

## Planning Committee

Report of Head of Planning and Building Control on 07 October 2021

Plans List Item Number: 4

### Reason for bringing to committee

Significant Community Interest

### Application Details

**Location:** 185, SANDWELL STREET, WALSALL, WS1 3EQ

**Proposal:** CHANGE OF USE FROM C3 DWELLING TO C4 SUI GENERIS 9 BEDROOM HMO

**Application Number:** 21/0767

**Case Officer:** Fiona Fuller

**Applicant:** Talati Investments

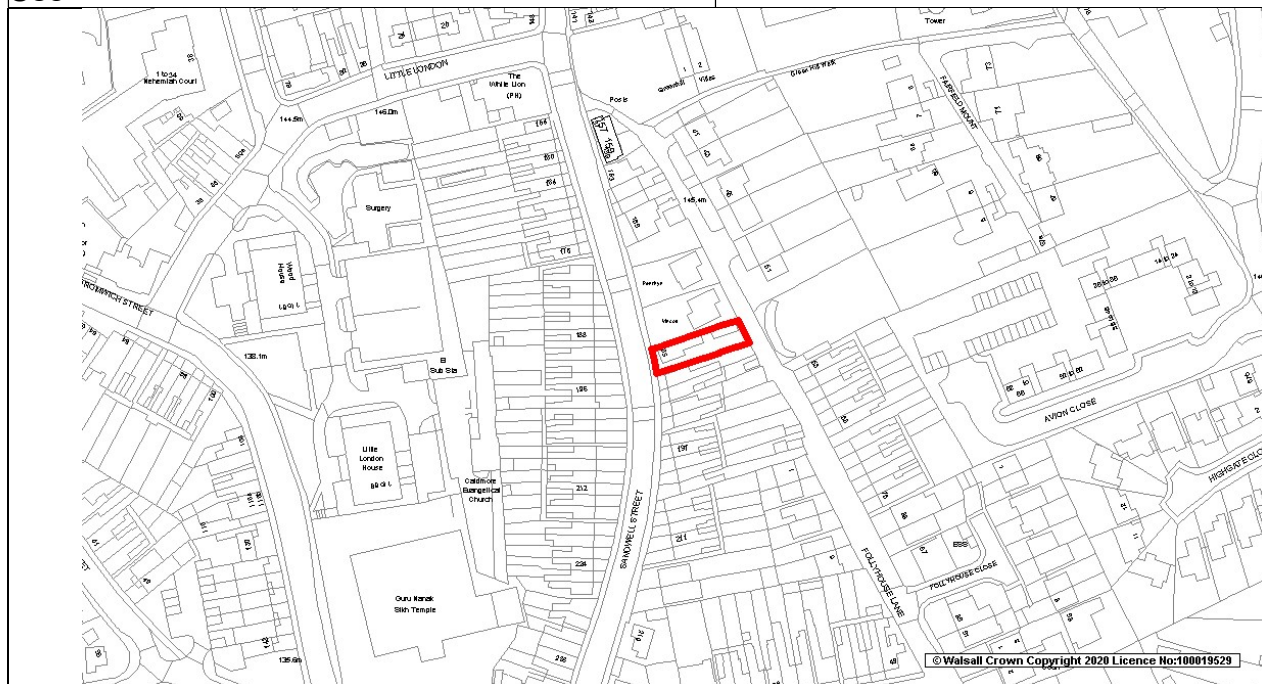
**Ward:** St Matthews

**Agent:** G Arch Design Limited T/A PUUC

**Expired Date:** 23-Sep-2021

**Application Type:** Full Application: Change of Use

**Time Extension Expiry:**



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## Recommendation:

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to:

- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed.
- Resolving highways concerns regarding parking provision for the application site and demonstrate there is adequate parking to serve the needs of the development and adequate pedestrian or vehicular inter-visibility.

## Proposal

The applicant seeks planning permission for the proposed change of use from a planning class use C3 dwelling to Sui Generis 9 bedrooms Multiple Occupation (HMO)

The applicant has provided the following document to support the application:

- Planning Supporting Statement

## Site and Surroundings

The application building is a large modern detached two storey red brick building, pitched roof with a 106 sqm rear garden. The application site is located in a predominantly residential area.

The area is predominantly characterised by detached and semi – detached dwellings fronting directly onto the street with large rear gardens.

The rear boundary of the application site is shared with the boundary of Highgate Conservation Area. The application building is not a listed building or adjacent to a listed building and the physical building is 13metres from the conservation area boundary.

## Relevant Planning History

21/0180 - Single storey side extension plus, single storey rear extension to attach dwelling house to rear outbuilding - Grant: Planning Permission Subject to Conditions - 08-Apr-2021

## Relevant Policies

### **National Planning Policy Framework (NPPF)**

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

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

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

- NPPF 2 – Achieving sustainable development
- NPPF 4 – Decision Making
- NPPF 5 – Delivering a sufficient supply of homes
- NPPF 8 – Promoting healthy and safe communities
- NPPF 11 – Making effective use of land
- NPPF 12 – Achieving well-designed places
- NPPF 15 – Conserving and enhancing the natural environment

On planning conditions the NPPF (para 55) says:

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

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

## National Planning Policy Guidance

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

## Reducing Inequalities

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

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

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

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

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install

some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

## Development Plan

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

## Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV18: Existing Woodlands, Trees and Woodlands
- ENV32: Design and Development Proposals
- H7: Hostels and Houses in Multiple Occupation
- T7 - Car Parking
- T9 – Cycling
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space

## Black Country Core Strategy

- CSP3: Environmental Infrastructure
- CSP4: Place Making
- DEL1: Infrastructure Provision
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

## Walsall Site Allocation Document 2019

- EN1: Natural Environment Protection, Management and Enhancement
- HC2: Development of Other Land for Housing
- HC3: Affordable Housing and Housing for People with Special Needs
- T2: Bus Services
- T4: The Highway Network
- T5: Highway Improvements

## Supplementary Planning Document

## Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places

- DW3 Character
- DW8 Adaptability

#### 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

### Consultation Replies

#### Public Health

No objection and acknowledge that the proposal will address the local housing needs and the provision of quality housing.

#### West Midlands Police Service

No objection but suggested self-contained flats would be preferable and offered designing out crime informative.

#### West Midlands Fire Service

No objection and offered fire safety informative.

#### Strategic Planning Policy

Support the proposal and UDP policy H7 will apply.

#### Pollution Control

No comment suggesting Environmental Health and Building Control should be consulted for the internal arrangements.

#### Housing Standards

Concerns the internal arrangements needs to be addressed to minimise any risk. Also, there is an over supply of HMO in Walsall. The planning dept must take note of the action plan in considering the proposal. *(Planning can only take into account documents that have been through the formal planning consultation and adoption process)*

#### Transportation (Local Highways Authority)

Concerns the applicant must address the parking provisions to accommodate the proposed development and provide adequate pedestrian or vehicular inter-visibility.

To be updated at planning committee

#### HMO, Supported Housing or Hostels

Concurs with the Housing Standards Officer's comments.

## Environmental Health

To be updated at planning committee

## Community Safety Team

To be updated at planning committee

## Town Centre Manager

The area is known for ant-social behaviour. The proposed HMO may exacerbate this problem. Also, lack of parking in the area.

## Representations

### Valerie Vaz MP

Objects on the grounds that it may cause overcrowding and congestion in the local setting. There is a five - bedroom HMO on Sandwell Street (144, Sandwell Street).

There will be two proposed car parking spaces as part of the proposal. However, parking in Sandwell Street and Follyhouse Lane are experiencing parking issues. Furthermore, the redevelopment of the Sikh Temple adds to the parking crisis.

The proposal will impact on the Conservation Area which is nearby. Finally, the proposal may cause pollution and noise issues.

43 neighbours were notified via letter. Comments received were as follows (*officer comments in brackets and italics*):

- Noise issues from end users visiting the application building/ from appliance (TV)/ using the garden.
- Lack of insulation/ sound proofing in the application building.
- Traffic issues/ insufficient parking spaces especially when there is a festival, over spill from the Guru Temple and doctor's surgery. (*impacts from the temple and doctors surgery are outside the scope of this application*)
- Impact on the quality of life of local residents/ cause of mental issues. (*No evidence submitted to justify this*)
- Issues with access for the refuse collection/ refuse storage/ emergency vehicles from Follyhouse Lane.
- The development at Guru and assessment should be carried on the impact on the impact on the local residents before carrying out this large scale development. (*The impact from the temple development is outside the scope of this planning application*)
- The proposal will spoil a beautiful family home.
- Sandwell Street is part of a Conservation Area. (*Whilst the application site is adjacent to the conservation area, it is not within it*)
- Family house turned into a HMO/ 185 Sandwell Street more suitable as a family home not a HMO.
- End users will have no respect to others/ cause noise/ anti-social behaviour. (*No evidence provided to suggest future occupiers will be the cause of these issues*)
- Problems associated with 144, Sandwell Street with untidy, badly maintained. (*No evidence provided to suggest future occupiers will be the cause of these issues. Issues*



*with 144 Sandwell Street should be reported to the Police and housing services to intervene)*

- 4 cars parked outside 144 poorly parked causing problems with pedestrians. *(This is outside the scope of the current planning application)*
- The proposal will cause overcrowding.
- Who will be award the HMO licence? *(Housing services)*
- There is serious crime / anti-social behaviour in the area. *(No evidence provided to suggest future occupiers will be the cause of these issues)*
- Negative impact on the St Matthews ward.
- Please consider the residents who are living in the area.
- Too many HMOs/ grant permission in areas with less HMOs e.g. Pelsall, Aldridge.
- Neighbours are annoyed with the proposal.
- Ongoing congestion with speed restriction in Caldmore and installation of further speed hump. *(This is outside the scope of the current planning application)*
- Caldmore known for anti-social behaviour. *(No evidence provided to suggest future occupiers will be the cause of these issues)*
- Fly-tipping is a major problem in the area. *(No evidence provided to suggest future occupiers will be the cause of these issues)*
- There is a need for family housing.
- People in Sandwell Street have lived there for 20 + years with a strong community spirit. *(Not a material planning consideration)*
- People with money will get what they want. *(Not a material planning consideration)*
- Council ruining Sandwell Street.
- No control over tenant types. *(Not material to the consideration of this planning application)*
- HMO will decrease house value. *(Not a material planning consideration)*
- The landlord is from London. He is unlikely will be available to solve any problems on the application site.
- HMO not enough room to accommodate 9 people.
- The residents were not informed about the proposal. *(Whilst the planning legislation requires the notification of adjacent neighbours, the council has notified more neighbours than this)*
- Conversion is not in keeping with the local area. *(The owner can convert the property to a 6 person HMO without the need for planning approval from the Council utilising permitted development legislation)*
- Applicants have completed the works/ applicant has started work.
- Ongoing parking issues associated with Follyhouse Lane/ ongoing issues with emergency services accessing Follyhouse Lane because cars are parked on either side of the lane. *(The ongoing issues in Follyhouse lane is outside the scope of this application. This application has to demonstrate there is sufficient parking for its own needs)*
- Concerns with the management of the building/ who will have the licence. *(Matter for housing services)*
- Busy pedestrian route for the school. *(not material to the consideration of this application)*
- There are safeguarding and risk perspective. *(no evidence has been provided to justify this claim in relation to the future occupiers of this application site)*
- The proposal will have a negative impact on St Matthews ward.
- Redhouse Street (Former Redhouse Nursing Home) was rejected because there were too many in the area. *(Former redhouse nursing home is outside the scope of this application)*
- The previous owner changed the garage without planning permission. *(Households have permitted development rights to be able to carry out works to their property without needing to submit an application)*
- Impact on the sewage system and associated utilities to cope with this extra demand. *(A matter for Severn Trent and building control)*

- There is a cannabis factory in the area. *(Outside the scope of this planning application. If there is a cannabis factory nearby, residents should report it to the Police)*
- House in Sandwell Street should be occupied but the occupants should respect the area of St Matthews.
- The owner (verbally) confirmed who will manage the HMO. They give the impression the end users will be ex-offenders. *(No evidence has been provided by the applicant or third parties to substantiate this claim)*
- With no investment in the community. The proposal will not be for the community interest.
- The council failed to properly consult the residents about the proposal. *(Whilst the planning legislation requires the notification of adjacent neighbours, the council has notified more neighbours than this)*
- The proposal will change the character of the street and lead to more noise/ disruption and the pollution. *(No evidence has been provided to demonstrate how the future occupiers of this property will contribute to this)*

## Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours
- Community Safety
- Impact on the Conservation Area
- Highway Safety
- Other matters – non- material planning considerations
- Valerie Vaz MP

## Assessment of the Proposal

### Principle of Development

The application site is a residential dwelling falling under planning Use Class C3 dwelling house. The site is a sustainable location in an established residential area, with the nearest local amenity being 54.51m away which is Calmore Evangelical Church and other amenities such as a surgery, Guru Nanak Sikh Temple and White Lion public House.

The proposal is for a change of use from a residential (Planning Use Class C3) for the provision of a 9 bedroom House in Multiple Occupation (sui generis use class). In addition, the users will benefit from sharing associated facilities as the bathroom/ WC and the kitchen/lounge.

Assessing the proposed 9 person multiple occupation residential use against UDP Policy H7, the proposal will have limited impact on the occupants of neighbouring buildings or future occupiers of the proposed development, when taking into account the house can be converted without planning permission to a 6 person house of multiple occupation. Taking into account the fact that the building could be used as a 6 person HMO without planning approval, plus the proposed external change to the building which will not harm to the character and appearance of the building or the surrounding area. The applicant and the Highway Authority (Transportation) Team are working to resolve any highways safety issues. On balance, the proposal is considered to be acceptable in principle and is supported by the planning policy team.

### Design, Layout and Character.

The proposal doesn't have any significant changes to the external appearance of the existing building coupled with minor internal alterations to accommodate the intended use. The external changes will comprise of the removal of an existing window to side and be replaced by a door.



Also, there will be an insertion of side facing on the ground floor. It will be screened by the existing fence. There will be no impact on privacy. The existing building reflects the buildings around the application site/ building. The proposed internal alterations to the existing building will not impact on the visual amenity of the site surrounding and not a material planning matter. The proposal is therefore in accordance with saved Policy ENV32 of the Walsall Unitary Development Plan, Policy ENV3 of the Black Country Core Strategy, the Designing Walsall Supplementary Planning Document and Section 12 of the National Planning Policy Framework.

### **Amenity of Neighbours**

Objections were received from neighbours on the grounds of loss of privacy, noise and disturbance. The proposal will not include any material external development/ alterations apart from proposed windows but it will on the ground floor and be obscured by the existing fence. Therefore the development will not result in any additional impact of neighbouring properties.

Whilst the proposal amounts to a change of use, the former use as a residential dwelling is residential in nature, and the impacts on the occupants of nearby dwellings are predominantly related to the use of the private amenity space and bin stores. The bin stores have been designed to the side of the building. It will be close enough for the bin men to collect from Follyhouse Lane and minimise any disturbances to the local residents.

Furthermore, the proposal is considered unlikely to result in undue additional noise and disturbance for neighbouring residents over and above the former use.

### **Community Safety**

Based on the proposal before the council the Police Designing Out Crime Officer (DOCO) has no objection and offered secure by design measures and suggested that the rooms should be self-contained flats as an alternative. Whilst this point has been relayed to the agent who was willing to engage with the (DOCO), the council has to process the application before them. The DOCO had some concerns regarding the internal layout which is outside the scope of this planning application.

Furthermore, a key to any HMO development is the satisfactory operation and management of the premises by operator. The agent and the applicant acknowledged and confirmed they are happy to work with the Housing Standards Officers to provide and sign up to PMP (Premises Management Plan) for the property to ensure the safety and protection of the occupiers, the surrounding residential occupiers and the appropriate level of management for the premises. They will complete and submit a HMO licence.

The PMP should include a procedure for dealing with any breaches of the tenancy agreement such as bad behaviour etc. The wording of the plan will be agreed between Housing Standards Team, applicant and any other party (ies). The PMP can also be secured by a safeguarding condition as part of any planning approval.

The Housing Standards Officer and the HMO, Supported Housing or Hostels Team have concerns regarding the internal arrangements of the HMO, However this is outside the scope of this planning application. These concerns have been relayed to the applicant/agent, who were willing to address this issue at the building control stage.

On balance based on what is before the planning authority, the proposal doesn't pose any issues from a community safety perspective. It is necessary to include a security measures condition and an informative as recommended by the DOCO to help minimise any amenity issues.

## **Impact on the Conservation Area**

Highgate Conservation Area lies to the rear of the application property. The application house is 13 metres to the conservation area with the only alteration to the side is an additional window opening and the replacement of the window with a door, which will have no impact on the setting of the conservation area.

## **Highway Safety**

Walsall's Unitary Development Plan requires vehicular access in and out of a site to be safe and an assessment made as to whether the existing local roads can be suitably accommodate the impact of the proposal, whether adequate parking and turning spaces exist within the site and that the needs of pedestrian and cyclists have been met. This policy reflects paragraph 32 of the National Planning Policy Framework which requires all schemes to provide safe access for all.

The Highway Authority were consulted and have concerns that the applicant must address the parking provisions to accommodate the proposed development and provide adequate pedestrian or vehicular inter-visibility. The applicant and the agent are engaging to address these issues.

## **Other matters – non- material planning considerations**

Objectors concerns regarding the lack of insulation/ sound proofing, impact on the quality of life of local residents/ cause of mental issues the proposal will spoil a beautiful family home, end users will have no respect to others/ cause noise/ anti-social behaviour, 144, Sandwell Street with untidy, badly maintained, who will be award the HMO licence, neighbours are annoyed with the proposal, fly-tipping is a major problem in the area, people in Sandwell Street have lived there for 20 + years with a strong community spirit, HMO will decrease house value, the landlord is from London, and unlikely to be available to solve any problems at the application site, concerns with the management of the building/ who will have the licence, there is a cannabis factory in the area, the owner (verbally) confirmed who will manage the HMO. They give the impression the end users will be ex-offenders, with no investment in the community. The proposal will not be for the community interest. Whilst all of these points were noted, they are not material planning considerations in the determination of this planning application. Whilst there is reference to the cannabis farm, it is a matter for residents to raise this directly with the Police to investigate and deal with.

Valerie Vaz MP

The Member of Parliament (MP) objected on the grounds that proposal may cause overcrowding and congestion in the area and mentioned that there is a five - bedroom HMO on Sandwell Street (144, Sandwell Street). This point was noted. However, the Council has no planning policy to restrict the amount of HMOs in an area.

There will be two proposed car parking spaces as part of the proposal. Parking in Sandwell Street and Follyhouse Lane are experiencing parking issues. The redevelopment of the Sikh Temple adds to the parking crisis. The issues relating to the lack of parking has been noted and the impacts from the Sikh Temple are outside the scope of this planning application. The applicant and the Highway Authority are working together to address any highways safety issues relating to this particular application site.

The proposal will impact on the Conservation Area which is nearby. Whilst this point is noted, the application site is not within the conservation area. Highgate Conservation Area does share the rear boundary of the application site and no changes to the rear of the building are proposed. Given the rear wall of the building is 13 metres to the boundary of conservation area, the physical changes to window openings are unlikely to cause any material harm and the physical change

from one form of residential use to another form of residential use will not materially harm the conservation area.

Finally, the proposal may cause pollution and noise issues but the proposed use is unlikely to result in any additional noise and disturbance of those from a large family.

## **Conclusions and Reasons for Decision**

The proposed change of use is not considered to have any significantly adverse impact on the character of the area, residential amenity or community. Subject to the resolution of the parking and visibility issues, it is considered that the application should be recommended for approval subject to conditions as set out in the report.

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

Officers have spoken with the applicant's agent and in response to concerns raised by The Highways (Transportation Team) regarding the parking provisions on the application site and adequate pedestrian or vehicular inter-visibility, amended plans have been submitted which enable full support to be given to the scheme.

## **Recommendation**

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission subject to:

- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed.
- Resolving highways concerns regarding parking provision for the application site and demonstrate is adequate to serve the needs of the development and adequate pedestrian or vehicular inter-visibility.

## **Conditions and Reasons**

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

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

2: The development shall not be carried out otherwise than in accordance with the following approved plans and documents:

- Application Form dated 14/05/2021 - Received 9th August 2021
- Drawing No. 40047 - 03 – 03 – Drawing Title: Existing Elevations – Dated 08.03.21 – Received 9th August 2021
- Drawing No. 40047 - 03 - 01- Drawing Title: Location, Site Location (Revision A) – Dated 08.03.21 - Received 9th August 2021

- Planning Support Statement - Received 9th August 2021
- Drawing No. 40047 - 03 – 05- Drawing Title: Proposed First Floor Plan (Revision A) – Dated 08.03.21 - Received 9th August 2021
- Drawing No. 40047 - 03 – 04 – Drawing Title: Proposed Ground Floor Plan (Revision A) – Dated 08.03.21 - Received 9th August 2021
- Drawing No. 40047 - 03 – 02- Drawing Title: Existing Floor Plans – Dated 08.03.21 - Received 27th September 2021

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).

3: Prior to commencement of the development hereby permitted a Premises Management Plan (PMP) shall be submitted in writing to and agreed in writing by the Local Planning Authority.

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

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

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

-All external doors to be PAS24; 2016

-All ground floor windows and over accessible roofs to be PAS24; 2016

-All ground floor windows and over accessible roofs including French doors and patio doors to have not less than one pane of 6.4mm laminated glass.

-Dusk until dawn lights (white light source) to be installed adjacent to each external door including either side of garage doors

-Recycling and refuse area to be secured at the rear of the property

-1.8m high closed board fencing with 0.3m trellis topper to be erected around the rear perimeter of the dwelling.

-All access gates to the rear of the property shall be of the same construction of the perimeter fencing, self-closing, facing the street, lockable with a key front and rear, designed to not create any climbing aids

-No Lead or metal shall be used on the ground floor.

-External door entrances to have CCTV fitted to meet NSI or SSAIB

-Mail delivery per room to be via 'secure external letter box' Standard TS009 (DHF TS009) SBD Homes 2019 38.3.

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

5. Notwithstanding the information as submitted the development hereby permitted shall not be carried out otherwise than in accordance with a maximum of 9 occupiers living within the property at any one time and shall thereafter be retained for the lifetime of the 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.

### West Midlands Fire Service

This property is required to be licensed under The Licensing of Houses in Multiple Occupation (Prescribed Description) (England) Order 2018.

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

Requirement B5: Access and facilities for the fire service

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

Requirement

Limits on application

Access and facilities for the fire service B5.

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

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

Intention

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

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

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

### Section 13: Vehicle access

Provision and design of access routes and hard-standings

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

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

- a. Provide access for a pumping appliance to within 45m of all points inside each flat of a block, measured along the route of the hose.
- b. Provide fire mains in accordance with paragraphs 13.5 and 13.6.

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

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

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 satisfy paragraph 14.10.
- 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).

### 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 280m<sup>2</sup>.
- 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>

National guidance document on water for ffg FINAL

6.2 Fire and rescue service duties - background legislation 2.1 The Fire and Rescue Services Act 2004 is the principal legislation, which governs both the Secretary of State and Local Authorities in the provision of fire and rescue services.

[www.water.org.uk](http://www.water.org.uk)

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

## 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.

### Sprinklers

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

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

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

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 Service

We recommend that HMO applicants obtain Landlord Accreditation Training for example with MLAS.

This would demonstrate a commitment on their part to be a fit and proper person as a landlord to avoid environments that become a drain on public services.

If any HMO application is approved for these premises.

For residential living, providing safe and secure accommodation.

The rooms may have more than one occupant.

The following is from a landlord/tenant forum <https://www.propertytribes.com/renting-to-couples-in-hmo-multilets-t-11546.html>

Does document Q apply?

<https://www.securedbydesign.com/guidance/building-regulations#part-q-home-types-2>

A cctv system would assist security. Providing occupants some reassurance in shared public areas. Facial view on all entrances and fire doors.

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

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

Lighting will be important. External and internal.

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

To provide security for residents entering and leaving. (SBD Homes 2019 page 63 49.1).

I would recommend 24 hour lighting (switched using a photoelectric cell) to internal communal areas.

Providing security to residents as they make their way within the building. SBD Homes 2019 page 63 49.2.

Consider access control see SBD Homes 2019 page 44, 27.24. (25 or more rooms).

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

Consider for communal shared entrances doors and visitor door entry systems to standard SBD Homes 2019 S41.

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.

All doors to a minimum PAS 24: 2016 standard. Particularly external doors.

PAS 24 2016 for all new windows. Controlled fittings – Building Regulations etc.

4

External LED lights with daylight sensors to the walls particularly adjacent to entrances.

This to provide security for residents and when entering and leaving. (SBD Homes 2016 page 51 33.1-2).

If required cycle stores, approved products, are recommended (SBD Homes 2019 page 68, 56).

Secure mail is recommended without providing unnecessary access to private areas.

SBD strongly recommends where possible, mail delivery via a 'secure external letter box' Standard TS009 (DHF

TS009) SBD Homes 2019 38.3.

'Through the wall mail delivery into secure internal letter boxes' can be considered Standard TS008 (DHF TS008) SBD

Homes 2019 38.5.

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

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

Below is a link to secured by design recommendations regarding selecting individual dwelling entrance door-sets.

This includes combined fire resistance with security.

[https://www.securedbydesign.com/images/downloads/DOORSET\\_BROCHURE\\_200319.pdf](https://www.securedbydesign.com/images/downloads/DOORSET_BROCHURE_200319.pdf)

You may wish to set the security measures as a Planning Condition if the applicant does not agree in the interests of safety and security.

Advice on home security can be found at:

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

If granted security will be important.

An application for self-contained flats would be preferable.

## END OF OFFICERS REPORT