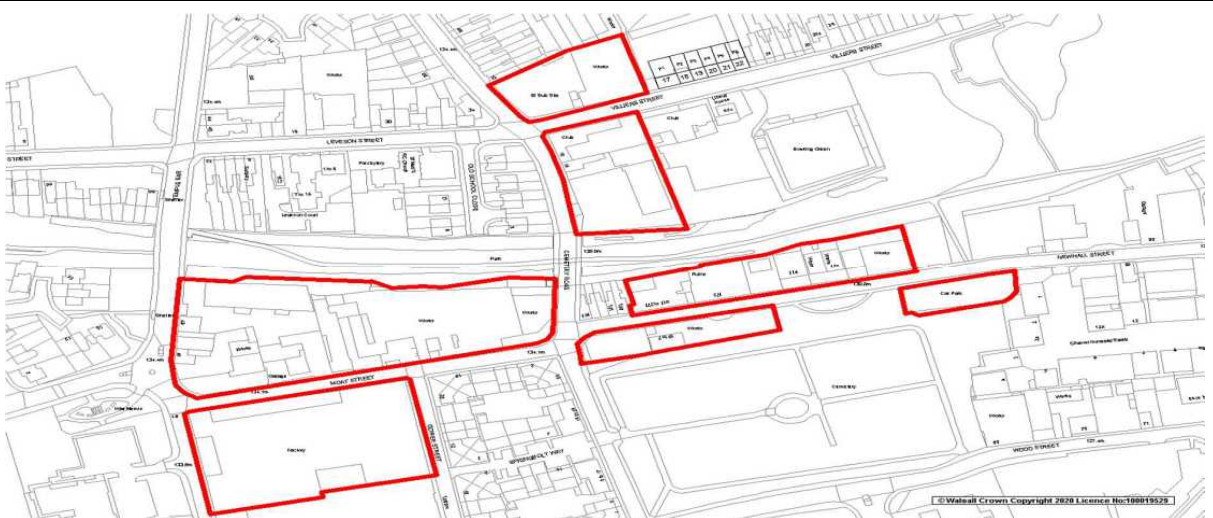
Ward: Willenhall South

Agent: Planning Arcadis

Expired Date: 03-Jul-2023

Application Type: Outline Permission: Major Application

Time Extension Expiry: 15-Sep-2023



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Recommendation:

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a Section 111 Agreement to secure a Section 106 Agreement to include affordable housing provision and open space contribution and subject to:

- The amendment and finalising of conditions;
- Addressing concerns regarding flood risk/drainage, ground conditions, heritage, trees and Public Rights of Way; and;
- Subject to no further objections from statutory consultees in response to the amended plans received.

Proposal

Outline planning application for the demolition of existing structures on land at Moat Street, Temple Bar, Cemetery Road, Villiers Street and New Hall Street, Willenhall and the development of up to 54 apartments, 53 houses and retention of local listed building for residential purposes, associated junction improvements and car parking, the creation of new Public Open Space and all associated ancillary works (access and layout to be considered) (adj to PROW Will61).

The proposed scheme comprises:

An indicative 3-storey apartment block along Temple Bar, reducing to 2 storeys along Moat Street;

Indicative 2 and 2.5 storey housing across most of the application sites.

Indicative 2 storey housing and 2 x three storey apartment blocks along New Hall Street.

The retention of the locally listed building is incorporated within the new layout. The application retains the office element of the former Moat Field Works, on Moat Street. It is envisaged that the building will be converted for residential purposes, although that does not form part of the current application. The proposed layout includes sufficient space for the building to be extended, to ensure that the property would have sufficient useable floor area to create a viable dwelling.

The proposed car parking provision has been slightly reduced from the Council's usual standards, having regard to current car ownership rates, the location of the sites close to town centre facilities and existing public transport and the opening of the Willenhall Rail station.

Each of the proposed houses will have two off-street parking spaces. Most of the parking will be within the curtilage of the individual properties, the only exception being in Site E (northern section) where the parking has been accommodated in a secure rear parking court.

Apartments have been provided with one space per unit, in communal parking areas.

Amenity space for apartments is provided at the rate of 20m² per dwelling: for the block at the corner of Moat Street and Temple Bar, part of that is proposed as a roof top amenity area.

Parcel A Proposals:

22 new build dwellings with 44 off-street car parking spaces.

Corner houses create interesting street elevations & act as marker buildings and give a sense of arrival.

Dual aspect houses for increased surveillance.

Opportunity for under croft parking to plots.

New road to serve houses.

Improvements to the existing radius of junction of Moat Street and Gower Street to improve manoeuvring of large vehicles.

Acoustic mitigation measures to ensure amenity.

Parcel B Proposals:

3 storey apartments facing Temple Bar to create a gateway building and amenity spaces, including a proposed roof terrace.

Mixed tenure of 3 Bed and 4 Bed dwellings.

Retention of the locally listed building to enable conversion to a dwelling.

Creation of off-street parking spaces

Active street front to Moat Street and Temple Bar.

Parcels C & D Proposals:

3 no. 3 Bed houses and 18 no. 1 and 2 Bed apartments.

Active street frontage to New Hall Street.

Provides surveillance to Greenway.

Over 1100 sqm of proposed Public Open Space.

Apartment block benefits from views and provides gateway building / sense of arrival.

Enhanced street frontage and scaping and tree planting will further enhance visual amenity.

Parcel E Proposals:

15 houses and 1 apartment

Creation of secure (gated) rear parking court.

Improvements to the existing radius of junction of Cemetery Road and Villiers Street to assist manoeuvring of large vehicles.

The proposal creates a stronger and enhanced frontage along Cemetery Road.

Provides natural surveillance over greenway.

All footways fronting the application site have been widened to a minimum of 2 metres, with footways reaching 3 metres in width in some areas. Dropped kerbs and tactile paving will be provided at all crossing points. Six on-street parking spaces will be provided on the south side of Newhall Street. This will be accommodated within the landscaped area.

The houses will be provided with 100% passive connection to EV chargers and the block of flats will be provided with 20% of the parking spaces with active connection and 80% passive connection.

Cycle parking will be provided in accordance with local cycle parking standards as set out below:

1-, 2- & 3-bedroom houses - 2 spaces per unit.

4-bedroom houses & above - 3 spaces per unit.

Apartments - 1.5 spaces per unit.

The cycle parking for the flats' elements of the proposal will be provided in form of appropriate and covered and secure cycle lockers/ storage.

Steps have been taken to design out the possibility of crime and antisocial behaviour, combined with boundary treatments.

The application establishes two main areas of public open space.

The following have been submitted in support of the application:

Planning Statement

Design & Access Statement (BM3 / Arcadis, 2023)

Noise Assessment Report (Arcadis, 2023)

Flood Risk Assessment (Arcadis, 2022)

Air Quality assessment (Arcadis, 2023)

Ecological Appraisal (Arcadis, 2023)

Arboricultural Impact Assessment (Arcadis, 2023)

Cultural Heritage Desk Based Assessment (Arcadis, 2023)

Heritage Impact Assessment Colonial Works (Arcadis, 2022)

Heritage Impact assessment Moat Field Works (Arcadis, 2022)

Framework Travel Plan (Arcadis, 2023)

Transport Assessment (Arcadis, 2023)

Ground conditions Preliminary Risk Assessment (Arcadis, 2023)

Site and Surroundings

Willenhall is located approximately 2.5 miles west of Walsall town centre, 2.5 miles east of Wolverhampton and 8 miles north-west of Birmingham. The application sites are situated immediately to the north and east of the town centre, within a short walking distance of the shops and services there and the site of the proposed train station.

The outline planning application proposes the redevelopment of five sites: Parcels A and B are located on Moat Street, with frontages to Stafford Street, Temple Bar and Moat Street respectively. Parcels C and D are located on New Hall Street. Parcel C consists of a parcel of land on the southern side of New Hall Street, adjacent to the Cemetery. Parcel D is located on the opposite side of New Hall Street, adjoining a former railway line. Parcel E comprises two land parcels, to the north and south of the Cemetery Road / Villiers Street road junction.

The red line sites and the surrounding are predominantly of 1 or 2 storey structures with few 3 storeys structures towards the north of site B.

There are several trees within the site and the surrounding areas. There are a wide range of different species, but Sycamore and Poplar are most common. Most of these trees are located along the northern boundaries of parcels B and D and the southern boundary of parcel E, within the Greenway footpath/wildlife corridor (Please refer to Arcadis's Tree survey report). Other significant trees are located within the Cemetery, close to parcel C. The Greenway is a dominant feature running through the heart of the area, providing both visual amenity and an off-street pedestrian and cycle route.

The sites are in Flood Risk Zone 1, which indicates a low risk of flooding from rivers. The risk of groundwater flooding is also classified as also low.

There are no World Heritage sites, listed buildings, scheduled monuments, or registered parks and gardens within the site. However, there are 17 Listed buildings and one conservation area within the wider study area. The listed buildings are predominantly located to the south of the application site, around Market Place, and to the southeast around St. Giles' Church. These assets predominantly represent the growth of the application area as a popular residential development area associated with nearby industrial, commercial, and ecclesiastical activity during this time.

Parcel A contains a 2-storey derelict factory building. To the south, the site adjoins an active manufacturing unit; to the west, set back from Stafford Street and behind a line of mature trees, the site faces the former Little London School; the Willenhall War Memorial is located on the corner of Field Street and Stafford Street, to the northwest; parcel B is located on the opposite side of Moat Street, to the north; to the east parcel A faces modern residential properties.

Parcel B is occupied by commercial, and retail/office uses. Currently the site is accessed from Temple Bar or Moat Street. It is occupied by single and two storey structures which are used for a variety of purposes such as metal fabrication / welding and a recruitment office. Several industrial buildings are vacant and derelict. The site includes the locally listed building, Moat Field Works, which faces parcel A. The northern boundary of the site adjoins a former railway line, now used as a Greenway; to the east is a terrace of residential properties; to the south are modern residential properties and parcel A; the Willenhall War Memorial is located on the corner of Field Street and Stafford Street; to the south west, across Temple Bar, are modern residential properties.

Parcels C and D are both located on New Hall Street. Parcel C consists of a single parcel of land on the southern side of New Hall Street, adjacent to the Cemetery. Parcel D is located on the opposite side of New Hall Street, adjoining a former railway line. Parcel C (west) is occupied by a vacant single storey industrial unit and associated parking and storage. It adjoins the cemetery to the south and east and fronts Cemetery Road and New Hall Street. To the north, across New Hall Street are terraced residential properties and derelict

industrial premises. Parcel D is occupied by industrial units, some of which are vacant and derelict. To the north, the site adjoins the Greenway, to the east are industrial uses; to the south, across New Hall Street, the site faces Site C and the cemetery; to the west are terraced residential properties.

Parcel E is divided into two sections by Villiers Street, running in an east west direction between them. Both parts of the site have a return frontage onto Cemetery Road. The northern section of the site appears to be used for industrial / storage purposes and abuts an existing electrical substation. To the north, the site adjoins terraced houses; to the west, across Cemetery Road, are residential properties; to the east, a public right of way runs along the site boundary, with a former industrial building converted for residential purposes beyond; to the south, across Villiers Street, it faces the southern section of parcel E. The southern section of the site includes a number of industrial buildings, of varying ages. Uses on the site include a used car, haulage and repairs business which appears to have an active premises for the business. To the north, across Villiers Street, is the northern section of parcel E; to the west, across Cemetery Road, are residential properties; to the east, there is the Willenhall Liberal Club, bowling green and car park all which are understood to be in active use; along the southern boundary there are mature trees and vegetation and the Greenway.

Relevant Planning History

ENQ/0081 - Redevelopment of Sites – Response provided on 18/06/2021:

In principle it is considered that residential redevelopment can be supported as referred to in the policy segment of the attached appendix subject to justification for loss of the locally listed building and bowling club if these options are pursued and suitable arrangements for relocation of any existing occupiers. There will need to be consideration regarding the type of accommodation provided as higher densities are acceptable in sustainable locations such as this. Highway infrastructure improvements will be crucial to delivery of the proposals.

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 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 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.

Reducing Inequalities

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

age

disability

gender reassignment

marriage or civil partnership (in employment only)

pregnancy and maternity

race

religion or belief

sex

sexual orientation

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

3.6 to 3.8 Environmental Improvement
3.9 Derelict Land Reclamation
GP2: Environmental Protection
GP3: Planning Obligations
GP5: Equal Opportunities
GP6: Disabled People
ENV9: Environmental Improvement Initiatives
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
ENV25: Archaeology
ENV26: Industrial Archaeology
ENV27: Buildings of Historic or Architectural Interest
ENV28: The local list of buildings of historic or architectural interest
ENV29: Conservation Areas
ENV32: Design and Development Proposals
ENV33: Landscape Design
ENV40: Conservation, Protection and Use of Water Resources
JP7: Use of Land and Buildings in Other Employment Areas
H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
H4: Affordable Housing
LC1: Urban Open Spaces
T1: Helping People to Get Around
T4a - Strategic Highway Network
T7: Car Parking
T8: Walking
T9: Cycling
T11: Access for Pedestrians, Cyclists and wheelchair users.
T12: Access by Public Transport
T13: Parking Provision for Cars, Cycles and Taxis
8.3 Urban Open Space
S4 (F) The Town and District Centres (General Principles)
WH3 (Environmental Enhancement)
WH4 (Development/ Investment Opportunities)

Black Country Core Strategy

Vision, Sustainability Principles and Spatial Objectives

CSP1: Inside a Regeneration Corridor

CSP3: Environmental Infrastructure

CSP4: Place Making

CSP5: Transport Strategy

DEL1: Infrastructure Provision

DEL2: Managing the Balance Between Employment Land and Housing

HOU1: Delivering Sustainable Housing Growth

HOU2: Housing Density, Type and Accessibility

HOU3: Delivering Affordable Housing

HOU5: Education and health care facilities

EMP3: Local Quality Employment Areas

TRAN1: Priorities for the Development of the Transport Network

TRAN2: Managing Transport Impacts of New Development

TRAN4: Creating Coherent Networks for Cycling and for Walking

TRAN5: Influencing the Demand for Travel and Travel Choices

ENV1: Nature Conservation

ENV2: Historic Character and Local Distinctiveness

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

ENV6: Open Space, Sport and Recreation

ENV7: Renewable Energy

ENV8: Air Quality

MIN1: Managing and Safeguarding Mineral Resources

Walsall Site Allocation Document 2019

M1: Safeguarding of Mineral Resources

RC1: Inside a Regeneration Corridor

HC1: Land Allocated for New Housing Development

HC2: Development of other land for housing

HC3: Affordable housing and housing for people with special needs

IND4: Local Industry Consider for Release

OS1: Open Space, Sport and Recreation

EN5: Development in Conservation Areas

Supplementary Planning Documents

Conserving Walsall's Natural Environment

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

NE1 – Impact Assessment

NE2 – Protected and Important Species

NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

NE4 – Survey Standards

The natural environment and new development

NE5 – Habitat Creation and Enhancement Measures

NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

NE7 - Impact Assessment

NE8 – Retained Trees, Woodlands or Hedgerows

NE9 – Replacement Planting

NE10 – Tree Preservation Order

Designing Walsall

DW1 Sustainability

DW2 Safe and Welcoming Places

DW3 Character

DW4 Continuity

DW5 Ease of Movement

DW6 Legibility

DW7 Diversity

DW8 Adaptability

DW9 High Quality Public Realm

DW10 Well Designed Sustainable Buildings

Open space, sport and recreation

OS1: Qualifying Development

OS2: Planning Obligations

OS3: Scale of Contribution

OS4: Local Standards for New Homes

OS5: Use of Contributions

OS6: Quality and Value

OS7: Minimum Specifications

OS8: Phasing of On-site Provision for Children and Young People

Affordable Housing

AH1: Quality of Affordable Housing

AH2: Tenure Type and Size

AH3: Abnormal Development Costs

AH4: Provision Location

AH5: Off Site Provision

Air Quality SPD

Section 5 – Mitigation and Compensation:

Type 1 – Electric Vehicle Charging Points

Type 2 - Practical Mitigation Measures
Type 3 – Additional Measures
5.12 - Emissions from Construction Sites
5.13 – Use of Conditions, Obligations and CIL
5.22 – Viability

Consultation Replies

Officer's Comments are provided in italics.

Archaeology: No objection subject to conditions.

Clean and Green: No objection. We would not have any issues if the bin store is located on site for the apartments. Bin store should accommodate 7-euro bins, 3 x domestic bins and 4 x recycling bins.

Coal Authority: Withdraws its objection to the proposed development subject to the imposition of the conditions.

Conservation Officer: Concerns raised; conditions recommended (see details below).

Amended information is to be submitted to address the concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Ecology Officer: Objection (see details below).

Environmental Health: Has no comments to make in respect of this application.

Environmental Protection: Concerns raised; conditions recommended (see details below).

Additional information has been submitted to address the concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Housing Standards: No comments to make on this application.

Housing Strategy: Based on 106 units 25% affordable units are required to be provided on-site (27 units). The tenure of these units should be 20 social rent, and 7 shared ownership including a mix of with a focus on 3 4 bedroom houses. Vacant Building Credit (VBC) may need to be considered in relation to buildings proposed for demolition.

Lead Local Flood Authority: Objection (see details below).

Additional information has been submitted to address the concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Local Access Forum – Would currently support this application.

Local Highways Authority: No objection subject to conditions (see details below).

Public Rights of Way: Raise concerns, conditions recommended (see details below).

Amended plans and information have been submitted to address the concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Public Lighting: No objection. Given the extent of the highway works as foreseen in the Highways consultee statement, this would require consequent alteration of the existing street lighting installation and a Section 38 design for all new roads and footways which will be changed or become maintainable following construction. This aspect will require to be considered fully at detailed design stage.

Severn Trent Water: No objections to the proposals subject to the inclusion of a condition.

Strategic Planning Policy: Support (see details below).

Tree Preservation Officer: I have no objections to the principle of development although the layouts are not supported in their current form (see details below).

Amended plans and information have been submitted to address the concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Walsall Clinical Commissioning Group: The Integrated Care Board is seeking a contribution of £101,879.96 towards local healthcare infrastructure which is impacted by and directly related to the development and is fairly and reasonably related in scale.

Developer contributions to healthcare shouldn't in general be sought since the NHS funding model provides for increased local funding where the population increases.

West Midlands Fire Service: No objection. Notes for Applicant provided.

West Midlands Police: No objection. Notes for Applicant provided.

Representations

The application was advertised by way of the display of site and press notices and notification letters sent to 194 surrounding properties. The public consultation expired 4th May 2023.

One objection has been received with their comments detailed below:

Simply not enough room in Willenhall to accommodate more people. I strongly object.

One support has also been received with their comments detailed below:

Fabulous idea! At the moment our street looks shabby due to the abandoned industrial buildings. Having residential houses built would make it a welcoming place and provide better atmosphere for families.

Determining Issues

Principle of Development

Heritage Assessment

Design, Layout and Character

Amenity of Neighbours and Amenity of Future Occupiers

Highways

Public Rights of Way

Ecology

Flood Risk / Drainage

Trees / Protected Trees

Ground Conditions and Environment

Planning Obligations

Local Finance Considerations

Assessment of the Proposal

Principle of Development

This application forms a key part of delivering the aspirations of both the council and the West Midlands Combined Authority for the regeneration of Willenhall through the provision of housing on previously developed land.

Willenhall is identified as part of a regeneration corridor in the BCCS Key Diagram. The detailed boundary of the corridor is confirmed by SAD policy RC1. BCCS policy CSP1 states that the network of regeneration corridors will provide new homes in sustainable communities built on redundant employment land and other brownfield sites close to existing public transport routes and locations with the best access to residential services, at moderate densities that allow for a range of house types.

The SAD allocates some former employment and other land for housing in pursuance of the BCCS. Poor quality occupied employment land is allocated as 'consider for release' land. BCCS policy DEL2 describes the process for the release of employment land for housing.

Policy DEL2 refers to the need to retain an adequate supply of occupied and available employment land as set out in policies EMP2, EMP3 and EMP4 before releasing any employment land. There is a growing shortfall in the supply of employment land in the Black Country. This was intended to be addressed by the Black Country Plan (BCP) which proposed, in general, that both the employment and the housing land supply should be increased, with most existing better quality employment land to be retained or redeveloped for employment use.

However, the sites that are the subject of the current application have been assessed in the Black Country Employment Area Review (BEAR)

<https://blackcountryplan.dudley.gov.uk/t2/p4/t2p4b/> which forms part of the evidence base to support the BCP. Whilst the BCP is no longer being proceeded with, the BEAR provides the most up to date evidence of the suitability of these sites for further employment use. It supported the public consultation on the regulation 18 draft BCP. Where there is potential conflict between the adopted development plan and the BEAR, the latter therefore has some weight. The BEAR confirms that all the occupied and vacant employment land in the current application is of poor quality and is not suitable or required for long term retention for employment use.

Reference is made in the planning statement submitted with the application to the Willenhall Framework Plan. Whilst this has been the subject of public consultation, it does not form part of the development plan. However, it is intended to show the wider vision that the council has for the area, including high quality design and environmental improvements.

The sites in this application have several different allocations in the adopted development plan. In some cases, these allocations do not reflect the current situation concerning individual sites or parts thereof. The development plan allocations and current situation in respect of the sites in this application, including the assessment provided by the BEAR, is as follows:

Site A (former Ingersoll Rand, South of Moat Street)

Vacant former employment site. Remains subject to the Willenhall District Centre Inset to the UDP Proposals Map which identifies it as part of an industrial regeneration area and development opportunity under saved UDP policy WH4 vi. This policy states "Although the Council will encourage existing employment uses to remain and will facilitate their expansion where appropriate, when sites are vacated other forms of development might be appropriate in principle - for example leisure, residential or non-food retail warehousing". Given the changes in the market for these alternative uses, this policy is no longer entirely appropriate. However, the BEAR identifies the site as a very low-quality former employment site (reference IN0075.22) that can be released to housing.

Site B (north of Moat Street)

Identified by SAD policy IND4 as consider for release site IN75.1, containing a locally listed building. The western part of this site is part occupied (BEAR reference IN0075.11) whilst the eastern part is vacant (BEAR reference IN0075.12). Both parts are identified as very low quality by the BEAR.

Sites C and D (Newhall Street)

The area north of Newhall Street is allocated by SAD policy IND4 as consider for release site IN77.1, whilst the west site south of Newhall Street is allocated by the SAD as site IN77.20. Both sites have low quality scores in the BEAR (reference IN0077.1 and IN0077.20). The east site south of Newhall Street is a former car park so is not allocated for employment and is not assessed by the BEAR.

Site E (Villiers Street)

The part of the site in employment use to the south of Villiers Street is allocated by the SAD as consider for release employment site IN245. The BEAR assesses this area as low-quality employment land that can be released to housing. The remainder of the area south of Villiers Street is a former club. It has no allocation in the SAD and has not been assessed by the BEAR. The area on the north side of Villers Street is allocated for housing by SAD policy HC1 as site reference HO162a. It has a lapsed planning permission for housing (reference 04/0685/FL/W2)

Despite the shortfall of employment land in the Black Country therefore, the employment sites within the application area are all poor quality and are not suitable for long term retention to help address this shortfall. Residential development of all the sites in the application can be supported on strategic planning policy grounds.

The latest available figures show that the Council does not currently have a 5-year housing land supply, and, in addition, the Council failed the Housing Delivery Test published in January 2022 based on low levels of delivery over the last 3 years. This means that the presumption in favour of sustainable development as described in the NPPF paragraph 11d) is in effect.

Heritage Assessment

The demolition of Colonial Works, Moat Street Field Works, Century Works, and 20 Villiers Street would result in total loss of non-designated heritage assets associated with Willenhall's lock making industry. However, in this instance it is considered that the redevelopment of this area would bring benefits that outweigh the harm of total loss of these non-designated heritage assets. This application forms a key part of delivering the aspirations of both the council and the West Midlands Combined Authority for the regeneration of Willenhall through the provision of housing on previously developed land.

It is considered the retention of the locally listed building allows for a strong link to the past to be incorporated within the new layout in accordance with Saved UDP Policy ENV32, Policy ENV2 of the BCCS, DW3 of the Designing Walsall SPD and the NPPF.

The Conservation Officer has also advised should the Planning Officer assess there are public benefits that outweigh harm, then the building should be recorded prior to demolition, a level 3 recording survey in accordance with Historic England Guidance: Understanding Historic Buildings: A Guide to Good Recording Practice. The proposal would see the loss of several built heritage assets relating to the industrial town. However, should the proposal be granted permission, the Archaeology Officer also recommends a condition requiring a comprehensive programme of building recording to be undertaken prior to demolition.

The submitted heritage documents fail to reference the significance of Century Works, the buildings along Temple Bar, buildings along Newhall Street and Villiers Street, as well as failing to reference areas of high historic townscape value and designed landscape of high historic value.

Amended information is to be submitted to address the concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Layout

The layout of the proposed scheme respects the relationship between amenity space and parking areas. The development also respects the existing building lines. There would be no breach of the 45 Degree Code with respect to existing dwellings.

The layout of the proposed development is in keeping with its surroundings and in accordance with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and DW3 and DW4 of the Designing Walsall Supplementary Planning Document.

Amenity of Neighbours and Amenity of Future Occupiers

The Applicant has provided the following reports in support of their application. These have been assessed below to take account of the Agent of Change principle:

Air Quality Assessment, Ref. 10041655-ARL-XX-XX-RP-ZZ-007-01, February 2023, by Arcadis.

Noise Assessment Report, Ref. 10040829-ARC-XX-XX-RP-AE-001-P01-S2, March 2023, by Arcadis.

Air Quality Assessment

A planning condition will be required to verify the model used within the submitted air quality assessment prior to construction works commencing to ensure a satisfactory level of air quality for future intended occupants.

Noise Assessment

A noise impact assessment has been undertaken on behalf of the applicant, which in part has assessed current background/residual sound levels in the proximity of the proposed redevelopment. The acoustic report is advising that following mitigation measures, the proposed residential premises will not be subjected to significant *noise* levels. This hypothesis is based on the sound levels that were recorded at the times of the surveys.

Environmental Protection consider that this is not an ideal situation as it would be difficult, if not impossible, to ensure windows remain closed to safeguard amenity. The scenario thus presents that residents could be subject to excessive noise should windows be opened, and any ensuing complaints would have to be investigated and actioned as necessary on the part of the council. While it is accepted that there are other residents located in close proximity, who haven't at this time made any significant noise complaints concerning nearby businesses, this does not equate to a situation where new residents (with commensurate expectations for amenity) will not complain or be adversely affected, potentially requiring the Council to take enforcement action under statutory nuisance provisions; this could be highly detrimental to existing businesses. This situation would be untenable for the council as the local planning authority.

If Committee Members are minded granting planning permission, Environmental Protection offers that planning conditions and/or suitable covenants/agreements between relevant parties need to be included as an integral part of any decision. This relates to the Applicant agreeing mitigation measures, their implementation and validation, maintenance of the said measures and consideration of a deed of easement that is applicable to occupiers of residential development. On-going maintenance of the acoustic measures would need to include the proposed acoustic wall between the BE Wedge factory and the nearby proposed residential dwellings (with suitable clarification of whose responsibility this falls to).

As the acoustic mitigation measures will be required on an on-going basis, Permitted Development Rights need to be removed from the houses to ensure that any extensions or replacements will have the same or better acoustic mitigation measures to those being installed now.

Due to the proximity of the sites to roads and nearby residential and commercial premises, the Applicant needs to agree environmental control measures to ensure nearby interested parties will not be significantly affected by noise, vibration, dust, and debris.

Prior to any demolition or engineering works, site clearance etc., the Applicant needs to undertake an asbestos survey, with any identified being removed in accordance with national guidelines. A condition has been provided.

Additional information has been submitted to address the above concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

The submitted layout meets the standards set out in Walsall Council's Designing Walsall SPD, where practicable. All garden areas proposed for houses meet the required length / or area requirements and the layout also complies with required separation distances in most instances: on Sites A and B the shape of the site means that the usual separation distance cannot be achieved for some of the houses but does not significantly impact amenity. Amenity space for apartments is provided at the rate of 20m² per dwelling: for the block at the corner of Moat Street and Temple Bar, part of that is proposed as a roof top amenity area.

Highways

The Highway Authority supports the redevelopment proposals, and the proposed layouts include highway infrastructure improvements which are welcomed.

The retention of the one-way operation on Moat Street will not unduly impact on the development layouts as submitted. Some changes to existing on-street parking on Moat Street will be required to accommodate the new access points to the dwellings on Site A.

Additionally, there are two areas of landscaping proposed on under Sites C and D on the southern side of New Hall Street. It is not clear how and under what mechanism these are to be delivered.

Whilst the Highway Authority has raised concerns around the use of house types with undercroft parking due to potential limited visibility of approaching motorists and pedestrians, on balance these impacts can be minimised through conditions to secure suitable frontage boundary treatments to provide necessary pedestrian visibility splays.

Site A Overview

This site redevelopment proposals looks to demolish the existing derelict factory premises and construct 22 x two, three and four bedroom dwellings, together with a new adoptable access link road between Gower Street and Stafford Street.

The level of parking provision is two spaces per dwelling equating to 200%. Considering the site is in a highly sustainable location and the lower level of car ownership in this part of Willenhall, this level of parking is considered acceptable in this instance.

The development looks to widen out the existing narrow footways around the periphery of the site which is welcomed to improve pedestrian accessibility. The widened footways are to be adopted as publicly maintainable highway.

The redevelopment also proposes a new link road between Gower Street and Stafford Street which will also serve as access to Plots 13 to 18. This will also be adopted as publicly maintainable highway.

Site B Overview

This site redevelopment proposals looks to demolish the existing buildings, except for one listed building, and construct 50 dwellings, including 35 flats in a single block, 14 x three- and four-bedrooms dwellings and single dwelling in the Listed Building.

The flatted building has its own private vehicle access off Moat Street to a rear car park with 35 spaces. This is a level of provision of 100%. Considering the site is in a highly sustainable location and the lower level of car ownership in this part of Willenhall, this level of parking is considered acceptable in this instance.

4 public parking bays are to be provided on the Moat Street frontage. The dwellings have two spaces each which is considered acceptable at this location.

Plots 64 to 68 are served by its own access road off Moat Street. A turning area has been provided and Autotracked for a 10.7m refuse wagon. The access road shall be adopted as publicly maintainable highway.

The existing highway footways around the periphery of the site are to be widened to 2 metres and adopted as publicly maintainable highway.

Site C and D Overview

The Site C and D proposal looks to replace the existing commercial buildings and operations in New Hall Street and replace it with 20 dwellings comprised of 8 three bedroomed houses and 12 flats in a single block.

The dwellings have 2 parking spaces each which accords with UDP T13 parking policy.

The flats share a car park with 12 spaces which is a level of provision of 100%. This is considered acceptable considering the location of the site on the edge of Willenhall town

centre and its relatively sustainable location. Also New Hall Street is relatively wide so on-street parking is available if required.

Along with the Site C and D proposal are two areas of landscaping on the southern side of New Hall Street. The western area looks to provide 6 adoptable public parking bays parallel to the highway which is intended to provide some parking provision for the existing residents opposite but would be available to the public.

The eastern site is currently a public car park which is to be lost because of the development. It has currently 34 spaces and a utilisation rate of 26% according to the Arcadis Transport Assessment.

Site E Overview

The Site E proposals looks to redevelop existing commercial premises on two parcels of land north and south of Villiers Street with the junction of Cemetery Road with 15 two, three- and four-bedrooms dwellings and one flat.

The dwellings have 2 parking spaces each which equates to 200%. This is considered acceptable considering the location of the site on the edge of Willenhall town centre and its relatively sustainable location. Also, Villiers Street is relatively wide so on-street parking is available if required.

Plots 101 to 103 front onto Cemetery Road and are proposed to have rear parking together with the single flat Plot 107.

Public Rights of Way

A definitive public right of way (PROW), known as Footpath 61 Willenhall (Wil61) is present between Villiers Street and Temple Road. Site E, to the north of Villiers Street, directly adjoins this public right of way.

Planning drawings show that the former factory directly adjacent to the public right of way is to be demolished and that new dwellings will be provided. Whilst the development is supported in principle, at present Public Rights of Way raise concerns with the proposed development as there is insufficient information to fully confirm the impacts of the development on this public footpath. However, details can be secured through the inclusion of conditions on any approval.

Amended plans and information have been submitted to address the above concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Ecology

The Ecological Appraisal report completed by Arcadis dated February 2023, was submitted to support the application.

The current preliminary ecological appraisal states that up to 44 buildings were identified as having low to moderate roosting potential for bats and the ground level tree assessment for bat roosts has yet to be completed.

Due to the potential mitigation requirement needed should a roost be identified, detailed preliminary roost assessments on the buildings and trees are required. Further bat surveys required would be secured by way of a condition prior to the submission of the reserved matters application if this application is approved.

The submitted preliminary ecological appraisal states that delivery of biodiversity net gain is achievable, but no information has been provided on the proposals or commitments to achieve this at this time.

The option for biodiversity net gain to be achieved utilising off-site compensation should be a last resort after the design has maximised the delivery of biodiversity net gain within the application site itself. While full details could be provided at the later reserved matters stage preliminary biodiversity net gain details should be provided to ensure that biodiversity net gain can be maximised at the design level of the application before any consideration to offsite compensation is given.

Flood Risk / Drainage

The Lead Local Flood Authority have objected to this application due to insufficient information submitted to demonstrate that an acceptable drainage strategy is proposed.

The proposed development may present risks of flooding on-site and/or off-site if surface water runoff is not effectively managed.

Additional information has been submitted to address the above concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Trees / Protected Trees

Parcel A – There are no existing trees on this site. This application doesn't demonstrate sufficient space to provide tree planting to the frontages of the site which is considered necessary to achieve a satisfactory appearance. This can be addressed through the inclusion of specific landscaping conditions to require the submission of an appropriate landscaping scheme.

Parcel B – There are numerous trees immediately adjacent the north boundary that overhang the site. The layout shows buildings immediately adjacent to the boundary resulting in a conflict between overhanging crowns and buildings, particularly in the northwest and northeast sections. This is likely to lead to the Council being placed under future pressure to severely prune or remove some of the trees.

This can be addressed through the inclusion of specific landscaping conditions to require the submission of an appropriate landscaping scheme.

Parcel C – The proposal is to return these areas from existing commercial use to a mix of soft and hard (pedestrian only) landscaping. Further details are required including a revised hard surfaced path for improved legibility.

Parcel D – The proposed houses are a sufficient distance away from the existing trees to the north. The boundary with the gateway building to the north comprises only of a palisade fence and no landscaping. Increased space is however required along this boundary to provide a landscaping scheme incorporating trees of a sufficient height to provide upper-level screening and shrub type planting to provide low level screening.

Improved space for landscaping should also be considered regarding the area beyond the east elevation of the building.

At present the Tree Preservation Officer objects to the layout of Parcel D due to the unacceptable landscaping provision.

Parcel E - North side of Villiers Street – indicative landscaping to the front of the houses unlikely to materialise as there is insufficient space. There is scope to set the dwelling back slightly into the site to allow reasonable tree planting on a prominent corner plot. The same goes for the plots fronting Villers Street (i.e. there is scope to move the dwellings back into the site to allow more meaningful landscaping.

South side of Villiers Street – the single dwelling in the northwest corner could have been afforded more space in line with above comments and nearby development to west to allow sufficient landscaping on prominent corner plot.

West boundary - indication of tree planting to front of houses but insufficient space allocated for these. Likely they will be very short lived due to the constrained space or removed shortly after occupation. Consider increasing space to frontages and to allow for more meaningful landscaping.

Southwest corner – proposed 4-bedroom 6-person unit with row of large and maturing trees immediately to the south. This unit is too close in construction terms and in impact terms. Greater separation is required between the trees and any unit in this location to ensure there is no direct impact and the impact from shading is much reduced. The proposal to prune back overhanging canopies of the trees in this area is unacceptable and should be avoided.

At present, the Tree Preservation Officer objects to the layout of Parcel E due to the impact from existing trees along the south boundary, and unacceptable landscaping provisions.

Amended plans and information have been submitted to address the above concerns raised. Any further consultation response received will be detailed in the Supplementary Paper.

Ground Conditions and Environment

The applicant will be required to investigate the land for contamination before any construction commences to determine the need for remediation. It is noted that the Mining Risk Assessment makes recommendations for intrusive investigations for geological reasons, and the applicant is advised to consider combining said investigations with intrusive contaminated land investigations. Planning conditions for contaminated land are being provided.

The site is within the historic core of Willenhall, and as such there are both below ground and above ground heritage assets that may be impacted by these proposals.

The Archaeology Officer welcomes the submission of a Cultural Heritage Desk-Based Assessment with the application and agree with its conclusions. Regarding the below-ground archaeology, the site is within the Willenhall Archaeological Priority Area, and has the potential to contain remains associated with the medieval and early post-medieval settlement. There is a medieval moated manor site here, depicted on early and mid-19th century historic maps, the remains of which may survive at depth despite the potential for truncation by later industrial phases. Other remains from the early medieval period onward may also survive beneath and between the later buildings.

Any archaeology here would likely be of local or regional significance, and not form a constraint on development. However, any remains present would contain information from a significant period in the town's development, and the importance of their contribution to our understanding of the origin, history and development of Willenhall, and the wider Black Country, should not be underestimated.

The Archaeology Officer therefore agree that several stages of work would be required pre-commencement, comprising a phased response of evaluation, mitigation, and publication. As evaluation of the site will only be possible following demolition, this would have to be post-determination, however the Archaeology Officer would recommend that an evaluation of the site is undertaken as soon as possible, to look for opportunities to preserve the moat in situ, if possible (following consideration of layout), or to inform mitigation strategies for preservation by record if not.

The application site falls within the defined Development High Risk Area; therefore, within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment (January 2023, prepared by Arcadis Ltd that coalmining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development to establish the exact situation regarding coal mining legacy issues on the site. Accordingly, the Coal Authority recommends the imposition of conditions.

Amended plans have been submitted to the LPA for consideration and any updated comments will be added to the supplementary paper.

Planning Obligations

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.

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.

The applicant would be required to enter into a S106 to secure 25% policy compliant on-site affordable homes including affordable rent and shared ownership tenure.

Policy OS1 of the urban open space SPD and policies GP3 and LC1 of the UDP requires all types of residential development to provide a contribution towards public open space for all development with 10 or more units being proposed. The audit of green spaces around the Borough has identified a shortfall in provision for children and young people and the quality of some parks and other spaces. The aim of the contributions is to maintain and improve all parks and gardens and coping with increased pressure on existing provision and creating new open spaces to cope with additional pressure.

The proposed development of 108 dwellings requires a financial contribution for off-site open space totalling in the region of £164,934 (subject to the number of bedrooms within the retained locally listed building) which will be secured by a Section 106 agreement.

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 because of the construction of new housing.

This application proposes 108 new homes.

The Government has indicated that, for 2021-22, 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.

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 principle of residential use is acceptable. It is considered that the proposed layout builds on local character, and a proposal of this nature could be accommodated on this site with no detrimental impact on the quality of the existing residential environment and would create a satisfactory living environment for prospective residents of the site itself, subject to addressing the remaining issues set out in this report. The proposed contribution of 108 dwellings to the Borough's housing stock is given significant weight. The proposals constitute sustainable development and is in accordance with policy and guidance within both the Black Country Core Strategy (2013) and UDP, "Designing Walsall" SPD and SAD Policies.

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 flood risk/drainage, ground conditions, heritage, trees and Public Rights of Way amended plans and additional information have been submitted which are subject of further consultation and assessment.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a Section 111 Agreement to secure a Section 106 Agreement to include affordable housing provision and open space contribution and subject to:

- The amendment and finalising of conditions;
- Addressing concerns regarding flood risk/drainage, ground conditions, heritage, trees and Public Rights of Way; and;
- Subject to no further objections from statutory consultees in response to the amended plans received.

Conditions and Reasons

Time Limits

1a: Application for the approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

b. The development hereby permitted shall be begun not later than the expiration of 3 years from the date of approval of the last of the reserved matters to be approved.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

2: Prior to the commencement of development hereby permitted approval of the details of the following reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced:

Appearance

Landscaping

Scale

Reason: Pursuant to Town & Country Planning (Development Management Procedure) Order 2015.

3a: Prior to submission of the reserved matters application(s) a bat emergence survey shall be carried out to determine the presence or absence of bats within buildings present within the site and shall include any necessary mitigation and enhancement measures. The bat emergence survey shall be submitted to and approved in writing by the Local Planning Authority.

3b. Any mitigation and enhancement measures shall be implemented prior to first occupation of the development and thereafter retained for the lifetime of the development.

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

Approved Plans

4: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

Site location plan (70304 - D100) received 23/03/2023

Site block plan (70304 - D101) received 23/03/2023

Site layout plan (70304 - D103K) received 23/03/2023
Site A layout plan (70304 - D104) received 23/03/2023
Site B layout plan (70304 - D105) received 23/03/2023
Sites C and D layout plan (70304 - D106) received 23/03/2023
Site E layout plan (70304 - D107) received 23/03/2023
Demolition plan (70304 - D102A) received 23/03/2023
Landscape parameter plan received 23/03/2023
Height parameter plan received 23/03/2023
Density parameter plan (10041655-AUK-XX-XX-RP-ZZ-0001-02 P02) received 23/03/2023
Land use parameter plan received 23/03/2023
Highways site layout drawing (10041655-ARC-HGN-ZZ-DR-HE-00013 P1) received 23/03/2023
Highways visibility analysis plan (10041655-ARC-HGN-ZZ-DR-HE-00014 P1) received 23/03/2023
Planning Statement received 23/03/2023
Design & Access Statement (BM3 / Arcadis, 2023) received 23/03/2023
Noise Assessment Report (Arcadis, 2023) received 23/03/2023
Flood Risk Assessment (Arcadis, 2022) received 23/03/2023
Air Quality assessment (Arcadis, 2023) received 23/03/2023
Ecological Appraisal (Arcadis, 2023) received 23/03/2023
Arboricultural Impact Assessment (Arcadis, 2023) received 23/03/2023
Cultural Heritage Desk Based Assessment (Arcadis, 2023) received 23/03/2023
Heritage Impact Assessment Colonial Works (Arcadis, 2022) received 23/03/2023
Heritage Impact assessment Moat Field Works (Arcadis, 2022) received 23/03/2023
Framework Travel Plan (Arcadis, 2023) received 23/03/2023
Transport Assessment (Arcadis, 2023) received 23/03/2023
Ground conditions Preliminary Risk Assessment (Arcadis, 2023) received 23/03/2023
Coal Mining Risk Assessment (Arcadis, 2023) received 23/03/2023
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).

Other Conditions

5: a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

c. The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

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

6a: 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.

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

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

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

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

8a: 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:

Construction working hours

Parking and turning facilities for vehicles of site operatives and visitors

Loading and unloading of materials

Storage of plant and materials used in constructing the development

A scheme for recycling/disposing of waste resulting from construction works

Temporary portacabins and welfare facilities for site operatives

Site security arrangements including hoardings

Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway

Measures to prevent flying debris

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

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

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

ADD re-covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc.

Details of proposed measures to safeguard the path integrity and pedestrian safety during demolition of the factory buildings which directly adjoin the public footpath and construction of the proposed dwellings.

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.

9a: Prior to commencement of the development hereby permitted details of landscaping [phased in relation to any phasing of the development] including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

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

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

10a. Prior to the commencement of the development hereby approved, a scope for the recording of all the buildings earmarked for demolition under this application to a Level 3 shall be submitted in writing and approved in writing by the local planning authority. The building recording surveys shall be undertaken by a qualified archaeologist and the form of the recording work shall be in accordance with Historic England's Guidance Understanding Historic Buildings: A Guide to Good Recording Practice (2016).

10b. The development shall not be carried out otherwise than in accordance with the agreed scope for building recording under part A of this condition.

10c. Prior to the development commencing, copies of the building recording surveys shall be made available to the Local Planning Authority.

Reason: To ensure there is a building recording survey undertaken to Level 3 of all the former lock manufacturing industrial buildings earmarked for demolition in accordance with Policy ENV28 and para 205 of the NPPF.

11a. Details of the landscape design works and hard surface details of the proposed works within Wood Street Cemetery to be submitted prior to commencement of the development.

11b. The development shall not be carried out otherwise than in accordance with the approved landscape and hard surface details as per part A of this condition.

Reason: To ensure the landscape works enhance the designed landscape of high historic value at Wood Street Cemetery in accordance with Policies GP2 and ENV33 of the UDP, policy ENV3 of the BCCS and Policy DW3 of Designing Walsall SPD.

12: Prior to demolition, construction and engineering works commencing, the Applicant shall verify in writing to the Local Planning Authority that the air quality model for the development sites is accurate and that future occupants will not be significantly affected by poor air quality.

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

13a: Prior to commencement of the development hereby permitted an asbestos survey shall be carried out and an asbestos Method Statement detailing actions to be taken and timescales for the taking of such action shall be submitted in writing to and approved in writing by the Local Planning Authority.

b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved asbestos Method Statement.

c) Any asbestos identified shall be removed in accordance with current best practice and regulations.

d) Prior to commencement of demolition of the existing building a validation report confirming that all asbestos on site has been safely disposed of shall be submitted in writing to and approved in writing by the Local Planning Authority.

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.

14i: A desk study and site reconnaissance shall be conducted to identify the potential for contaminants and/or ground gases to present a likely risk to proposed structures or future occupants of the development. Results of the desk study and site reconnaissance shall be submitted to and agreed in writing prior to any built development commencing. (see Note for Applicant CL 4)

ii) In the event that the desk study and site reconnaissance indicates a potential presence of contamination and/or ground gases on site and 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)

iii) 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)

iv) 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)

v) The remedial measures as set out in the 'Remediation Statement' required by part iv) of this condition shall be implemented in accordance with the agreed timetable.

vi) 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 ii) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part iv) 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.

vii) A Contaminated Land Validation report 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)

viii) The development shall not be carried out otherwise than in accordance with the approved Remediation Statement.

Reason: To ensure safe development of the site and to protect human health and the environment. In addition, to meet the requirements of the National Planning Policy Framework (2019) 170 and 178 and in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

15a: Prior to commencement of the development hereby permitted:

Details of intrusive site investigations for past coal mining activity shall be submitted in writing to and approved in writing by the Local Planning Authority

the approved details of intrusive site investigations shall be undertaken and a report of findings arising from the intrusive site investigations including the results of any monitoring shall be submitted in writing to the Local Planning Authority

details of remedial works shall be submitted to and approved in writing by the Local Planning Authority

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

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

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

16a: Prior to the commencement of the development works on Site A, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing;

i) where the parking and turning facilities for site operatives and construction deliveries will be located,

ii) full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

b) This provision shall be retained during construction in accordance with the approved details.

Reason: In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety and in accordance with UDP policy GP2, T7 and T13.

17a: Prior to the commencement of the development works on Site B, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing;

i) where the parking and turning facilities for site operatives and construction deliveries will be located,

ii) full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

b) This provision shall be retained during construction in accordance with the approved details.

Reason: In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety and in accordance with UDP policy GP2, T7 and T13.

18a: Prior to the commencement of the development works on Sites C and D, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing;

i) where the parking and turning facilities for site operatives and construction deliveries will be located,

ii) full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

b) This provision shall be retained during construction in accordance with the approved details.

Reason: In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety and in accordance with UDP policy GP2, T7 and T13.

19a: Prior to the commencement of the development works on Sites E, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing;

i) where the parking and turning facilities for site operatives and construction deliveries will be located,

ii) full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

b) This provision shall be retained during construction in accordance with the approved details.

Reason: In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety and in accordance with UDP policy GP2, T7 and T13.

20: Prior to the commencement of any works on the two landscaped areas on the southern side of New Hall Street, the full engineering details of the required footway widening and the public parking bays with new public footway to the rear of the bays, together with the repositioning of any existing street lighting or other street furniture in the footways affected to the new back of path as required, shall be submitted to and approved in writing by the Highway Authority. The new and widened footway and parking bays shall be offered for adoption as publicly maintainable highway under the appropriate legal mechanisms.

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

21: Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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

22: Prior to the first occupation of any dwelling on Site A, the parking spaces for that dwelling shall be fully implemented, the area being fully consolidated, hard surfaced in tarmacadam or similar material and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain.

b) The parking spaces 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.

23a: Prior to the first occupation of any dwelling on Site B, the parking spaces for that dwelling shall be fully implemented, the areas being fully consolidated, hard surfaced in tarmacadam or similar material and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain.

b) The parking spaces 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.

24a: Prior to the first occupation of any dwelling on Site C and D, the parking spaces for that dwelling shall be fully implemented, the areas being fully consolidated, hard surfaced in tarmacadam or similar material and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain.

b) The parking spaces 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.

25a: Prior to the first occupation of any dwelling on Sites E, the parking spaces for that dwelling shall be fully implemented, the areas being fully consolidated, hard surfaced in tarmacadam or similar material and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain.

b) The parking spaces 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.

26: Prior to the first occupation of any dwelling on Site A, the following works within existing public highway and adoptable highway works shall be fully implemented to the satisfaction of and in a Phasing agreed with the Highway Authority;

i) Widening of all existing highway footways to a minimum 2 metres, together with the repositioning of any existing street lighting or other street furniture in the footways affected to the new back of path as required.

ii) The installation of dropped kerb footway crossings at all vehicle access points, including the modification/revocation of the existing on-street parking Traffic Regulation Order on the southern side of Moat Street to accommodate the new vehicle access points.

iii) Removal and reinstatement of all redundant vehicular access points and rain water channels back to full kerb footway levels.

iv) The construction of the new link road and footway between Stafford Street and Gower Street together with all associated public lighting, drainage and the implementation of any required Traffic Regulation Orders for the one-way operation.

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

27: Prior to the first occupation of any dwelling on Site B, the following works within existing public highway and adoptable highway works shall be fully implemented to the satisfaction of and in a Phasing agreed with the Highway Authority;

i) Widening of all existing highway footways to a minimum 2 metres together with the public parking bays on Moat Street and the repositioning of any existing street lighting or other street furniture in the footways affected to the new back of path as required.

ii) The installation of dropped kerb footway crossings at all vehicle access points and access roads.

iii) Removal and reinstatement of all redundant vehicular access points back to full kerb footway levels.

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

28: Prior to the first occupation of any dwelling on Site C and D, the following works within existing public highway and adoptable highway works shall be fully implemented to the satisfaction of and in a Phasing agreed with the Highway Authority;

- i) Widening of all existing highway footways to a minimum 2 metres and the construction of the public parking bays, together with the repositioning of any existing street lighting or other street furniture in the footways affected to the new back of path as required.
- ii) The installation of dropped kerb footway crossings at all vehicle access points and access roads.
- iii) Removal and reinstatement of all redundant vehicular access points back to full kerb footway levels.

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

29: Prior to the first occupation of any dwelling on Sites E, the following works within existing public highway and adoptable highway works shall be fully implemented to the satisfaction of and in a Phasing agreed with the Highway Authority;

- i) Widening of all existing highway footways to a minimum 2 metres including revised junction radii, together with the repositioning of any existing street lighting or other street furniture in the footways affected to the new back of path as required.
- ii) The installation of dropped kerb footway crossings at all vehicle access points and access roads.
- iii) Removal and reinstatement of all redundant vehicular access points back to full kerb footway levels.

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

30a: Prior to the first occupation of any flat on the development, the car park access road and car park be fully implemented, the areas being fully consolidated, hard surfaced in tarmac or similar material 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 all parking bays. Three parking spaces shall be allocated for disabled users and marked out accordingly.

b) The access road and car park 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.

31a: Prior to the first occupation of any flat on Site C and D, the car park shall be fully implemented, the area being fully consolidated, hard surfaced in tarmac or similar material 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 all parking bays. One parking space shall be allocated for disabled users and marked out accordingly.

b) The car park 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.

32a: Prior to the first occupation of the Plots 101 to 104 and 107 on Sites E, the rear car park shall be fully implemented, the area being fully consolidated, hard surfaced in tarmac or similar material 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 all parking bays.

b) The car park 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.

33a: Prior to the first occupation of any flat on the development, the internal cycle storage facility shall be fully implemented in accordance with the approved details.

b) The cycle storage facility shall thereafter be retained and used for no other purpose.

Reason: To encourage sustainable modes of travel and in accordance with UDP policy T13 and Black Country Core Strategy TRAN4.

34a: Prior to the first occupation of any flat on Site C and D, the internal cycle storage facility shall be fully implemented in accordance with the approved details.

b) The cycle storage facility shall thereafter be retained and used for no other purpose.

Reason: To encourage sustainable modes of travel and in accordance with UDP policy T13 and Black Country Core Strategy TRAN4.

35: All 2.4m x 3.4m pedestrian visibility splays at the vehicle access points shall be kept clear of any structures and planting at all times.

Reason: To ensure adequate pedestrian/vehicle inter-visibility is retained at all times in the interests of highway safety and in accordance with UDP policy GP2, T7 and T13.

36: Under any subsequent Reserved Matters applications, the total combined number of dwellings from each development site shall not exceed 108 units.

Reason: To accord with the submitted Arcadis Transport Assessment which is based upon the impacts of a total of 106 dwellings and UDP T13 parking policy.

37: Under any subsequent Reserved Matters applications, the ratio of 4-bedroom dwellings across each site shall not increase from that hereby approved.

Reason: To accord with the submitted Arcadis Transport Assessment and UDP T13 parking policy.

38: Under any submitted Reserved Matters applications, the boundary treatments shall respect all visibility splays demonstrated within the Arcadis Transport Assessment, whereby all splays shall be kept free of any structures or planting exceeding 600mm in height above highway levels.

Reason: In the interests of highway safety and UDP T13 parking policy.

39: Notwithstanding any Permitted Development Rights, all parking spaces shall hereafter be retained and used for no other purpose.

Reason: To retain, at all times, the approved level of parking provision across the development sites, to the satisfactory completion and operation of the development and in accordance with UDP policy GP2, T7 and T13.

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

- Class A (enlargement, improvement or other alterations)
- Class B (additions to the roof)
- Class C (other alterations to the roof)
- Class D (porches)
- Class E (building incidental to the enjoyment of a dwelling house)

shall be installed in any part of this development.

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

Notes for Applicant

West Midlands Fire Service:

Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 and 2022 amendments – for use in England

Requirement B5: Access and facilities for the fire service

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

Requirement

Limits on application

Access and facilities for the fire service B5.

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

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

Intention

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

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

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult).

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwellinghouses, access for a pumping appliance should be provided to within 45m of all points inside the dwellinghouse.

Every elevation to which vehicle access is provided should have a suitable door(s), not less than 750mm wide, giving access to the interior of the building.

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. Every elevation to which vehicle access is provided should have a suitable door(s), not less than 750mm wide, giving access to the interior of the building. Door(s) should be provided such that there is no more than 60m between each door and/or the end of that elevation (e.g. a 150m elevation would need at least two doors).
- 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.

Blocks of flats fitted with fire mains

13.5 For buildings fitted with **dry fire mains**, both of the following apply.

- a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.
- b. The fire main inlet connection point should be visible from the parking position of the appliance, and meet the provisions in Section 8 of BS 9990.

13.6 For buildings fitted with **wet fire mains**, access for a pumping appliance should comply with both of the following.

- a. Within 18m, and within sight, of an entrance giving access to the fire main.
- b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency

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).

3.8.2 Emergency Vehicle Access

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

3.8.3 Increased Carriageway Widths

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

3.8.4 General

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

Section 14: Fire mains and hydrants – flats

Provision of fire mains

14.2 Buildings with firefighting shafts should have fire mains provided in both of the following.

- a. The firefighting stairs.
- b. Where necessary, in protected stairways.

The criteria for providing firefighting shafts and fire mains are given in Section 15.

14.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with paragraph 13.2(a). In these cases, the fire mains should be located within the protected stairway enclosure, with a maximum hose distance of 45m from the fire main outlet to the furthest point inside each flat, measured on a route suitable for laying a hose.

Design and construction of fire mains

14.4 The outlets from fire mains should be located within the protected stairway enclosure (see Diagram 15.1).

14.5 Guidance on the design and construction of fire mains is given in BS 9990.

14.6 Buildings with a storey more than 50m above fire service vehicle access level should be provided with wet fire mains. In all other buildings where fire mains are provided, either wet or dry fire mains are suitable.

14.7 Fire service vehicle access to fire mains should be provided as described in paragraphs 13.5 and 13.6.

Provision of private hydrants

14.8 A building requires additional fire hydrants if both of the following apply.

- a. It has a compartment with an area of more than 280m².
- b. It is being erected more than 100m from an existing fire hydrant.

14.9 If additional hydrants are required, these should be provided in accordance with the following.

- a. For buildings provided with fire mains – within 90m of dry fire main inlets.
- b. For buildings not provided with fire mains – hydrants should be both of the following.
 - i. Within 90m of an entrance to the building.
 - ii. A maximum of 90m apart.

14.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251.

14.11 Guidance on aspects of the provision and siting of private fire hydrants is given in BS 9990.

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

Section 15: Access to buildings for firefighting personnel – flats

Provision of firefighting shafts

15.1 In low rise buildings without deep basements, access for firefighting personnel is typically achieved by providing measures for fire service vehicle access in Section 13 and means of escape.

15.2 A building with a storey more than 18m above the fire and rescue service vehicle access level should have one or more firefighting shafts, each containing a firefighting lift (Diagram 15.1). The number and location of firefighting shafts should comply with paragraphs 15.4 to 15.7. Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 15.3 and Diagram 15.2).

15.3 A building with basement storeys should have firefighting shafts in accordance with the following.

a. There is a basement more than 10m below the fire and rescue service vehicle access level. The firefighting shafts should contain firefighting lifts.

b. There are two or more basement storeys, each with a minimum area of 900m².

The firefighting shafts do not need to include firefighting lifts. The building's height and size determine whether firefighting shafts also serve upper storeys.

15.4 Firefighting shafts should serve all storeys through which they pass.

15.5 In buildings where a firefighting shaft is required, a minimum of two firefighting shafts should be provided in either of the following situations.

a. A building that has both of the following.

i. A storey with a floor area of 900m² or more.

ii. A storey 18m or more above the fire and rescue service vehicle access level.

b. A building with a basement storey which is more than 900m².

15.6 Firefighting shafts and protected stairways should be positioned such that every part of each storey more than 18m above the fire and rescue service vehicle access level complies with the maximum distances given in paragraph 15.7. Distances should be measured from the fire main outlet on a route suitable for laying a hose.

NOTE: If the internal layout is not known, the distance should be measured at two-thirds of the direct distance.

15.7 In any building, the hose laying distance should meet all of the following conditions.

a. A maximum of 60m from the fire main outlet in a firefighting shaft (see Diagram 15.3).

b. Additionally, where sprinklers have not been provided in accordance with Appendix E, the hose laying distance should be a maximum of 45m from a fire main outlet in a protected stairway (although this does not imply that the protected stairway needs to be designed as a firefighting shaft (see Diagram 15.3)).

Wayfinding signage for the fire service

15.13 To assist the fire service to identify each floor in a block of flats with a top storey more than 11m above ground level (see Diagram D6), floor identification signs and flat indicator signs should be provided.

15.14 The floor identification signs should meet all of the following conditions.

a. The signs should be located on every landing of a protected stairway and every protected corridor/lobby (or open access balcony) into which a firefighting lift opens.

b. The text should be in sans serif typeface with a letter height of at least 50mm. The height of the numeral that designates the floor number should be at least 75mm.

c. The signs should be visible from the top step of a firefighting stair and, where possible, from inside a firefighting lift when the lift car doors open.

d. The signs should be mounted between 1.7m and 2m above floor level and, as far as practicable, all the signs should be mounted at the same height.

e. The text should be on a contrasting background, easily legible and readable in low level lighting conditions or when illuminated with a torch.

15.15 The wording used on each floor identification sign should take the form Floor X, with X designating the number of the storey, as intended for reference by residents. The floor number designations should meet all of the following conditions.

a. The floor closest to the mean ground level (see Diagram D4) should be designated as either Floor 0 or Ground Floor.

b. Each floor above the ground floor should be numbered sequentially beginning with Floor 1.

c. A lower ground floor should be designated as either Floor -1 or Lower Ground Floor.

d. Each floor below the ground floor should be numbered sequentially beginning with Floor – 1 or Basement 1.

15.16 All floor identification signs should be supplemented by flat indicator signs, which provide information relating to the flats accessed on each storey. The flat indicator signs should meet all of the following conditions.

a. The signs should be sited immediately below the floor identification signs, such that the top edge of the sign is no more than 50mm below the bottom edge of the floor identification sign.

b. The wording should take the form Flats X–Y, with the lowest flat number first.

c. The text should be in sans serif typeface with a letter height of at least half that of the floor indicator sign.

d. The wording should be supplemented by arrows when flats are in more than one direction.

e. The text and arrows should be on a contrasting background, easily legible and readable in low level lighting conditions or when illuminated with a torch. NOTE: In the case of multi-storey flats with two or more entrances, the flat number should only be indicated on the normal access storey.

Evacuation alert systems

15.17 In blocks of flats (purpose group 1(a)) with a top storey over 18m above ground level (see Diagram D6 in Appendix D) an evacuation alert system should be provided in accordance with BS 8629. Secure information boxes

15.18 A secure information box provides a secure facility to store information about a building for use by the fire service during an incident.

15.19 Blocks of flats (purpose group 1(a)) with a top storey more than 11m above ground level (see Diagram D6 in Appendix D) should be provided with a secure information box. NOTE: Consideration should also be given to other buildings with large, complex or uncommon layouts where the provision of a secure information box may be beneficial.

15.20 The box should meet all of the following conditions.

a. Sized to accommodate all necessary information.

b. Easily located and identified by firefighters.

c. Secured to resist unauthorised access but readily accessible by firefighters.

d. Protected from the weather.

15.21 Best practice guidance can be found in Sections 2 to 4 of the Code of Practice for the Provision of Premises Information Boxes in Residential Buildings published by the Fire Industry Association (FIA).

Sprinklers

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

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:

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).

Section 7: Compartmentation/sprinklers – flats Page 59

7.4 Blocks of flats with a top storey **more than 11m** above ground level (see Diagram D6) should be fitted with a sprinkler system throughout the building in accordance with Appendix E. NOTE: Sprinklers should be provided within the individual flats, they do not need to be provided in the common areas such as stairs, corridors or landings when these areas are fire sterile.

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 2, 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)

West Midlands Police:

The applicant may consider the following.

Construction site security.

https://www.securedbydesign.com/images/CONSTRUCTION_SITE_SECURITY_GUIDE_A4_8pp.pdf

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 : [HOMES GUIDE 2023 web.pdf \(securedbydesign.com\)](#)

For flats / apartments.

Secure mail is recommended without providing unnecessary access to private areas. (SBD Homes 2023 page 73 2b. 45).

SBD strongly recommends where possible, mail delivery via a 'secure external letter box' Standard TS009 (DHF TS009) (SBD Homes 2023 page 73, 45.3).

'Through the wall mail delivery into secure internal letter boxes' can be considered Standard TS008 (DHF TS008) (SBD Homes 2023 page 74, 45.4-5).

Suitable lighting will provide some security.

Lighting at the levels recommended by BS 5489-1:2020.

External LED lights with daylight sensors to the external walls, particularly by entrances and lighting to parking areas.

This to provide security for residents entering and leaving. (SBD Homes 2023 page 47, 27.2).

I would recommend 24 hour lighting using a daylight sensor to communal areas. Good quality LED lighting.

Providing security to residents as they make their way within the building. (SBD Homes 2023 page 77 49.8).

Consider cctv multiplex cctv system for all shared areas in particular facial view on all entrances.

A height to 120% of the screen is required for identification. (SBD Homes 2023 page 62, 36.1 – 37.7).

A capture of all persons and vehicles particularly entering and leaving.

Alarm and cctv installers should be approved by NSI, SSAIB or both please see <https://www.nsi.org.uk/> and <https://ssaib.org/>

For apartments consider card entry system or similar. With correct management and maintenance this should provide security.

Access control to the building see SBD Homes 2023 page 48, 29.

To allow residents entry, to their floor area and apartment.

Consider for communal shared entrances doors and visitor door entry systems to standard SBD Homes 2023 S48.

In the interests of safety, security and crime prevention I ask that door sets fitted with TS 007 3 star rated cylinders to each of the individual rooms.

Dwelling entrance door-sets (SBD Homes 2023 page 36, 23, 1-9).

All doors to a minimum PAS 24: 2022 standard doors for houses and apartments. Particularly external doors.

Consider communal shared entrances doors and visitor door entry to standards LPS 2081 or STS 202.

PAS 24 2022 for all new windows. Controlled fittings – Building Regulations etc.

This includes combined fire resistance with security. (See SBD Brochure page 5, 5).

https://www.securedbydesign.com/images/downloads/DOORSET_BROCHURE_200319.pdf

Any entry and to each room would be an individual victim of dwelling burglary.

If required cycle stores, approved products, are recommended (SBD Homes 2023 page 60, 32 and 85, 64).

Located in a clearly visible area.

Public Rights of Way Note to applicant:

To ensure pedestrian safety and create a safe work area, a permit to work and/or temporary prohibition of traffic order may be required. Prior to commencement of any work associated with the development within, or adjoining footpath Wil61, the applicant must agree details of their proposed work with highways and apply for any necessary permits. Upon completion, the applicant must reinstate the path to its present condition. For details go to [Apply to temporarily close a public right of way \(PROW\) | Walsall Council](#), or contact PublicRightsofWay@walsall.gov.uk at least 28 days before commencement of any work within the footpath. No excavations, scaffolding, hoarding, signage, storage of materials, or other activities associated with the proposed development are to be present within, over or underneath this footpath without prior agreement of the highways authority.

HIGHWAY AUTHORITY - NOTES TO APPLICANT:

1. 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 or any works pertaining thereto.
2. The applicant will be expected to enter into an agreement under S38/278 of the Highways Act 1980 or obtain a Road Opening Permit, whichever is the most appropriate, with the Highway Authority for all adoptable highway works and works within the existing public highway.
For further advice please contact Highway Development Control Team at Stephen.Pittaway@walsall.gov.uk
3. The Highway Authority's permission is required under the Highways Act 1980 and the New Roads and Street Works Act 1991 for all works on or in the highway.
4. As the existing building to be demolished abuts the highway boundary, any barriers, scaffolding, hoarding, footway closure etc. required for the demolition works to be undertaken will require a licence. This should be applied for by emailing TrafficManagement@walsall.gov.uk
5. The costs for the alterations of the TROs should be funded by the Applicant. The applicant is advised to contact TrafficManagement@walsall.gov.uk in this respect.

Notes for Applicant – Contaminated Land

CL1

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

CL3

Validation reports will need to contain details of the 'as installed' remediation or mitigation works agreed with the Local Planning Authority and the persons/business responsible for the Building Regulation compliance. For example, photographs of earthworks, 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. The Validation Report shall be written by a Technically Competent person/company.

CL4

The desk study and site reconnaissance shall have regard to previous unknown filled ground and materials used and processes carried on. A further detail on the matters to be addressed is available in 'Model Procedures for the Management of Contamination' (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.

4. Acoustics and Noise

i) Acoustic mitigation measures to ensure that a good acoustic environment is achieved within the residential premises shall be agreed in writing with the Local Planning Authority. This shall accord with, but not be limited to, ProPG: Planning & Noise - Professional Practice Guidance on Planning & Noise - New Residential Development (May 2017).

ii) A Validation Statement confirming the implementation of agreed acoustic mitigation shall be submitted in writing to the Local Planning Authority prior to the development being brought into use. The development shall not be brought into use until the local authority has issued confirmation that the Validation Statement is acceptable.

iii) All agreed acoustic mitigation measures shall be maintained for the life of the development.

NOTE TO APPLICANT (and future occupiers)

Due to the nature of acoustic and contaminated land mitigation measures installed within the development, **Permitted Development Rights have been removed.**

Any new or replacement items installed to provide mitigation will be required, as a minimum, to provide the same performance of mitigation. Any existing mitigation measures should not be compromised as a result of any future works/installations.

END OF OFFICERS REPORT