



Walsall Council

SPECIAL PLANNING COMMITTEE

AGENDA

Thursday, 26th May 2022 at 5.30 pm

In the Council Chamber at Walsall Council House

Public access to meeting via: <https://aisapps.sonicfoundry.com/AuditelScheduler/CreateSchedules/Past/41>

MEMBERSHIP: TBA – Council 25th May, 2022

QUORUM: Seven Members

AGENDA

PART I – PUBLIC SESSION

1. Apologies.
2. Declarations of Interest.
3. Deputations and Petitions.
4. **Local Government (Access to Information) Act 1985 (as amended):**

To agree that, where applicable, the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.
5. Application List for Permission to Develop: **(Enclosed – page 5 - 154)**
 - a) Items subject to Public Speaking;
 - b) Items 'Called-in' by Members
 - c) Items not subject to 'Call-in'
- Copy **enclosed**

PART 2 – PRIVATE SESSION

6. **Enforcement Report – (Enclosed – page 155 - 197)**

(Exempt information under Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972) (as amended).

The Relevant Authorities (Discloseable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

| Subject | Prescribed description |
|---|--|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | <p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p> |
| Contracts | <p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> |
| Land | Any beneficial interest in land which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | <p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p> |
| Securities | <p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p> |

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
 - (a) Constitutes a trades secret;
 - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
 - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.



Development Management Planning Committee

Report of Head of Planning and Building Control on 26/05/2022

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| Item | Planning Application Number | Planning Application Site Address | Planning Application Proposal | Officer Recommendation |
|------|-----------------------------|---|--|---|
| 1 | 22/0100 | FORMER MCKECHNIE BRASS LTD, MIDDLEMORE LANE, ALDRIDGE, WALSALL, WS9 8SP Ward: Aldridge Central And South | CONSTRUCTION OF A NEW HOUSEHOLD WASTE RECYCLING CENTRE, WASTE TRANSFER STATION WITH PV SOLAR PANEL ROOF, RE- USE SHOP AND WORKSHOP, WELFARE OFFICES, WEIGHBRIDGES, GROUND MOUNTED SOLAR PV INSTALLATION, CREATING OF 2NO VEHICULAR ACCESS POINTS OFF MIDDLEMORE LANE, PARKING, EV CHARGING POINTS, REFUSE COLLECTION VEHICLE PARKING, STEEL PALISADE FENCING WITH ENTRANCE AND EXIT GATES, LANDSCAPING, PEDESTRIAN CROSSING POINTS, LIGHTING AND ANCILLARY WORKS. | PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING & BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO: <ul style="list-style-type: none">• NO NEW MATERIAL CONSIDERATIONS BEING RECEIVED WITHIN THE CONSULTATION PERIOD;• THE AMENDMENT AND FINALISING OF CONDITIONS;• NO FURTHER COMMENTS FROM A STATUTORY CONSULTEE RAISING MATERIAL PLANNING CONSIDERATIONS NOT PREVIOUSLY ADDRESSED;• OVERCOMING THE OUTSTANDING OBJECTIONS RAISED BY INLAND WATERWAYS ASSOCIATION (LICHFIELD BRANCH), THE LEAD LOCAL FLOOD AUTHORITY, CANAL AND RIVER TRUST AND ENVIRONMENTAL PROTECTION. |
| 2 | 22/0105 | FRYERS ROAD HOUSEHOLD WASTE AND RECYCLING CENTRE, FRYERS | THE DEMOLITION OF THE EXISTING HOUSEHOLD WASTE RECYCLING CENTRE AND WASTE TRANSFER STATION | PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING & BUILDING CONTROL TO GRANT PLANNING PERMISSION |

| | | | | |
|---|---------|--|--|---|
| | | ROAD, BLOXWICH, WALSALL, WS2 7LZ Ward: Birchills Leamore | AT FRYERS ROAD AND RE- DEVELOPMENT OF THE SITE TO PROVIDE A NEW HOUSEHOLD WASTE RECYCLING CENTRE, RE-USE WORKSHOP WITH PV PANEL ROOF, WELFARE OFFICE, WEIGHBRIDGE, VEHICLE HEIGHT BARRIER, PUBLIC ACCESS VEHICULAR CROSSOVER, PARKING, EV CHARGING POINTS, 2.4M PALISADE STEEL FENCING, PEDESTRIAN WALKWAY, LANDSCAPING, LIGHTING AND ANCILLARY WORKS. | SUBJECT TO CONDITIONS AND SUBJECT TO: <ul style="list-style-type: none"> • NO NEW MATERIAL CONSIDERATIONS BEING RECEIVED WITHIN THE CONSULTATION PERIOD; • THE AMENDMENT AND FINALISING OF CONDITIONS; • OVERCOMING THE OUTSTANDING OBJECTIONS RAISED BY THE LEAD LOCAL FLOOD AUTHORITY. |
| 3 | 22/0127 | BRUSH GARAGE, 86, LICHFIELD ROAD, WALSALL, WS4 1PY Ward: Rushall- Shelfield | SECTION 73A: APPLICATION TO VARY CONDITION 2 (NOISE) OF ALLOWED APPEAL DECISION APP/V4630/C/18/3197 762 DATED 12.07.2019 FOLLOWING ENFORCEMENT NOTICE E09/0717 ISSUED 05.02.2018 | PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING & BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS |
| 4 | 20/1575 | 2, WALSALL ROAD, WILLENHALL, WV13 2EH Ward: Willenhall South | PROPOSED CONSTRUCTION OF 4 NO. NEW THREE BED TOWNHOUSES WITH ASSOCIATED PARKING, ACCESS, EXTERNAL LIGHTING AND BIN STORES. | REFUSE |
| 5 | 20/0522 | FORMER ALLOTMENTS REAR OF 1 TO 9, CRICKET CLOSE, WALSALL | PROPOSED ERECTION OF 29 DWELLINGS (COMPRISING 22 OPEN MARKET DWELLINGS AND 7 | PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING & BUILDING CONTROL TO GRANT PLANNING PERMISSION |

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|--|--|---|--|---|
| | | <p>Ward: Paddock and Palfrey</p> | <p>AFFORDABLE UNITS) WITH LANDSCAPING, ACCESS ROADS, CAR PARKING AND ASSOCIATED INFRASTRUCTURE</p> | <p>SUBJECT TO CONDITIONS AND S106 TO SECURE URBAN OPEN SPACE CONTRIBUTION, AFFORDABLE HOUSING AND LANDSCAPE MANAGEMENT COMPANY TO MANAGE LANDSCAPING SUBJECT TO;</p> <ul style="list-style-type: none"> • FURTHER INDEPENDENT REVIEW OF PLANNING OBLIGATIONS TO INFORM FINAL LEVEL OF OBLIGATIONS (SHOULD MEMBERS CHOOSE THIS OPTION) • TO RESOLVE TREE ISSUES RAISED BY THE COUNCIL'S ARBORICULTURALIST • THE AMENDMENT AND FINALISING OF CONDITIONS • NO FURTHER COMMENTS FROM A STATUTORY CONSULTEE OR NEIGHBOUR RAISING MATERIAL PLANNING CONSIDERATIONS NOT PREVIOUSLY ADDRESSED |
|--|--|---|--|---|

Economy, Environment and Communities, Development Management

Planning Committee

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

Plans List Item Number: 1

Reason for bringing to committee

County Matters/Major Application and Significant Community Interest

Application Details

Location: FORMER MCKECHNIE BRASS LTD, MIDDLEMORE LANE, ALDRIDGE, WALSALL, WS9 8SP

Proposal: CONSTRUCTION OF A NEW HOUSEHOLD WASTE RECYCLING CENTRE, WASTE TRANSFER STATION WITH PV SOLAR PANEL ROOF, RE-USE SHOP AND WORKSHOP, WELFARE OFFICES, WEIGHBRIDGES, GROUND MOUNTED SOLAR PV INSTALLATION, CREATING OF 2NO VEHICULAR ACCESS POINTS OFF MIDDLEMORE LANE, PARKING, EV CHARGING POINTS, REFUSE COLLECTION VEHICLE PARKING, STEEL PALISADE FENCING WITH ENTRANCE AND EXIT GATES, LANDSCAPING, PEDESTRIAN CROSSING POINTS, LIGHTING AND ANCILLARY WORKS.

Application Number: 22/0100

Case Officer: Leah Wright

Applicant: Mr Stephen Johnson

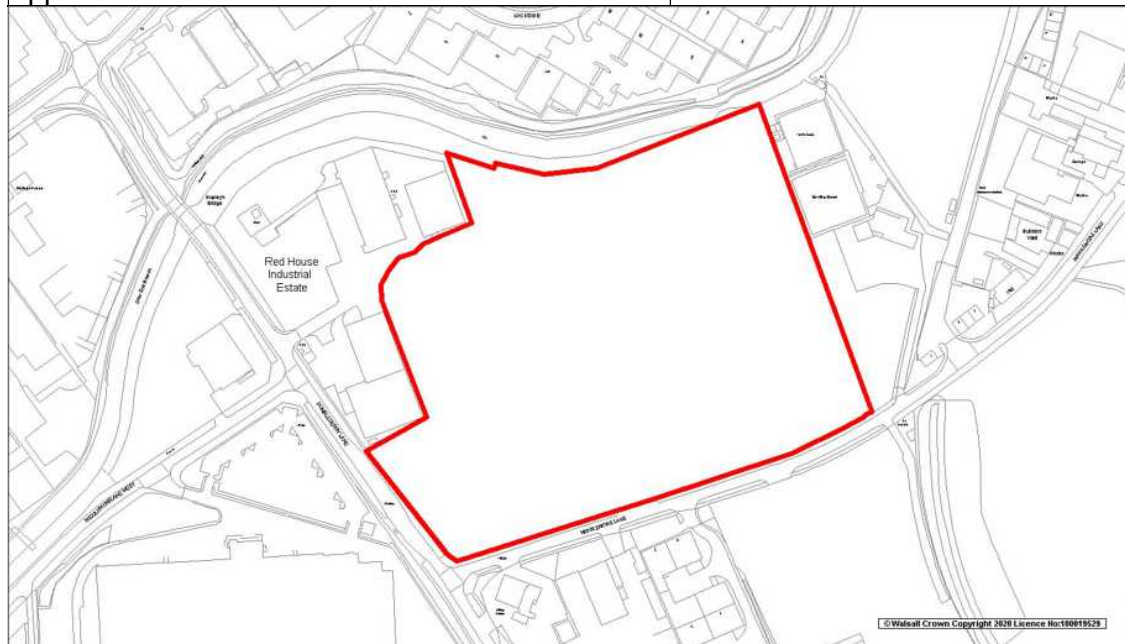
Ward: Aldridge Central And South

Agent: Wardell Armstrong LLP

Expired Date: 27-Apr-2022

Application Type: County Matters: Waste Application

Time Extension Expiry:



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Recommendation:

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- Overcoming the outstanding objections raised by Inland Waterways Association (Lichfield Branch), The Lead Local Flood Authority, Canal and River Trust and Environmental Protection.

Proposal

This application proposes the construction of a new Household Waste Recycling Centre, Waste Transfer Station with PV Solar Panel Roof, Re-use Shop and Workshop, Welfare Offices, Weighbridges, Ground Mounted Solar PV installation, Creating of 2no vehicular access points off Middlemore Lane, Parking, EV charging points, Refuse Collection Vehicle Parking, Steel Palisade fencing with entrance and exit gates, Landscaping, Pedestrian crossing points, lighting and ancillary works.

The proposals form part of a wider strategy to modernise and enhance the provision of waste management services within Walsall and are integral to delivering the wider objectives in meeting the current and future demand within the authority. The proposals will assist in meeting local and national objectives associated with the waste hierarchy by reducing landfill waste and increasing the amount of recycling rates.

The main elements of the scheme are detailed as follows:

- A new HWRC located on the eastern section of the site and will be accessed via a dedicated access point from Middlemore Lane. The containers would be measure 2m from operational vehicle level and would have stairs for staff to access the tipping area level from operational vehicle level. From the public parking/tipping area and road level the containers measure 3.75m in height and are constructed from a steel column with a “Y” shaped steel canopy over containers. Additionally there are railings above the skip container and a retaining wall separating each container.
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- 130 double parking spaces will also be provided on either side of the carriageway for users of the HWRC to reduce waiting time for service users and maintain traffic flow. The carriageway would be routed around a horseshoe shaped service area which would feature three banks of containers providing capacity for up to 39 containers. This capacity allows the council the flexibility to increase material streams captured, repeat containers and open/close containers when demand dictates.
- The HWRC will have a total capacity of 40,000tpa and will accept an array of municipal waste exclusively from the residents of Walsall which will be sorted on site into separate waste streams, for example glass, paper and card, steel and cans, aluminium, mixed plastic packaging, tyres, scrap metal, wood, rubble and plasterboard, carpets, book, textiles and garden and residual waste. A small portion of Construction and Demolition (C&D) Waste will be accepted at the HWRC from domestic sources, with approximately 10% of all of the waste accepted expected to comprise C&D Waste (i.e 4,000tpa). Once sorted and bulked, waste will be sent for onward processing to relevant facilities primarily within the UK but sometimes within the EU where local markets are not available. A low-level recycling area, staff welfare office, re-use shop and parking bays for staff and public would also be incorporated into the HWRC element of the proposals.
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- The new WTS will occupy a total footprint of approximately 6,630m² and will be used for the delivery, temporary storage, bulking, loading and transfer of local authority municipal collected waste streams. In terms of measurements, it will be approximately 107m in maximum depth, 62m in maximum width and 12.5m in maximum height. The WTS will have a maximum capacity of 125,000tpa with 12 internal bays and 4 external bays providing an additional capacity of 16,000tpa to futureproof the operations against future waste growth, whilst simultaneously providing room to expand separately collected material streams. The building has 5 principal Refuse and Waste Collection Vehicles (RCV) access routes, circulating vehicles through a one-way system which provides entry and exit via a dedicated WTS access onto Middlemore Lane. An area has also been allocated for the storage of plant vehicles to the rear of the WTS building.
- The WTS is intended to be used for the bulking of a number of different waste streams, prior to them being collected for onward processing and recycling. The WTS therefore optimises the efficiency of the waste collection operations by providing a local facility for the refuse collection vehicles (RCVs) to deliver the kerbside waste from households in the Council area to. All waste sent to the WTS will be municipal waste.
- The WTS is divided into a number of different bays, sized and located to suit the specific materials streams they are intended to be filled with. RCV's will drive in to one of the two entrances in the WTS and will deposit their load of waste close to the appropriate bay. Smaller mobile plant will then move this waste, as required, to optimise the use of the space in that bay. Once a bay is nearing capacity, following a number of RCV loads

deliveries, it will be arranged for a larger bulk haulage / articulated vehicle to visit site. That vehicle will be loaded up with the bulked material stream and taken off-site for further processing / recycling.

- The WTS at Middlemore Lane has been designed in two halves, and so it is effectively two WTS in one. RCV's delivering waste to the WTS will be directed to one of the two WTS entrances and to the appropriate bay for depositing the material. When a bay, for say, residual waste, becomes full in one half of the WTS, that bay will be closed, and the next delivery vehicle directed to the equivalent bay in the other side of the WTS. The design therefore provides significant capacity and also contingency. The small operating mobile plant vehicles are able to move between the two halves of the WTS easily, aiding effective management of the waste and optimising the storage capacity.
- The vehicles move through either side of the WTS in a one-way system from south to north, to minimise the amount of manoeuvring required inside the building and reduce the risk of vehicles clogging up the flow of traffic. Both the entrances and exits to the WTS have fast acting roller shutter doors so that when vehicles are not entering or exiting the building, these are closed. This is to prevent the risk of environmental considerations such as odour, litter and vermin and enables the waste to be stored in a more controlled environment, minimising the degradation in the material quality, and therefore maximising the value of those materials when transferred for onward processing / recycling. There will be an Environmental Permit in place for the operation of the site and it is anticipated that waste will not be stored on site for more than three days.
- A small trader scheme will be located adjacent to the WTS which will accept small amounts of commercial waste in 7 dedicated containers up to a capacity of 20,000tpa. 2.5.2 Access to the small traders' scheme and WTS is separately allocated to the west of the site to ensure no conflict between commercial vehicles and domestic vehicles utilising the adjacent HWRC.
- The small trader scheme has been allocated 7 storage containers and will be for the collection and transfer of Construction and Demolition (C&D) Waste and Commercial and Industrial (C&I) Waste, including common commercial waste streams such as residual waste, dry mixed recycling, green waste, rubble, plasterboard, scrap metal and wood. It is anticipated that the majority of waste accepted at the small trader scheme will comprise C&D waste, with 10% of the total capacity expected to comprise C&I waste (i.e 2,000tpa). Some of the material streams will be processed through the adjacent WTS (e.g residual, recycling) whilst others will be transferred off site as necessary to a suitable processor.
- There will be four single bi-directional weighbridges will be positioned within the internal carriageways within the WTS element of the site to facilitate service vehicles entering and exiting the site from Middlemore Lane and those collecting the containers within the HWRC element of the site. One of the weighbridges will also serve the Small Traders Scheme. There is also a proposed weighbridge office measuring 7m in depth, 3m in width and 3.97m in maximum height.
- There will be pedestrian access to the re-use shop which will be directly accessible from Middlemore Lane. The re-use shop will feature a dedicated car park to encourage users to stop and browse. The re-use shop will accept items which are re-useable and in a serviceable condition and will encourage products to be kept in the circular economy model. It would measure 15m in width, 40m in depth and 6.5m in maximum height with a pitched roof with eaves of 4m. There are windows and doors proposed
- The staff welfare office is centrally located on the site to enable easy access to/from the small traders' scheme, WTS and HWRC and will provide welfare facilities for staff members of the HWRC and WTS. It would measure 15m in width, 25m in depth and 6.5m in maximum height with a pitched roof with eaves of 4m. There would be various windows and doors of a similar style on the elevations of the building.

- The site is expected to meet a portion of its energy demand using solar energy with Solar PV Panels installed in the following areas:
 - 132 Solar PV Panels on the roof of the welfare office;
 - 108 Solar PV Panels on the roof of the re-use shop and workshop;
 - 2744 Solar PV Panels on the roof of the WTS;
 - 838 Solar PV Panels within a separate 6,000m² ground mounted Solar PV Array in the south-eastern corner of the site.
- A new 2.4m high palisade perimeter fence in grey galvanised steel will be installed on the boundaries of the site along with entry and exit gates to keep the site secure. Details of the fencing are included on Drawing CA11906-265.

The site will have a maximum capacity to accept a total of 201,000 tonnes of waste per annum however there will be no direct processing of waste on any part of the site and activities will be limited to basic sorting, storage and bulking of materials using an assortment of plant machinery, including loading shovels and compactors. The HWRC will operate 7 days a week 8am to 7pm and the WTS will operate 7 days a week 7am to 6pm.

The application is accompanied by the following documents:

A Planning Supporting Statement, which outlines the overall need for, and demonstrable acceptability of the proposals from both a policy and technical perspective.

A Statement of Community Involvement, which sets out the consultation which has been undertaken prior to the submission of the application, the responses received during this process and how the application has sought to address the concerns raised by the local community, CCC and statutory and non-statutory consultees.

A Site Selection Assessment, which demonstrates the process which has been undertaken in concluding that the chosen site at Middlemore Lane is the most appropriate location for the proposals. The statement identifies other sites considered as part of the selection process, the areas of considerations applied to the selection process, and the overall reasoning for the discounting of alternative sites in favour of the application site.

A Visual Impact Appraisal, setting out the existing context of the site, the nature and extend of potential views of the proposed development, and the quantification of the predicted effects upon views as experienced by identified visual receptors.

Technical Reports which include the following:

- Air Quality;
- Arboricultural Assessment;
- Flood Risk Assessment and Sustainable Drainage Strategy;
- Glint Assessment;
- Minerals Resource Assessment;
- Noise Assessment;
- Phase 1 Contaminated Land Report;
- Preliminary Ecological Appraisal including: Spring, Summer and Autumn Bat Activity Surveys;
- Otter and Water Vole Surveys;
- Transport Assessment.

The application also includes a suite of plans to support the proposal.

Site and Surroundings

The site is approximately 6ha and fronts onto Middlemore Lane to the south, with sports fields abutting the site to the east, the Daw End Branch Canal to the north and industrial units fronting Dumblederry Lane to the west.

The site comprises the former McKechnie Brass Ltd site which consisted predominantly of abandoned large scale industrial buildings in the Redhouse Industrial Estate. Planning permission was granted in 2018 for the redevelopment of the site including the demolition of the abandoned buildings and change of use from general industrial to a mixed industrial and storage and distribution use (planning reference 17/0485). The buildings on site have therefore now been demolished and the site has been remediated under the provisions of this planning permission. The site is currently accessed via one point of access/egress on Middlemore Lane. There are several businesses which abut the boundary of the proposed site, including 'Geddes Packing' on the western boundary and 'Amplify Talent UK' on the eastern boundary.

The site is well contained and in an established industrial location, located approximately 230m from the nearest residential dwelling on Westfield Drive to the east of the site.

The site at Middlemore Lane is not located within any statutory or non-statutory environmental designations. The northern boundary of the site abuts the Daw End Branch Canal which is identified as a 'Site of Local Importance for Nature Conservation' (SAD Policy EN1). The site is also located within 'Impact Risk Zones' of several Sites of Special Scientific Interest (SSSI's), the nearest being Stubbers Green Bog (approximately 700m north) and Daw End Railway Cutting (approximately 1km west). 1.5.2 In addition to the SSSI's, there are several Local Nature Reserves (LNR's) within the broader vicinity of the site. The nearest LNR is Park Lime Pits (approximately 1.3km south-west of the site), followed by 'Hay Head Wood' and 'The Cuckoo's Nook and the Dingle' LNR's (both located approximately 1.8km to the south).

The site is not within a Conservation area, nor does it comprise a listed building.

Relevant Planning History

MCKECHNIE BRASS LTD, MIDDLEMORE LANE, ALDRIDGE, WALSALL, WS9 8SP

16/0133- Screening Opinion as to whether an environmental statement is required for B1(c), B2, B8 Industrial development- Screening Opinion EIA not required- 16-Feb-2016.

17/0485- A hybrid application for the redevelopment of this site:

- a full planning application for demolition of all buildings and change of use of the land from general industrial (Class B2) to a mixed use of light industrial (Class B1), general industrial (Class B2) and storage or distribution (Class B8) and for the access of Middlemore Lane, the internal road layout and the drainage infrastructure.

- an outline application for construction of up to 22,703sq.m. of new buildings, the provision of associated car parking, servicing and circulation areas, landscaping of the site, SUDs ponds and all other associated works (other than those detailed within the full planning application)- GSC 24-Oct-2017.

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 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**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)

- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Trees
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- JP8: Bad Neighbour Industrial Uses
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- EMP1: Providing for Economic Growth
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- EMP3: Local Quality Employment Areas
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy

- ENV8: Air Quality
- WM1: Sustainable Waste and Resource Management
- WM2: Protecting and Enhancing Existing Waste Management Capacity
- WM3: Strategic Waste Management Proposals
- WM4: Locational Considerations for New Waste Management Facilities
- WM5: Resource Management and New Development

Walsall Site Allocation Document 2019

IN2: Potential High Quality Industry- Site reference IN12.8 Former Mckechie Brass, Middlemore Lane, and Aldridge.

OS1: Open Space, Sport and Recreation

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk

EN4: Canals

W3: New Waste Management Development- Waste Treatment and Transfer

W4: New Waste management Development- Waste Disposal

Policy M1: Safeguarding of Mineral Resources.

T4: The Highway Network

T5: Highway Improvements

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

- DW10 Well Designed Sustainable Buildings

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

Other relevant Policy:

1.1. National Planning Policy Framework (NPPF) (2021)

- Paragraph 7: Proposals for new or enhanced waste management facilities are not required to demonstrate a quantitative or market need for the proposal when in accordance with an up-to-date plan.
- Paragraph 11: Presumption in favour of sustainable development

1.2. National Planning Policy for Waste (NPPW)

- Appendix A: The Waste Hierarchy [prevention -> re-use -> recycling -> recovery -> disposal] – ‘the most effective environmental solution is to reduce the generation of waste, including the re-use of products’
- Paragraph 7: WPAs should:
 - Require proposals not in accordance with an up-to-date plan to demonstrate an identified need
 - Not prejudice waste movement up the waste hierarchy
 - Consider environmental impact
 - Ensure facilities are well designed

Consultation Replies

Asset Management

- No comment

Archaeology

- No archaeological implications.

Building Control

- No comment.

Cadent Gas Ltd

- No comment.

Canal and River Trust

- Request additional information to be submitted on various points and conditions to mitigate against harm of development.

Clean and Green

- No comment.

Coal Authority

- Application site does not fall within the defined development high risk area- if permission is granted The Coal Authority's Standing Advice will be included as a note to applicant.

Community Safety

- No comment.

Cycling and Pedestrian Officer

- No comment

Drainage

- No comment.

Ecology BBCWildlife

- No comment.

Economic Regeneration

- No comment.

Environment Agency

- No objection. Notes to applicant provided.

Environmental Health

- No comment.

Environmental Protection

- Insufficient information in regard to air quality. The Applicant is required to agree (and thereafter implement) ground gas mitigation measures in writing with the Local Planning Authority. Furthermore, a Construction Management Plan must be agreed and implemented. The Applicant is also required to comply with the Air Quality SPD, necessitating the installation of electric vehicle charging points and provision of a Travel Plan.

Historic England

- No comment.

Highways England

- No comment.

Health and Safety Executive Hazardous Substances

- No comment.

Inland Waterways Association (Lichfield)

- Heritage Assessment fails to consider the Daw End Branch Canal, concern with the design of the development.

Limestone

- No comment

Local Highways Authority

- Support subject to conditions.

Local Lead Flood Authority

- Recommend planning permission is not granted until outstanding issues regarding discharge point and method, hydraulic calculations, exceedance and maintenance.

Natural England

- No objection.

Network Rail

- No comment

Public Health

- Queried whether a Health Impact Assessment has, or is required to be carried out.

Public Rights of Way

- No objections or requirements.

RSPB

- No comment.

Regeneration and Development

- No comment.

Severn Trent Water

- No objections subject to a condition regarding submission of drainage plans for the disposal of foul and surface water flows. Notes recommended to applicant regarding public sewer.

South Staffs Water

- No comment

Strategic Planning Policy

- Overall support with some mitigatable concerns over traffic impact.

Structures

- No comment

Tree Preservation Officer

- Recommend consent subject to a condition relating to implementation of recommendations, guidelines, location and specification of the tree protection fencing as detailed in the Arboricultural Impact Assessment.

Waste Management (Clean and Green)

- No comment

West Midlands Fire Service

-Note to applicant regarding approved document B, Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Requirement B5: Access and facilities for the fire service.

West Midlands Police

- No objection.

West Midlands Rail

- No comment

West Midlands Trains Limited

- No comment

Western Power

- No comment

Representations

19 representations were received objecting to the proposal, whilst one objection was received in support of the proposal. The comments are summarised as follows (officers' comments are in italics).

- Excellent well thought out proposal.
- No mention of trees on planning permission- *see tree section of the report.*
- Traffic issues and highway safety- *No objection from the highways authority.*
- Dust and dirt
- Noise pollution
- Leighswood road dangerous for pedestrians
- Odours from development.
- Destruction in Aldridge.
- Air Quality report should cover the potential operational impact on the community- *See Air quality section of this report.*
- HGVs would be disastrous to the road and Anchor Meadow.
- Site is close to residential areas- *The site is approximately 190-200m to the nearest residential properties.*
- Will affect house prices- *Not a material planning consideration.*
- Increase in litter.
- Will bring pests to the area.
- Overdevelopment of Aldridge- *The proposal is considered to be well contained within the site and does not represent overdevelopment.*

Determining Issues

- Principle of Development
- Design, Layout and Character
- Residential Amenity
- Highways
- Impact on the Canal
- Flooding and Drainage
- Air Quality/Noise/EV Points
- Contamination
- Impact on Natural Environment
- Trees/Protected Trees
- Security

Assessment of the Proposal

Principle of Development

The site is allocated IN12.8 (Policy IND2) as Existing High Quality Industry and sits 400m outside Aldridge District Centre, as illustrated in the Walsall Local Plan Policies Map (2019) for the SAD.

New waste management facilities are supported under BCCS Policy WM1 and encouraged to help meet targets toward landfill diversion, ensure equivalent self-sufficiency in waste management and meet identified capacity requirements.

The main policy concern is the location of the proposal in an area designated primarily under SAD Policy IND2 as high quality industry. It is considered other uses are acceptable 'where they can be shown not to impinge adversely on the overall quality of the area'. The use of buffer zones, the orientation of the site, transport plan and supporting evidence show consideration has been given to avoid adversely affecting the quality of the area, both from the site itself and its associated transport movements. While waste uses are considered Locally Unwanted Land Uses in many respects, they offer benefit to the wider borough and support Walsall's status as a net importer of waste and self-sufficiency in waste management (along with the wider Black Country), as identified in the Waste Study (2019) for the BCP. In addition, inclusion of a reuse shop offers further opportunities for landfill diversion.

Supporting evidence and justification is necessary to demonstrate compatibility with nearby existing uses and future aspirations for the area, including potential high quality employment land allocated at adjoining sites (SAD site references IN12.1, IN12.5, and IN12.6 refer). The Site Selection Report (Appendix E) s included 'an initial call for sites, location assessment, policy compatibility, viability considerations, and development and operating expenditure and evidentially that the chosen site is the most appropriate location'.

A Mineral Resource Assessment (Appendix K) has been submitted which identifies two superficial sand and gravel deposits, concluding that their 'extraction is either commercially unviable' or 'will already have been significantly sterilised by previous development' and are 'not of sufficient economic value to outweigh the merits of the proposed non-mineral development'.

A Transport Assessment has been submitted which provides the net proposed trip generation for the site, taking into account the 'approved vehicle movements of the existing approved use of the site, and the removal of the existing vehicle generation associated with the Merchants Way HWRC and Fryers Road WTS, following their closure. The conclusions of the TA indicate that the forecast demand can be accommodated within the existing highway network and can operate without detriment to the surrounding network.' (Paragraph 4.11.1)

It is a requirement to demonstrate no significant harm on natural, historic or built environment or significant adverse effect on the amenity of those living or working nearby for the renewable energy installation and deliver off-set capacity in accordance with BCCS policy ENV7. Paragraph 4.7.35 states: 'the proposed development by virtue of its location within the existing urban setting of the conservation area and the distance between the conservation area and the site is anticipated to cause no harm to its significance and significance would be preserved.' Further the proposals demonstrate that any potentially adverse amenity impacts can be appropriately mitigated and the use of the site as a modern and efficient facility' (Paragraph 6.9.9)

Justification should be provided for the proposals to demonstrate how they minimise adverse amenity impacts and compatibility with existing and proposed high quality employment uses in order to address the requirements of SAD Policy IND2 and BCCS Policy EMP2.6. It should also be demonstrated that no unacceptable effects on health, the environment, amenity or infrastructure, and that any potentially harmful effects or land use conflicts likely to arise will be effectively managed, or for open air storage/processing, evidence that the development will not present unacceptable risks from fire, and that due consideration has been given towards environmental constraints and otherwise demonstrate that enclosure of the operations within a building is not feasible (SAD Policy WM3 & 4).

Paragraph 5.3.6 states that 'The application is supported by an Air Quality Assessment, a Noise Impact Assessment, a Flood Risk Assessment and a review of the remediation which has been undertaken on site has been carried out which all conclude that the proposal will not cause pollution or cause unacceptable adverse impacts in terms of polluting emissions'.

Section 4.6 addresses ground conditions specifically, The previously approved development (17/0485) has partly been implemented insofar that the conditions relating to ground conditions and remediation of the WA ground engineers reviewed the previous Remediation Validation report to establish the suitability of the remediation for the use hereby proposed and concluded that no further remediation works are deemed necessary site have been discharged and was handed over in a 'developable' condition.

A small re-use shop is included in the proposal, this is an ancillary comparison retail use increasingly associated with waste management sites in England (for example, at the Tyseley Household Recycling Centre in Birmingham) in which residents can both deposit and purchase furniture, electrical goods and other items that have been diverted (for re-use) from waste processing (re-cycle). This supports the national and local strategy to move waste up the waste hierarchy and is offers a last-moment landfill diversion.

The Black Country Plan contains housing allocations units in a number of large scale sites in proximity to the proposal to the East of the borough, which is likely to further increase future demand following the plan's scheduled adoption in 2024. The Waste Study prepared for this plan highlights a need for waste transfer and HWRC capacity in Walsall alongside the contribution of extended opening hours to mitigating against fly tipping or waste crime (Wood, 2019).

It is considered that a number of concerns associated with this location and use have been addressed by the inclusion of supporting evidence appended to the application, including matters of minerals sterilisation, location of the site, transport impact, air quality, noise, flood risk, ecology, ground conditions and visual impact on the adjacent sports ground and canal. This evidence is comprehensive and suggests that any associated impact can be mitigated with the recommended steps. As such, the proposal is supported in principle.

Design, Layout and Character

The design and layout of the scheme maximises operational and public safety with separate site entrances for commercial and household functions. Both site entrances are accessed off Middlemore Lane, with the commercial function, namely the WTS and Small Traders Scheme

concentrated to the west of the site (neighbouring other large commercial buildings on adjacent land) and accessed from the most westerly entrance. This entrance will be a two-way carriageway, with a filter lane for incoming users of the small traders' scheme area. The HWRC is positioned to the east of the site, and a separate access for the HWRC, re-use shop and staff welfare facilities is located further east along Middlemore Lane. A shared car park for re-use customers and staff is located immediately upon entrance to the site. An area approximately 1ha in size in the southeast corner of the site is intended for a solar photovoltaic installation.

It is considered the design of the scheme is typical of this type of development and the layout is efficient and maximises use of the site. The surrounding area is industrial in nature and as such the works and proposed use would assimilate well. The proposed buildings and containers are simplistic, built for purpose and are of an appropriate scale to the surrounding area. A condition will be implemented on any approval requesting details of the external materials of the proposed development to ensure a high quality development ensues.

There are areas of landscaping in and around the site which help to soften the proposal whilst also adding an element of external security.

In terms of boundary treatments, a new 2.4m high palisade fence in grey galvanised steel is proposed to be installed on the boundaries of the site along with entry and exit gates to keep the site secure. It is considered that this type of boundary treatment offers a climbing facility and easy removal of rails and there is also concern from the Canal and River Trust on the impact of the canal due to the boundary treatment. As such a condition will be imposed relating to boundary treatments to ensure the security of the site.

Residential Amenity

The site forms part of the Redhouse Industrial Estate and the site's setting is primarily industrial/commercial, particularly to the south, west and the north. There are residential properties and the town centre of Aldridge to the east.

The site is segregated from the nearest housing estate by other industrial premises, The Daw End Branch Canal and highway to the south and west of the site. The nearest residential properties range from approximately 190-200m from the site located at The Briars and Gretton Crescent.

The Visual Impact Appraisal noted that the visual envelope would be restricted to receptors at immediate to short distance of the site and the site is typically well contained by surrounding commercial and industrial unites on the estate but also by existing tree belts along the canal to the north, and further scattered tree cover in many other directions.

As above, it's considered that the proposed development is well contained within the site and it's considered that the buildings are appropriate in scale.

Given the above mentioned distance to nearest residential occupiers, it is considered that any noise and disturbance would not be significant. It should be noted that Environmental Protection support the proposal subject to conditions.

Conditions would be included to restrict the use of an external tannoy or similar system, to safeguard the amenity of nearby occupier.

Overall, the proposal is considered acceptable subject to the conditions as set out and accords with Saved UDP Policies GP2 and ENV11 and the NPPF.

Highways

The proposals involve revisions to the access, which is currently off Middlemore Lane. The site will provide two new accesses for the WTS and HWRC both off Middlemore Lane. The western site access will be for the WTS and will predominantly accommodate HGVs as well as light vans. The eastern site access will be for the HWRC and will only accommodate standard design vehicles.

The appropriate visibility splays can be achieved for both site access based on the speed limit of Middlemore Lane. The internal routes from both the HWRC and WTS along with the accesses have been designed to accommodate the intended vehicles (that will use them) safely. Swept path analysis of both accesses along with the internal routes have been provided.

A total of 130 parking spaces will be provided for the HWRC on the site and 66 spaces will be provided for the WTS, staff and re-use workshop, including 3 disabled spaces and 7 EV charging points. In addition a total of 12 Sheffield style cycle parking stands located in sheltered cycle storage will be provided for the employees.

The site was granted planning permission in 2017 (Ref: 17/0485) for a hybrid application for the redevelopment of the site which consisted of: a full planning application for demolition of all buildings and change of use of the land from general industrial (Class B2) to a mixed use of light industrial (Class B1), general industrial (Class B2) and storage or distribution (Class B8) and for the access off Middlemore Lane, the internal road layout and the drainage infrastructure and an outline application for construction of up to 22,703sq.m. of new buildings, the provision of associated car parking, servicing and circulation areas, landscaping of the site, SUDs ponds and all other associated works.

Using Trics data it is predicted that the extant use would generate 119 two-way vehicle trips within the AM peak hour, 84 two-way movements in the PM peak hour and 1,272 daily two-way daily movements.

The proposed strategy for meeting future needs will involve the removal of the WTS at Fryers Road and introduction of a larger WTS at Middlemore Lane.

The HWRC currently at Merchants Way will be replaced by a larger more modern HWRC at Middlemore Lane, which will sit alongside the new WTS. The Merchants Way site will remain operational during the construction of the Middlemore Lane HWRC however once operational the intention will be to remove the HWRC provision at Merchants Way entirely.

The Waste Management Team for Walsall have provided the projected tonnage of the proposed WTS, which was used to calculate the projected vehicle movements per day. The proposed WTS will operate 7 days a week 07:00-18:00. It has been detailed that the proposed WTS will handle up to 125,000 tonnes per annum, with additional external storage bays which can accept approximately 16,000 tonnes per annum. The load data vehicle movements per day were devised from this figure for the proposed WTS at the site

WTS Trips

Based upon the tonnage figures it is predicted that there will be an average of 145 WTS stream movements associated with the proposed WTS per day. The vehicles to the WTS will be predominantly refuse collection vehicles or similar, with an average payload of 5-6 tonnes. It is therefore assumed for worst case assessment that all of these trips will be via HGVs.

HWRC Trips

It is predicted the proposed HWRC will generate 107 two-way vehicle trips within the AM peak hour, 79 two-way movements in the PM peak hour, 377 two-way movements in the Saturday peak hour, 2,935 daily two-way movements in the Weekday and 3,356 daily two-way movements in the Weekend.

Net Trips

Taking off the extant use trips the proposed site is predicted to result in a net increase in the AM peak of 14 two-way movements, an increase in the PM peak of 22 two-way movements, an increase in the Saturday Peak of 404 two-way movements, an increase in the weekday daily of 1,953 two-way movements and an increase in the weekend daily of 3,646 two-way movements.

Net Trip Generation with Merchants Way Removed

As it is the intention to close the Merchants Way HWRC once the proposed Middlemore Lane HWRC is operational, the anticipated net trip generation when the Merchants Way HWRC vehicle trips are removed from the highway network. The weekday AM peak and PM peak, Saturday Peak, total weekday and weekend daily trips for the proposed HWRC and WTS site if deducted from both the existing consent and existing Merchants Way HWRC trips will result in a net decrease in the AM peak of 57 two-way movements, a decrease in the PM peak of 102 two-way movements, an increase in the Saturday Peak of 152 two-way movements, a decrease in the weekday daily of 4 two-way movements and an increase in the weekend daily of 1409 two-way movements.

Net Trip Generation with Merchants Way and Fryers Road Removed

Similarly, as the Fryers Road WTS will no longer be operational (should the proposed WTS be granted permission), the anticipated net trip generation when the Merchants Way HWRC vehicle trips are removed from the highway network, and when the existing Fryers Road WTS vehicle trips are removed from the highway network. The weekday AM peak and PM peak, Saturday Peak, total weekday and weekend daily trips for the proposed HWRC and WTS site if deducted from both the existing consent, existing Merchants Way HWRC trips and existing Fryers Road WTS trips will result in a net decrease in the AM peak of 77 two-way movements, a decrease in the PM peak of 122 two-way movements, an increase in the Saturday Peak of 132 two-way movements, a decrease in the weekday daily of 224 two-way movements and an increase in the weekend daily of 1189 two-way movements.

HGV Trips

It has been assumed that all 145 WTS trips will be undertaken via HGVs with no existing Fryers Road HGVs trips netting off the network. Given the WTS will be operate 7 days a week 07:00-18:00 the 145 trips (290 two-way trips) have been divided by the opening hours meaning the site will generate a total of 26 two-way HGV trips in the AM Peak, PM Peak and Saturday Peak.

For the HWRC the TRICS data provided predicting the site will generate 4 two-way HGV trips in the AM Peak, 0 two-way HGV trips in the PM Peak and 3 two-way HGV trips in the Saturday Peak. These will be assigned on the highway network accordingly.

It is worth noting that whilst the consented TA for the application does not detail the extant consent HGV trips but TRICS predicts that the extant consent for the site could generate up to 200 daily HGV trips. Therefore, by not netting these trips off a worst case assessment is assumed.

Trip Distribution

The HWRC will be distributed on the basis of trips routing from the surrounding areas. Therefore 25% of the trips have been distributed via Leighswood Road (N), 25% via Leighswood Road (S), 25% via Red House Lane (W) and 25% via Paddock Lane.

Given there is a weight restriction of 7.5 tonnes on Dumblederry Lane and in light of the public consultation undertaken where local residents requested that all HGVs avoid Leighswood Road all WTS trips will be routed from the site access to the west along Middlemore Lane. At the Middlemore Lane / Dumblederry Lane junction the WTS trips will all then be routed north. From here 15% of HGV trips will route west out of Middlemore Lane West with 42.5% of HGV trips routed west further north out of Westgate and the remaining trips routed north out of Stubbers Green Road.

Junction Impact

On the basis of the volume of vehicle trips the transport assessment focuses on the following junctions:

Site Access / Middlemore Lane;
Middlemore Lane / Leighswood Road;
Middlemore Lane / Dumblederry Lane;
Redhouse Lane / Dumblederry Lane / Station Road / Paddock Lane Crossroads; Dumblederry Lane / Middlemore Lane West;
Dumblederry Lane / Westgate / Wharf Approach;
Wharf Approach / Stubbers Green Road.

The following two committed developments have been included within the assessment scenarios: Land North East of Shaylor Anchor Brook Industrial Park (19/1543) and Former Jack Allen Holdings Ltd (21/0572).

It is predicted that the proposed development will have a marginal increase in percentage impact on all six junctions in the AM and PM peak periods. During the network peak the development will have a negligible impact on the road network.

For the Saturday Peak the impact ranges from 2% to 88% however this is due to the low baseline flows at the junctions. The impact can be easily accommodated within the junction's capacity as detailed within the traffic impact assessment. Traffic flows during the Saturday peak hour are notably lower than the weekday AM and PM peak hours.

The junctions have been tested and all junctions surrounding the site does not alter significantly as a result of the proposed development. The results for all of the assessed junctions including the site access junction demonstrate the forecast demand can be accommodated within the existing network and that the junctions would operate with a significant level of reserve capacity with minimal queuing and delay.

The Highway Authority accepts the findings of the Transport Assessment that the operation of all junctions surrounding the site does not alter significantly as a result of the proposed development.

The results for all of the assessed junctions including the site access junction demonstrate the forecast demand can be accommodated within the existing network

A Staff Travel Plan has been provided to encourage the use of non-car modes of travel and ensure the sustainability of the development.

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2021 paragraph 111 and support the proposal subject to conditions.

Impact on the Canal

The Canal and River Trust have advised that the main issues relevant to the trust are, the impact of the proposal on the structural stability of the adjacent canal, the enabling of inspection and maintenance access to the neighbouring Sluice, Aldridge Wharf Valve, The protection and enhancement of the canal corridor County Wildlife Site, the visual impact of the boundary treatment on the canal corridor and the protection of water quality in the canal and that they require further information to clarify points in addition to recommending conditions.

IWA is concerned that the Heritage Assessment fails to consider the Daw End Branch Canal as an Undesignated Heritage Asset. They have also stated that the Noise Assessment takes no account of the residential use of canal boats which are permitted to moor adjacent to the site for

periods of up to 14 days and have inherently less sound insulation properties than residential buildings. They have also expressed concern with the design of the proposal.

In response to the above, the agent has supplied with the LPA with a comprehensive response to the various points which includes an updated heritage assessment to address the Daw End Branch Canal. This additional information is currently out for consultation and as such it is requested that members of this planning committee resolve to delegate the determination of this application to the Head of Planning and Building Control to finalise and amend planning conditions as necessary, and subject to overcoming the objections from the Canal and River Trust and the Inland Waterways Association.

Flooding and Drainage

As shown on the Environment Agency's published flood risk map, the application site is located within Flood Zone 1, the lowest area of potential flooding from sea and rivers. Furthermore, the proposed type of development is considered to be 'less vulnerable' than other forms of development i.e. housing.

The Lead Local Flood Authority and Environment Agency were consulted as per statutory requirement.

The Environment Agency have no objections to the proposals as submitted and do not require the implementation of conditions.

In terms of the comments from the LLFA, they have considered that there is insufficient detail to fully demonstrate that an acceptable drainage strategy is proposed and recommend that planning permission is not granted until this is resolved.

It is requested that members of this Planning Committee resolve to delegate the determination of this application to the Head of Planning and Building Control to finalise and amend planning conditions as necessary, and subject to overcoming the objection from the LLFA.

Air Quality/Noise/Ground conditions

Air Quality

The 'Air Quality Assessment', by Wardell Armstrong, Ref. CA11906/0002/FINAL, Jan 2022 has compared existing (baseline) air quality levels against predicted air quality levels at nearby sensitive receptors.

The predicted air quality levels at the nearby sensitive receptors will continue to meet current air quality objective levels and it is predicted that levels will only be fractionally above the current levels once the site is operational. Furthermore, Officers need to note that vehicles that are going to the existing nearby Amenity Site on Merchants Way (approximately 700 metres away), will now come the Middlemore Lane site, therefore within the slightly wider locality, the air quality impacts from vehicles will only be slightly different.

Notwithstanding, the Air Quality assessments/appraisals were undertaken prior to the World Health Organisation publishing their updated Air Quality Guidelines (AQGs) in September 2021. Environmental Protection has updated its requirements for Air Quality Surveys/Appraisals to reflect these changes, therefore, it is necessary that the Air Quality Consultants review and update their assessment having regard to this, with commensurate consideration of AQGs.

As such, it is requested that members of this Planning Committee resolve to delegate the determination of this application to the Head of Planning and Building Control to finalise and

amend planning conditions as necessary, and subject to overcoming the objection from Environmental Protection.

Construction Management Plan

Due to the location of the site near to the canal and the highways network, the Applicant will be required to agree and implement a Construction Management Plan to control local impacts such as noise, dust, and debris drag-out. This should be dealt with as a formal planning condition.

Contaminated Land

The site has undergone extensive contaminated land remediation, however there remains a possibility that previously undiscovered contaminants remain within the soils; additionally, there are areas of the site that are known to still contain contaminants, which due to their location and nature, have remained untouched.

The Applicant has included a supporting statement in regards to the contaminated land works undertaken – ‘*Technical Note CA11906-REM: Review of Remediation Works at Middlemore Lane*’, by Wardell Armstrong, ref: SF/CA11906/TN001, October 2021. This contains recommendations for ground cover for landscaped areas.

The Applicant should note that previous ground gas investigations have recommended the need for basic ground gas protection measures (e.g. gas-impermeable membrane) within buildings due to elevated methane and carbon dioxide levels. Alternatively, the Applicant may opt to undertake further gas monitoring to the satisfaction of the LPA and, dependent upon the findings, re-evaluate whether mitigation measures are warranted or not. A further consideration in this context is that the Applicant may need to seek agreement to proceed in this manner with the landowner.

On the basis that ground gas is present, if there are to be enclosed buildings and/or structure or enclosures, then it is imperative the Applicant advances a scheme of mitigation measures to be undertaken which are thereafter maintained prior to the development being brought into use. If buildings/structures are to be well ventilated, e.g. some facades being open to the elements, then (subject to a risk assessment) the need for gas protection may be negated. This may feasibly include the Waste Transfer Station Building that by design is ventilated for health and safety reasons due to the nature of materials to be processed therein.

On a point of note, since gas protection measures are usually incorporated within the foundation elements of buildings and structures, a definitive statement on the part of the Applicant as to the intentions to redress ground gas issues must also be forthcoming in advance any construction/development work commencing.

Conditions to address the above have been recommended.

Noise impact

The ‘*Noise Assessment Report*’, by Wardell Armstrong, Ref. CA11906/001, December 2021, identifies that no sensitive receptors (households) will be affected by noise from the proposed activities on the site, therefore, no mitigation measures are required. Environmental Protection agree with the findings of the report.

Impact on natural environment

The landscape design shows new landscaping in an around the site in the form of proposed hedgerows, planting beds and structural planting in addition to retaining existing boundary vegetation. This landscaping is welcomed and will enhance the landscape value of the site.

A Preliminary Ecological Appraisal has been submitted to support the application. The northern boundary of the site at Middlemore Lane is located adjacent to Daw End Branch canal which is a Site of Local Importance for Nature Conservation (SLINC) and S.41 habitat. It is considered that several nature conservation designations could potentially be affected through an increase in dust and potential pollution during construction. It is recommended that best construction practices are adopted and are undertaken in accordance with a dust mitigation plan if necessary and that appropriate pollution prevention measures are implemented.

The buildings and trees within the site have negligible suitability for bat roosts. Due to the site's proximity to the canal, the site has been classified as having low suitability for foraging and commuting bats. The site is likely to support breeding birds. It is recommended that any building demolition or vegetation clearance should be undertaken outside of the bird breeding season (March to August inclusive). The adjacent canal provides suitable habitat for otter and water vole and the limited mosaic of habitats within the site could support amphibians (including great crested newt (GCN), common reptiles, hedgehog and invertebrates). It is recommended that existing habitats on the peripheries of the site are retained, protected and enhanced where possible and that measures are undertaken during construction to prevent harm to local wildlife which could include limiting night-time working, providing means of escape from excavations left open overnight and adhering to good construction practices.

A single non-native cotoneaster shrub is present within the site. This plant is listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which makes it illegal to cause its spread in the wild. It is recommended that this plant is removed from the site and appropriately disposed of.

The PEA has indicated that a number of further protected species surveys are recommended at the site and these will be implemented as a condition on any approval.

Lastly, there are opportunities to enhance the development for biodiversity to deliver a biodiversity net gain. These include appropriate management of existing valuable habitat within the site, creation of new habitats through a landscape scheme for each site and the provision of homes for wildlife. As above additional surveys will be undertaken and the landscape scheme will be conditioned to be implemented as part of any planning approval.

Trees

The majority of the trees (none of which are protected by TPO) are situated around the periphery of the site and outside of and adjacent to the boundaries.

The proposal will necessitate the removal of 2 groups of trees (G1 and G2 on the tree schedule) totalling approximately 300 square metres, the groups are of mixed species trees comprising mainly of young to early mature Birch, Sycamore and Goat Willow.

The trees in G1 are proposed for removal to accommodate an area of hardstanding and the removal of the trees in G2 to accommodate an internal road. In addition, some pruning would likely need to be undertaken to some of the retained trees in G1. 2 Birch trees T2 and T5 are recommended for removal for arboricultural reasons along with a small group of Birch G4 and a small group of Elm G7.

The removal of groups G1 and G2 to accommodate the proposed development is considered to be acceptable as their removal would have little detrimental widespread impact on the landscape character of the area and the detailed landscape plan drg. no. CA11906-264 Rev. 0 submitted with the application which includes some replacement tree planting would mitigate for their loss.

There are trees on site proposed for retention which can be adequately protected throughout any construction phase ensuring their long term health, continued establishment and future amenity. The tree protection plan drg. no CA11906-018 Rev. D and Arboricultural Impact Assessment by Wardell Armstrong dated 14 January 2022 details the specification of the tree protection fencing (in accordance with BS 5837: 2012) and its location.

A condition in regard to compliance to the recommendations and guidelines as detailed in the above documents will be implemented on any planning permission to safeguard the retained trees on and adjacent to the site.

Other Matters

Public Health queried whether a Health Impact Assessment was required to be carried out- in the case of this proposal it was not considered to be a requirement.

In terms of security of the site, there is no objection from West Midlands Police and it is considered that the landscaping and appropriate security measures through condition will ensure the security of the site.

It is noted that there has been significant interest from neighbouring properties ,however through the extensive surveys submitted to support this application and as a detailed in this report, it has been evidenced that the proposal can be made acceptable through use of condition and that the proposal would not be detrimental on the highway network, to the natural environment, residential properties, to trees, ground conditions or the environment.

Conclusions and Reasons for Decision

For Grant

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

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and have raised concerns regarding the Canal and River Trust, Inland Waterways Association, Environmental Protection and LLFA comments in regard to insufficient information. The LPA and agent are working together to overcome these outstanding objections and request that members of this Planning Committee resolve to delegate the determination of this application to the Head of Planning and Building Control to finalise and amend planning conditions as necessary, and subject to overcoming the objections from the above consultees.

Conditions and Reasons

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

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

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

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- CA11906-250 REV A Site Location Plan, dated 05/07/2021, received on 31/01/2022.
- CA11906-270- REV A typical shipping container elevations, dated 17/01/2022, received on 31/01/2022.
- CA11906-261 REV A- Re-use Shop and workshop layout and elevations- dated 19/10/2021, received on 31/01/2022.
- CA11906-268- REV A- Weighbridge Office Layout dated 13/01/2022, received on 31/01/2022.
- CA11906-260 Rev A- Welfare Office layout and elevations dated 19/10/2021, received on 31/01/2022.
- CA11906-254- Waste Transfer Station General Arrangement REV A, dated 1/09/2021, received on 31/01/2022.
- CA11906-201 REV P0- Topographical Survey dated 10/06/2021, received on 31/01/2022.
- CA11906-258 REV A- Surface Water Management Plan, dated 21/09/2021, received on 31/01/2022.
- CA11906-266 Indicative Solar PV details, dated 02/11/2021, received on 31/01/2022.
- CA11906-267 REV A, Ground array solar PV details- dated 04/11/2021, received on 31/01/2022.
- CA11906-259 REV A Operational site lighting plan- dated 06/09/2021 received on 31/01/2022.
- CA11906-271 REV A- Meet and Greet Operative Station dated 18/01/2022, received on 31/01/2022.
- CA11906-264 REV A – Landscape Proposals detailed design, dated 11/01/2022 received on 31/01/2022.
- CA11906-262 REV A HWRC Containers elevation, dated 13/09/2021, received on 31/01/2022.
- CA11906-253 REC A-General arrangement, dated 04/10/2021, received on 31/01/2022.
- CA11906-255- WTS General elevations REV A dated 04/10/2021, received on 31/01/2022.
- CA11906-265- Fence Boundary Details, dated 09/09/2021, received on 31/01/2022.
- CA11906-251 Rev A Topographic survey, dated 21/06/2021, received on 31/01/2022.
- CA11906-263 REV A Fire suppression water tank elevations dated 20/10/2021, received on 31/01/2022.
- CA11906-269 REV A, Drivers Welfare building dated 13/01/2022, received on 31/01/2022.
- Planning Supporting Statement by Wardell Armstrong received on 31/01/2022.
- Cover Letter by Wardell Armstrong received on 31/01/2022.
- Glint Statement by Wardell Armstrong received on 31/01/2022.
- Visual Impact Appraisal by Wardell Armstrong received on 31/01/2022.
- Transport Statement received on 31/01/2022.
- Noise Assessment Report by Wardell Armstrong received on 31/01/2022.
- PWMS for Hedgehog, Reptiles, Amphibians and Otter received on 31/01/2022.
- Preliminary Ecological Appraisal received on 31/01/2022.
- Otter and Water Vole Assessment received on 31/01/2022.
- Bat activity report received on 31/01/2022.
- Arboricultural Impact Assessment received on 31/01/2022.
- Air Quality Assessment received on 31/01/2022. AIA technical note received on 31/01/2022.
- Remediation Appraisal received on 31/01/2022.
- Heritage Plates received on 31/01/2022.
- Mineral Resource Assessment received on 31/01/2022.
- Flood Risk Assessment received on 31/01/2022.
- Site Selection Assessment received on 31/01/2022.
- Statement of Community Involvement received on 31/01/2022.

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).

3a. Prior to the commencement of development hereby permitted, a condition survey of the canal bank/washwall should be undertaken alongside the northern boundary of the application site and submitted to in writing and approved in writing by the Local Planning Authority. The condition survey shall identify the current condition of the canal bank/washwall, the risks posed by the proposed development and the mitigated measures necessary to ensure that the canal structure will remain, or can be made, stable both during and after construction operations.

3b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved condition survey.

Reason: In the interests of avoiding the risk of creating land instability arising from any adverse impacts from foundation construction, earthmoving, excavations or other construction operations which could adversely affect the stability of the Daw End Canal bank/washwall or the structural integrity of the canal itself, in accordance with the advice and guidance on land stability contained in paragraphs 174 and 183 of the National Planning Policy Framework and in the National Planning Practice Guidance. It is necessary to survey the canal wall before development commences in order to secure an appropriate approach to all site development and construction operations from the outset.

4a. Prior to the commencement of development hereby permitted, a monitoring regime for identifying and reporting any damage to the adjacent Daw End Canal embankment during construction shall be submitted to in writing and approved in writing by the Local Planning Authority. The Regime shall include clearly identified working parameters and arrangements for immediately ceasing work and reporting in the event of parameters being exceeded together with details of vibration monitoring identifying the impact of vibration (for example from piling operations or operation of plant, machinery, vehicles etc. in proximity to the embankment) on the adjacent canal embankment together with vibration cut-off parameters and clearly defined procedures in the event of the cut-off parameters being exceeded.

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved monitoring regime.

Reason: In the interests of minimising the risk of creating land instability arising from any adverse impacts from earthmoving, excavations or other construction works upon the stability of the adjacent Daw End Canal and the canal embankment along the application site northern boundary, in accordance with the advice and guidance on land stability contained in paragraphs 174 and 183- 184 of the National Planning Policy Framework and in the National Planning Practice Guidance

5a. Prior to the commencement of the development hereby approved the recommendations, guidelines, location and specification of the tree protection fencing as detailed in the Arboricultural Impact Assessment by Wardell Armstrong dated 14 January 2022 shall be implemented.

5b. The development hereby permitted shall not be carried out otherwise than in accordance with tree protection fencing and shall be maintained throughout the construction period until the completion of the development..

Reason: To safeguard the retained trees on and adjacent to the site

6a. Prior to the commencement of development hereby permitted, including any engineering, site clearance/preparation, and/or construction works, a Construction Environmental Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. The Plan shall set out how the development will be undertaken and give details of arrangements for the control of noise, vibration, dust, and debris (including site drag-out), and the management of any materials arising from the works. It should also

include baseline water quality sampling of the Daw End Branch canal. Construction/operational phase sampling should be undertaken for contaminants of concern highlighted in previous investigations to ensure no exceedances in Environmental Quality Standards for canal water quality.

6b. The agreed Construction Environmental Management Plan shall be implemented upon the commencement of development and shall be maintained throughout the period of construction and development.

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.

7a. Prior to the commencement of development hereby permitted assessment of ground gas(es) shall be undertaken, having regard to current best practice. (see Note for Applicant CL1).

7b. A copy of the findings of the ground gas investigation together with an assessment of identified and/or potential hazards arising shall be submitted to in writing and approved in writing by the Local Planning Authority. (see Note for Applicant CL2).

7c. A 'Remediation Statement' shall be submitted to in writing and agreed in writing by the Local Planning Authority, setting out details of measures to deal with the identified and potential hazards of any land contamination and/or ground gas(es) present on the site, along with a timetable for their implementation that has similarly been agreed in writing by the Local Planning Authority. (see Note for Applicant CL2 and CL3). The Applicant shall also prepare a Plan that identifies the location of land and ground contamination that has been left in-situ for reasons identified in previous investigations and ensure that a Copy is provided to any Contractors involved with any groundworks.

7d. Measures set out in the 'Remediation Statement' required by part c) of this condition shall be implemented in accordance with the agreed timetable and the Applicant or persons acting on behalf of the same shall maintain the evidential items listed in Note CL3 for validation purposes.

7e. If during the undertaking of approved remedial measures or during the implementation of the approved development, unexpected ground contamination not identified by the site investigation required by part a) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part a) of this condition has been amended to address any additional remedial or mitigation measures required and has been submitted in writing to, and agreed in writing by, the Local Planning Authority.

7f. A 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)

7g. The development shall not be carried out otherwise than in accordance with the approved Remediation Statement.

Reason: To ensure safe development of the site, protect human health and the environment and to accord with NPPF Paragraph 109.

8a. Notwithstanding the Air Quality Assessment submitted to support this proposal and prior to the commencement of the development hereby approved, the applicant shall submit an updated 'Air Quality Assessment' to incorporate the World Health Organisation Air Quality Guidelines and Interim Targets 2021

8b. Based on the updated Air Quality Assessment, the Applicant shall agree air quality mitigation and these shall be submitted to and approved in writing by the Local Planning Authority.

8c. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Air Quality Assessment.

Reason: in the interests of creating a sustainable form of development and to encourage the meeting of Air Quality Guideline values in accordance with Policies ENV8 (Air Quality).

9a. Prior to the commencement of the development hereby permitted details on how the requirements of the Black Country Air Quality Supplementary Planning Document shall be implemented shall be submitted in writing to and agreed in writing with the Local Planning Authority.

9b. 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.

9c. Prior to the occupancy of the development hereby permitted, a written validation statement that demonstrates the agreed measures have been implemented shall be submitted in writing to and agreed in writing by the Local Planning Authority.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

10a. Prior to the commencement of the development hereby permitted, a Construction Methodology Statement shall be submitted in writing to and agreed by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

10b. 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 preparation and construction period.

Reason: In order to minimise potential disruption to the free flow of traffic and in the interests of highway safety.

11a. Prior to the commencement of the development hereby permitted drainage plans for the disposal of foul and surface water flows shall be submitted in writing to and approved in writing by the Local Planning Authority

11b. 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 that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

12a. Prior to the commencement of the development hereby permitted, all access ways, manoeuvring areas and parking spaces shall be implemented being clearly demarcated on the ground and thereafter be retained and used for no other purpose.

12b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the parking spaces shall thereafter be retained

for the purposes of parking vehicles and for no other purpose for the lifetime of the development.

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

13. Notwithstanding the details submitted on drawing CA11906-265- Fence Boundary Details, dated 09/09/2021, received on 31/01/2022 and prior to the commencement of development hereby permitted, details regarding the proposed boundary treatments shall be submitted to and approved in writing to the Local Planning Authority.

Reason: To safeguard and ensure the security of the site and to protect the visual amenity of the Daw End Branch Canal.

14a. Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits) shall be submitted in writing to and approved in writing by the Local Planning Authority.

14b. The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

15. Prior to the development hereby permitted first coming into use, the two proposed bellmouth accesses on Middlemore Lane, *together with the removal and reinstatement of any redundant existing accesses to back to full kerb height, shall be implemented to the satisfaction of the Highway Authority. The new accesses to include a tactile pedestrian crossing points.*

Reason: To ensure the satisfactory completion and operation of the access, to improve pedestrian accessibility and in accordance with UDP Policy GP2 and in the interests of highway safety.

15a. Prior to the development hereby permitted first coming into use, the proposed cycle shelter, which shall be covered and illuminated, shall be fully implemented in accordance with the approved details.

15b. The cycle shelter 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.

16. Prior to the development hereby permitted first coming into operation, the measures and incentives to promote the facilities sustainability credentials and encourage non car borne travel modes shall be implemented in accordance with the submitted Employee Travel Plan Statement dated January 2022.

Reason: To encourage sustainable travel modes, in accordance with BCCS policy TRAN2 and UDP Policy T10.

17. The development hereby permitted shall not be carried out otherwise than in accordance with the agreed mitigation measures as detailed in the Preliminary Ecological Appraisal by Warell Armstrong received on 31/01/2022 and such measures shall thereafter be retained for the lifetime of the development.

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

18a: The development hereby permitted shall not be carried out otherwise in accordance with the approved Landscape proposals as detailed on drawing CA11906-264 REV A – Landscape Proposals detailed design, dated 11/01/2022 received on 31/01/2022 and the approved details shall thereafter be retained for the lifetime of the development.

18b: 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.

19: All site clearance shall take place outside the bird breeding season (February to August) unless carried out under the supervision of a qualified and experienced ecologist.

Reason: To ensure proper regard is taken to the impact of development on protected and important species.

20a. The following types of materials shall not be imported onto or deposited within the site:

- a) Any waste comprising liquids, sludges or slurries.
- b) Any waste classified as hazardous within the European Waste Catalogue.

20b. Where wastes of a type not permitted for acceptance at the facility are inadvertently delivered they shall be segregated and kept in enclosed containers prior to removal to a suitable alternative facility.

Reason: To minimise the potential for any adverse environmental impact arising from the type of waste material imported.

21. Materials shall only be imported, deposited or stored within the storage areas shown on the approved plans. All parking and vehicle manoeuvring areas shown on the approved plan shall thereafter be retained and used for no other purpose.

Reason: To ensure adequate parking and manoeuvring space is available and retained at all times, to ensure the satisfactory operation of the development and in accordance with UDP Policy GP2, T7 and T13 and in the interests of the free flow of traffic on the public highway and to highway safety and to safeguard the amenities of the occupiers of adjoining premises.

22. The site shall not be operated so as to permit the escape of any litter or visible dust emissions outside the confines of the site. In the event of any such emissions despite then the operations that cause dust emissions shall cease until such time as conditions change and dust suppression becomes effective.

Reason: To prevent any dust emissions or escape of litter arising.

23. The total quantity of waste imported onto the site as measured over any 52 week period shall not exceed 201,000 tonnes.

Reason: To minimise the potential for any adverse impact arising from the development.

24. No operations or activities associated with this permission shall take place on any Bank Holiday or Public Holiday, and such operations or activities shall otherwise only take place

between the hours 78:00 – 19:00 Mondays to Sundays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To ensure that there is no adverse impact on adjacent and nearby uses arising from the duration of operations.

25. There shall be no burning of waste on the site.

Reason: In the interests of amenity.

26: No public address facility, tannoy, radio or similar device to the external areas of the site shall be used between the hours of 22:00pm and 06:00am.

Reason: To safeguard the amenities of nearby occupiers and in accordance with Saved UDP Policy GP2 and the NPPF.

27. Structure-borne vibration transmitted to occupied buildings from ground stabilisation/piling works shall not exceed the specified criteria for 'low probability of adverse comment' levels, as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting' as may be amended or replaced from time to time.

Reason: to protect the local amenities, the local infrastructure and environment.

Notes for Applicant

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 of any works pertaining thereto.
2. For the access alterations to existing highway the developer must enter into an Agreement with the Highway Authority under S38/278 of the Highways Act 1980 or obtain a Road Opening Permit, whichever is most appropriate. 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.

Note to Applicant Air Quality SPD

The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points:

The electric vehicle charging point parking provision for commercial premises is 5% of points to comply with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw, with appropriate cable provision in place for a further 5% to meet any future increase in demand.

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

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

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

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

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 land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

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

NOTE for groundworkers – The area of this proposed development has been utilised as a works and whilst subsequent remediation has taken place there may be hotspots of contaminated soil which could present Health and Safety implications. This information should be brought to the attention of the contractor(s) undertaking the

development and/or any site investigations in order that they may implement any Health and Safety at Work appropriate when undertaking work at the site of the proposed development.

In accordance with Government Policy detailed in the National Planning Policy Framework (paragraph 183), 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Therefore, should any significant contamination subsequently become apparent then responsibility remains with these parties.

Environment Agency

In accordance with Government Policy detailed in the National Planning Policy Framework (paragraph 183), 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Therefore, should any significant contamination subsequently become apparent then responsibility remains with these parties.

We recommend that developers should:

- Follow the risk management framework provided in LCRM - Land Contamination Risk Management when dealing with land affected by contamination.
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site. The local authority can advise on risk to other receptors, such as human health.
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
- Refer to the contaminated land pages on GOV.UK for more information.

We would like to refer the applicant/enquirer to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heat pumps
- Drainage

Environmental Permitting Regulations

This development may require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12.

The applicant is advised to find out more information about the permit application process online and to send a pre-application enquiry form via the gov.uk website:

<https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>".

Severn Trent Water

Severn Trent Water advise that there is a public 375mm combined water sewer and a public 150mm surface water sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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

· 100mm to 299mm diameter – 3m either side of the pipe, measured from the centreline of the sewer.

· 300mm to 999mm diameter – 5m either side of the pipe, measured from the centreline of the sewer.

West Midlands Fire Service

Approved Document B, Volume 2, Buildings other than 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 15: Vehicle access

Buildings not fitted with fire mains

15.1 For small buildings (up to 2000m², with a top occupied storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.

- a. 15% of the perimeter.
- b. Within 45m of every point of the footprint of the building (see Diagram 15.1).

15.2 For all other buildings, provide vehicle access in accordance with Table 15.1.

15.3 Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m (e.g. a 150m elevation would need a minimum of two doors)

Buildings fitted with fire mains

15.4 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 16.10.

15.5 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.

15.6 Where fire mains are provided in buildings for which Sections 16 and 17 make no provision, vehicle access may be as described in paragraphs 15.4 and 15.5, rather than Table 15.1.

Design of access routes and hard-standings

15.7 Access routes and hard-standings should comply with the guidance in Table 15.2. Requirements can only apply to the site of the works. It may not be reasonable to upgrade the route across a site to a small building. The building control body, in consultation with the fire and rescue service, should consider options from doing no work to upgrading certain features, such as sharp bends.

15.8 Where access to an elevation is provided in accordance with Table 15.1, the following requirements should be met, depending on the building height. a. Buildings up to 11m, excluding small buildings (paragraph 15.1): pump appliance access should be provided adjacent to the building for the specified percentage of the total perimeter. b. Buildings over 11m: access routes should comply with the guidance in Diagram 15.2.

15.9 Where access is provided for high reach appliances in accordance with Table 15.1, overhead obstructions (such as cables and branches) should be avoided in the zone shown in Diagram 15.2.

15.10 Dead-end access routes longer than 20m require turning facilities, as in Diagram 15.3. Turning facilities should comply with the guidance in Table 15.2.

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 2, Table 15.2)

Dead Ends including cul-de sacs

Dead ends including cul-de sacs should be avoided but where not possible the following should be applied.

The main problem with dead ends and cul-de sacs is access in an emergency and the issue of obstructions such as parking. In these circumstances fire service personnel are committed to approach on foot carrying equipment to deal with the situation. 225 to 250 metres carrying equipment is considered a maximum for efficient fire-fighting operations.

Dead ends/cul-de sacs roadways should be a minimum of 5.5 metres in width.

Industrial Estates

a) In order to accommodate very long articulated vehicles carriageways should be 9 metres wide but certainly not less than 7.3 metres.

b) The estate should be designed so that there is adequate off-street parking and there is no loading, unloading or long-term parking on the carriageway.

c) Dead end access routes must not exceed 180 metres in length from a junction which provides two alternative routes out of the industrial estate, unless an emergency vehicle access is provided from the dead end, as described in 3.8.2.

Section 16: Fire mains and hydrants

Provision of fire mains

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

a. The firefighting shafts.

b. Where necessary, in protected escape stairs. The criteria for providing firefighting shafts and fire mains are given in Section 17.

16.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with Table 15.1. In these cases, outlets from fire mains should be located as described in paragraph

16.4, with a maximum hose distance of 45m from the fire main outlet to the furthest point, measured on a route suitable for laying a hose. Stairs do not need to be designed as firefighting shafts.

Provision of private hydrants

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

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

16.9 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.

16.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251. 16.11 Guidance on aspects of provision and siting of private fire hydrants is given in BS 9990.

Water Supplies

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 17: Access to buildings for firefighting personnel

Provision of firefighting shafts

17.2 A building with a storey more than 18m above the fire and rescue service vehicle access level should have one or more firefighting shafts containing a firefighting lift. The number and location of firefighting shafts should comply with paragraphs 17.4 to 17.7. Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 17.3 and Diagram 17.2).

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

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 8)

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)

Working Hours

Construction and engineering works (including land reclamation, stabilisation, preparation, remediation or investigation), shall not take place outside the hours of 08:00 to 18.00 weekdays

and 08.00 to 14.00 Saturdays and no such works shall take place on Sundays, Bank Holidays or Public Holidays*. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).

END OF OFFICERS REPORT

Economy, Environment and Communities, Development Management

Planning Committee

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

Plans List Item Number: 2

Reason for bringing to committee

Major and County Matters Application

Application Details

Location: FRYERS ROAD HOUSEHOLD WASTE AND RECYCLING CENTRE, FRYERS ROAD, BLOXWICH, WALSALL, WS2 7LZ

Proposal: THE DEMOLITION OF THE EXISTING HOUSEHOLD WASTE RECYCLING CENTRE AND WASTE TRANSFER STATION AT FRYERS ROAD AND RE-DEVELOPMENT OF THE SITE TO PROVIDE A NEW HOUSEHOLD WASTE RECYCLING CENTRE, RE-USE WORKSHOP WITH PV PANEL ROOF, WELFARE OFFICE, WEIGHBRIDGE, VEHICLE HEIGHT BARRIER, PUBLIC ACCESS VEHICULAR CROSSOVER, PARKING, EV CHARGING POINTS, 2.4M PALISADE STEEL FENCING, PEDESTRIAN WALKWAY, LANDSCAPING, LIGHTING AND ANCILLARY WORKS.

Application Number: 22/0105

Case Officer: Leah Wright

Applicant: Mr Stephen Johnson

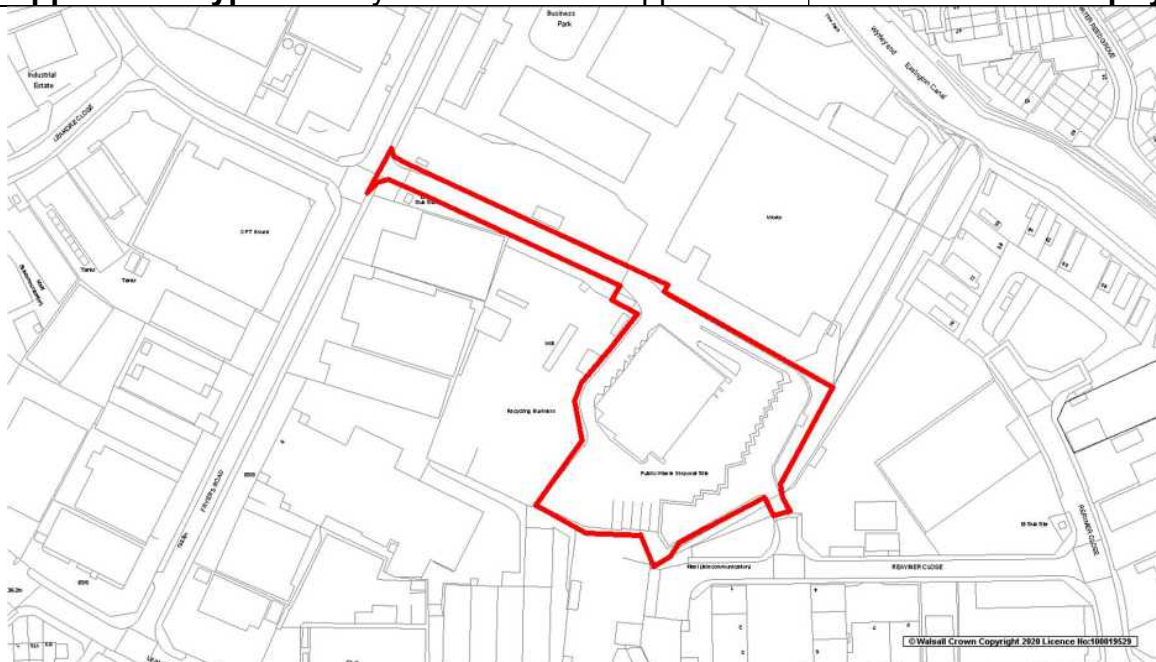
Ward: Birchills Leamore

Agent: Wardell Armstrong LLP

Expired Date: 27-Apr-2022

Application Type: County Matters: Waste Application

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 Conditions and subject to:

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- Overcoming the outstanding objections raised by the Lead Local Flood Authority.

This application proposes the demolition of the existing Household Waste Recycling Centre (HWRC) and Waste Transfer Station (WTS) at Fryers Road and re-development of the site to provide a new Household Waste Recycling Centre, Re-use workshop with PV panel roof, Welfare Office, Weighbridge, Vehicle height barrier, Public access vehicular crossover, Parking, EV charging points, 2.4m palisade steel fencing, Pedestrian walkway, Landscaping, Lighting and Ancillary works.

There is a need to redevelop the existing fire damaged site in to a large HWRC using the full extent of the existing site footprint. The redevelopment of Fryers Road means that the HWRC facilities can be improved and expanded, providing an increase in service provision. The proposals will help future proof Walsall services for long-term delivery of waste management needs. The new proposals will also include additional services and benefits including a re-use shop and solar PV area generating renewable electricity. The proposals form part of a wider strategy to modernise and enhance the provision of waste management services within Walsall and are integral to delivering the wider objectives in meeting the current and future demand within the authority. The proposals will assist in meeting local and national objectives associated with the waste hierarchy by reducing landfill waste and increasing the amount of recycling rates.

The main elements of the scheme are detailed as follows:

17 new 6.1 x 2.4 metre storage containers. The containers would be measure 2.5m from operational vehicle level and would have stairs for staff to access the tipping area level from operational vehicle level. From the public parking/tipping area and road level the containers measure 3.75m in height and are constructed from a steel column with a “Y” shaped steel canopy over containers. Additionally there are railings above the skip container and a retaining wall separating each container.

Welfare office located in the north-east corner of the site providing welfare facilities for staff members of the HWRC (staff room, office, female showers/wc and male showers/wc). It would measure 10m in maximum depth, 8m in maximum width, 6.5m in maximum height with a pitched roof with eaves of 4m and comprising 80sqm. To the east and west elevation there are single doors and windows of a similar style and to the south elevation there are various windows. There is a dedicated parking area for staff and electric vehicle charging point.

Workshop measuring 30m in maximum depth, 15m in maximum width and 6.5m in maximum height with a pitched roof with eaves of 4m and 450sqm. The workshop will have windows of a similar style to each elevation, in addition to a shutter, single door for staff entrance and a set of double doors for public entrance to the north-east elevation. Internally it will comprise of a re-use shop, workshop, lobby, 2 no female and male WCs and a disabled WC. The workshop will be accessed via a dedicated filter lane and will feature a dedicated car park to encourage users to stop and browse. This arrangement will also ensure that users of the containers area will not be held up by users of the re-use shop and will enable continued movement throughout the site. 2.5.2 The re-use shop will accept items which are re-useable and in a serviceable condition and will encourage the products to be kept in the circular economy model.

The roof of both the workshop and the welfare office will have Canadian Solar HiKu CS3W-MS Modules (435Wp) mounted and the panel dimensions will measure 1048mm x 2108mm x 35mm.

A proposed weighbridge office measuring 3m in width, 7m in depth and 4.125m in maximum height with a roof with eaves of 2.65m.

A single bi-directional weighbridge will be positioned against the northern boundary of the site and a designated walkway provided for operatives to access the weighbridge.

A new 2.4m high palisade fence in grey galvanised steel will be installed on the boundaries of the site along with entry and exit gates to keep the site secure. Details of the fencing are included on Drawing CA11906-212.

The site will have a maximum capacity to accept a total of 25,000 tonnes per annum (tpa) of waste however there will be no direct processing of waste on any part of the site and activities will be limited to basic sorting, storage and bulking of materials using an assortment of plant machinery, including loading shovels and compactors.

The HWRC will operate 7 days a week 8am to 7pm and will principally serve the existing catchment area served by the existing HWRC and WTS. The proposals will maximise the efficiency of the HWRC, offering increased recycling capabilities at the site, while the removal of the WTS will be compensated for as part of a separate proposal for a new larger WTS and HWRC at Middlemore Lane.

The application is accompanied by the following documents:

A Planning Supporting Statement, which outlines the overall need for, and demonstrable acceptability of the proposals from both a policy and technical perspective.

A Statement of Community Involvement, which sets out the consultation which has been undertaken prior to the submission of the application, the responses received during this process and how the application has sought to address the concerns raised by the local community, CCC and statutory and non-statutory consultees.

A Site Selection Assessment, which demonstrates the process which has been undertaken in concluding that the chosen site at Fryers Road is the most appropriate location for the proposals. The statement identifies other sites considered as part of the selection process, the areas of considerations applied to the selection process, and the overall reasoning for the discounting of alternative sites in favour of the application site.

A Visual Review Technical Note, setting out the existing context of the site, relevant policy context referenced within the pre-application response, the nature and extent of existing views, and identification of the visual receptors who may be subject to alterations to their views as a result of the development proposals.

Technical Reports which include the following:

Air Quality Qualitative Assessment;
Arboricultural Assessment;
Coal Mining Risk Assessment;

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Flood Risk and Drainage Assessment;
Glint Assessment;
Ground Conditions Phase 1 Desk Study;
Noise Assessment;
Preliminary Ecological Appraisal;
Transport Assessment.

The application also includes a suite of plans to support the proposal.

Site and Surroundings

The Site currently houses the existing HWRC and WTS and measures approximately 1.0 hectare. It is located in Bloxwich Business Park in the Bloxwich area to the north of Walsall town centre within an industrial setting.

The site is located at National Grid Reference (NGR) SJ 994 009 and has a combined footprint of 10,000sqm, of which the shared access road accounts for 1250sqm.

The access road leads from Fryers Road in the west to the HWRC and WTS.

The WTS is the predominant land use, occupying the western portion of the main site. The WTS building has a footprint of 1900sqm which restricts operation of the facility in its current form. An up ramp for the HWRC follows the northern site boundary before servicing a line of container bays in an 'over-the-wall' HWRC configuration. A raised area to the south houses surface level recycling containers.

Access and egress to the WTS is via the three laned shared access road. Access to the HWRC is via the shared access road, with egress onto Reaymer Close to the south. In advance of the proposals, the existing fire damaged structures occupying the site will be demolished and the site prepared for re-development.

The site at Fryers Road is not located within or adjacent to any statutory or non-statutory environmental designations that would preclude the redevelopment of the HWRC in this location. The nearest notable designated site is Rough Wood Chase Local Nature Reserve (LNR), located approximately 700m to the west of the Site boundary at its nearest point. Further the site is not within a Conservation Area, nor does it comprise a listed building.

Relevant Planning History

Land adjacent, Civic Amenities Site, Fryers Road, Leamore, Walsall.

BC47758P- Vary Condition 2. of existing Planning Permission No. BC25692P to allow use for sorting of other non-biodegradable waste, and as a transfer station for non-biodegradable skip waste- GSC 23.05.1997

08/1590/FL – Change of use to non-hazardous waste transfer station. Granted subject to conditions 1/12/08.

09/0009/FL - Alteration to Condition 8 of planning permission 08/1590/FL to allow putrescible materials etc. Granted subject to conditions 2/4/09.

**BUILDING 3,BLOXWICH BUSINESS PARK,FRYERS ROAD,WALSALL,WEST
MIDLANDS,WS2 7LZ**

05/1300/FL/W7- Change Of use to waste transfer station, access from fryers road,
Installation of a bailer and access from waste transfer station into adjoining civic amenity
site, weighbridge- GSC 05.10.2005.

FORMER HANSON AGGREGATES LTD, LEAMORE LANE,WALSALL,WS2 7DE

13/0083/WA- Retrospective: Use as non-hazardous waste transfer station (renewal of
08/1590/FL), and proposed erection of building for sorting waste- Withdrawn.

VIKING SKIPS, OLD CONCRETE YARD, LEAMORE LANE, WALSALL, WS2 7DG

15/1332- Retrospective application: Change of use of site as waste transfer station and
erection of building for sorting of non-hazardous waste- GSC 04.03.2016

Fryers Road Household Waste Recycling Centre, Fryers Road, Bloxwich, WS2 7LZ

21/0737- Environmental Impact Assessment (EIA) Screening Opinion for the proposed
Household Waste Recycling Centre (HWRC)- Screening Opinion EIA not required-
29.06.2021

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 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

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

GP2: Environmental Protection
ENV10: Pollution
ENV11: Light Pollution
ENV14: Development of Derelict and Previously-Developed Sites
ENV17: New Planting
ENV23: Nature Conservation and New Development
ENV32: Design and Development Proposals
ENV35: Appearance of Commercial Buildings
JP8: Bad Neighbour Industrial Uses
T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

CSP4: Place Making
EMP1: Providing for Economic Growth
EMP2: Actual and Potential Strategic High Quality Employment Areas
EMP3: Local Quality Employment Areas
ENV2: Historic Character and Local Distinctiveness
ENV3: Design Quality
ENV4: Canals
ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
ENV7: Renewable Energy
ENV8: Air Quality
WM1: Sustainable Waste and Resource Management
WM2: Protecting and Enhancing Existing Waste Management Capacity
WM3: Strategic Waste Management Proposals
WM4: Locational Considerations for New Waste Management Facilities
WM5: Resource Management and New Development

Walsall Site Allocation Document 2019

IND3: Retained Local Quality Industry- Site reference IN 18.1- Leamore Lane/Commercial Road/Bloxwich Business Park, Bloxwich.
OS1: Open Space, Sport and Recreation
EN1: Natural Environment Protection, Management and Enhancement
EN3: Flood Risk

EN4: Canals

W2: Existing Waste management Sites- (Site reference WS8- Fryers Road Transfer Station and HWRC).

W3: New Waste Management Development- Waste Treatment and Transfer

W4: New Waste management Development- Waste Disposal

T4: The Highway Network

T5: Highway Improvements

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

NE1 – Impact Assessment

NE2 – Protected and Important Species

NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

NE4 – Survey Standards

The natural environment and new development

NE5 – Habitat Creation and Enhancement Measures

NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

NE7 - Impact Assessment

NE8 – Retained Trees, Woodlands or Hedgerows

NE9 – Replacement Planting

NE10 – Tree Preservation Order

Designing Walsall

DW1 Sustainability

DW2 Safe and Welcoming Places

DW3 Character

DW4 Continuity

DW5 Ease of Movement

DW6 Legibility

DW7 Diversity

DW8 Adaptability

DW9 High Quality Public Realm

DW9(a) Planning Obligations and Qualifying development

DW10 Well Designed Sustainable Buildings

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

Other relevant Policy:

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National Planning Policy Framework (NPPF) (2021)

Paragraph 7: Proposals for new or enhanced waste management facilities are not required to demonstrate a quantitative or market need for the proposal when in accordance with an up-to-date plan.

Paragraph 11: Presumption in favour of sustainable development

National Planning Policy for Waste (NPPW)

Appendix A: The Waste Hierarchy [prevention -> re-use -> recycling -> recovery -> disposal] – ‘the most effective environmental solution is to reduce the generation of waste, including the re-use of products’

Paragraph 7: WPAs should:

Require proposals not in accordance with an up-to-date plan to demonstrate an identified need

Not prejudice waste movement up the waste hierarchy

Consider environmental impact

Ensure facilities are well designed...

Consultation Replies

Asset Management

No comment

Building Control

No comment.

Cadent Gas Ltd

No comment.

Canal and River Trust

Note that proposals in the Phase 1 Desktop Assessment indicate that a site investigation should take place with sampling of areas likely to contain considerable contamination, but that the probability of connectivity to the canal from mobile contaminants in made ground is low- no objection.

Clean and Green

No comment.

Coal Authority

Recommend grant of planning permission subject to conditions.

Community Safety

Principle is supported. Concern with boundary fence as palisade fencing offers climbing facility and easy removal of rails. Issues can be mitigated using 358 weldmesh fencing.

Cycling and Pedestrian Officer

No comment

Drainage

No comment.

Ecology BBCWildlife

No comment.

Economic Regeneration

No comment.

Environment Agency

No objection subject to conditions regarding a remediation strategy. Notes to applicant recommended.

Environmental Health

No comment.

Environmental Protection

Applicant needs to undertake an intrusive contaminated land/geotechnical investigation to inform on need for mitigation measures. A Construction Management Plan will need to be agreed and implemented. The Applicant will need to comply with the Air Quality SPD, requiring for the installation of electric vehicle charging points and a Travel Plan.

Health and Safety Executive Hazardous Substances

Planning application does not involve a relevant building.

Limestone

No comment

Local Highways Authority

Support subject to conditions.

Local Lead Flood Authority

Recommend planning permission is not granted until outstanding issues regarding discharge point and method, hydraulic calculations, exceedance and maintenance.

Natural England

No objection

Network Rail

No comment

Public Health

No objection.

Severn Trent Water

No objections subject to a condition regarding submission of drainage plans for the disposal of foul and surface water flows. Notes recommended to applicant regarding public sewer.

South Staffs Water

No comment

Strategic Planning Policy

Supported with mitigative concerns, including the impact of the linked application on Middlemore Road.

Structures

No comment

Tree Preservation Officer

No comment.

Waste Management (Clean and Green)

No comment

West Midlands Fire Service

-Note to applicant regarding approved document B, Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England Requirement B5: Access and facilities for the fire service.

West Midlands Police

No objection.

West Midlands Rail

No comment

West Midlands Trains Limited

No comment

Wester Power

No comment

Representations

None received.

Determining Issues

Principle of Development
Design, Layout and Character
Residential Amenity
Highways
Flooding and Drainage
Air Quality/Noise/EV Points
Contamination/Coal
Impact on Natural Environment
Trees/Protected Trees
Security

Assessment of the Proposal

Principle of Development

The site is designated in the Adopted Development Plan as part of a retained Local Quality Industry site under SAD Policy IND3 (site reference IN18.1 – Leamore Lane / Commercial Road / Bloxwich Business Park, Bloxwich) and is safeguarded for retained local quality employment uses (site reference IN18.1). Proposals for non-industrial uses will be permitted if allowed by BCCS Policy EMP3. The policy also notes that the provisions of saved UDP Policy JP8 will also apply.

The Fryers Road HWRC proposals are considered to be in accordance with policy IND3 given they are for an upgraded waste facility to replace the existing HWRC and currently located on the site, as well as the relocation of the WTS to the Middlemore Lane site, for which there is a separate application: 22/0100.

Under SAD Policy W2 proposals to upgrade, expand or modify the waste management operations at an existing waste management site can be supported where they would not have unacceptable effects on health, the environment, amenity or infrastructure. Concerns

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raised by the relevant regulatory authorities, statutory consultation bodies and infrastructure providers are an important material consideration.

Impacts on health, the environment, amenity or infrastructure are addressed in the PSS. Para 4.3.2 makes provision for tree protection fencing and planting to replace lost, low amenity trees. 5.3.6 states “The application is supported by an Air Quality Screening Letter, a Noise Impact Assessment, a Flood Risk Assessment, a Phase 1 Contaminated Land Assessment and a Coal Mining Risk Assessment which all conclude that the proposal will not cause pollution or cause unacceptable adverse effects in terms of polluting emissions.” While any later found will be mitigated appropriately. 5.3.9 details that the site lighting plan (Drawing CA11906-207) shows that light spread will be largely contained within the site and not pollute outward.

Where proposals include extensive open storage or processing of waste, they will be expected to demonstrate the proposals will not present unacceptable risks from fire to occupiers and in the vicinity of the site. Open storage is considered in paragraph 2.3.3 of the PSS, which refers to a limited storage intention on-site and in 2.4.2 the closing of containers to the public when not in use and protection by canopy covers.

Policy WM4 sets out nine assessment criteria for New Waste Management Facilities which the accompanying documents appear to address, alongside the considerations listed in policy WM2. In many cases the proposal will satisfy and directly support the detailed considerations given they are to meet local waste management needs and are appropriately located on a local quality employment site.

The assessment criteria for Policy WM4 appear to be satisfied by:

- the proposal supports national and local waste strategies;
- the proposal is well-located in relation to the sources of waste it will be managing;
- the location is suitable for the type of facility and operations proposed and capable of adapting to changing circumstances (with the expansion of facilities evidencing this);
- the proposal provides opportunities for co-location of related uses and/ or generate other benefits, such as the reuse centre;
- the proposal involves re-use of previously-developed HWRC land;
- the proposal contributes towards the positive environmental transformation of the Black Country via the expansion of waste management and reuse services;
- the proposal is compatible with neighbouring uses given its existing location;
- the proposal supports wider economic and growth objectives for the Black Country;
- the address impacts on the highway/ transport network in the accompanying Transport Statement (Appendix M)

A key consideration is the need to maintain the Waste Transfer Station processing capacity of the Borough. The existing Fryers Road WTS has an identified estimated maximum annual through-put capacity of 100,000tpa (as referenced under SAD Policy W2). The accompanying Middlemore Lane application and proposal replaces this with an increased capacity of circa 125,000tpa in Aldridge to the East of the Borough. This increase in capacity is included in the accompanying PSS as justification for both proposals in response to BCCS policies WM2 and WM4. For instance, para 6.1.7 of the PSS assures that “The removal of the existing WTS will be compensated for by the construction of a new larger waster transfer station at Middlemore Lane”.

Highway and amenity impacts from the Fryers Road proposals are unlikely to give rise to impacts above the existing use, there could be detrimental impacts arising from new vehicle movements to/from the Middlemore Lane site. Paragraph 5.16 in the Transport Statement (Appendix M) refers to this redistributed routing and that mitigation measures are proposed in the accompanying assessment for that application, 22/0100.

The existing Fryers Road HWRC site is located in area of Nitrogen Dioxide exceedance (identified as a constraint under SAD Policy W2). BCCS Policy ENV8 advises that where development is proposed in areas where air quality does not meet (or is unlikely to meet) air quality objectives, an air quality assessment will be required. The accompanying Air Quality Screening Letter (Appendix F) concludes that “the closure of the existing WTS and replacement of the existing HWRC with the redeveloped HWRC will lead to an overall reduction in vehicle trips to and from the site” ... “As a result, in accordance with the EPUK/IAQM guidance, the impacts of the proposed development can be considered as having an insignificant effect.” ... “it is not therefore considered necessary to undertake a detailed air quality assessment for the proposed development.”.

The proposals for a large reconfigured HWRC should meet the environmental protection and design policies listed in the UDP. Saved UDP Policy JP8 advises that location of potentially bad neighbour uses will be given very careful consideration taking into account the particular environmental implications of individual proposals. Amongst other matters, the policy requires that proposals should not have a detrimental effect on the environmental quality of employment areas, adverse impact on sensitive land uses, and should be capable of providing satisfactory screening and landscaping. The proposed scale and layout of this proposal appears to be in keeping with the surrounding industrial area. The planting of hedgerows and beds along boundaries will provide a buffer between neighbouring uses, while the location of containers at the centre of the site maximises separation.

A small re-use shop is included in the proposal, this is an ancillary comparison retail use increasingly associated with waste management sites in England (for example, at the Tyseley Household Recycling Centre in Birmingham) in which residents can both deposit and purchase furniture, electrical goods and other items that have been diverted (for re-use) from waste processing (re-cycle). This supports the national and local strategy to move waste up the waste hierarchy and is offers a last-moment landfill diversion.

New waste management facilities are supported under BCCS Policy WM1 and encouraged to help meet targets toward landfill diversion, ensure equivalent self-sufficiency in waste management and meet identified capacity requirements.

It is considered a number of concerns associated with this location and use have been addressed by the inclusion of supporting evidence appended to the application, including matters of location of the site, transport impact, air quality, and noise and flood risk. This evidence is comprehensive and suggests that any associated impact can be mitigated with the recommended steps.

While waste uses are considered Locally Unwanted Land Uses in many respects, they offer benefit to the wider borough and support Walsall’s status as a net importer of waste and self-sufficiency in waste management (along with the wider Black Country), as identified in the Waste Study (2019) for the BCP. In addition, inclusion of a reuse shop offers further opportunities for landfill diversion. In addition, design considerations seek to create

separation and buffers between the expanded HWRC and the existing uses to all sides and open storage is reduced through container covers and demand-cycles.

As highway impact is expected to be reduced and redistributed to the Middlemore Lane site, the extent to which that application presents sufficient justification and mitigation will be a key concern.

As the proposal is for a new and upgraded HWRC at an existing local quality employment site it would be in accordance with BCCS Policies EMP3, WM2 and WM4.

Concerns over air quality impact and the requirement for an assessment are assuaged by the conclusions of the accompanying Air Quality Screening Letter and electric vehicle charging provision is contributory to the aims of BCCS Policy ENV7 for renewable and low carbon energy.

The assessment criteria outlined in local policy appears to be adhered to, namely providing 'fit for purpose' HWRC facilities close to existing local communities where waste is generated, together with the waste management processing capacity through alternative and continuing WTS provision at Middlemore Lane. As such, the proposal is supported in principle.

Design, Layout and Character

The design of the scheme maximises the operational capacity of the site utilising the full footprint of the site. The HWRC container area will be positioned centrally to the site to maximise the container provision and a two-lane one-way carriageway will circulate traffic around the site with service users entering the site off Fryers Road and exiting via Reaymer Close. The two-lane one-way carriageway will maximise capacity and allow service users to utilise both lanes, increase manoeuvrability, limiting the impact of lane blockages and easing exit from the site. Commercial vehicles will be routed out of the site onto Fryers Road to ensure the separation of commercial and public vehicles however it is important to ensure the proposal satisfies design requirements and does not overdevelop the site.

The carriageway would be routed around a horseshoe shaped service area including a low-level recycling area to the west of the site and the container area central to the site, providing capacity for up to 17 containers. This capacity allows the council the flexibility to increase material streams captured, repeat containers and open/close containers when demand dictates. All containers would be accessible from three sides through the introduction of piers to increase usability. The containers would be protected by Y shaped open sided canopy covers.

It is considered the design of the scheme is typical of this type of development and does not overdevelop the site. The surrounding area is industrial in nature and as such the works are considered to be in keeping. The proposed buildings and containers are simplistic and are of an appropriate scale to the surrounding area. A condition will be implemented on any approval requesting details of the external materials of the proposed development to ensure a high quality development ensues.

There are areas of landscaping in and around the site which help to soften the proposal whilst also adding an element of external security.

In terms of boundary treatments, a new 4m high palisade fence in grey galvanised steel is proposed to be installed on the boundaries of the site along with entry and exit gates to keep the site secure. Community safety consider that this type of boundary treatment offers a climbing facility and easy removal of rails. As such a condition will be imposed relating to boundary treatments to ensure the security of the site.

Residential Amenity

The proposed site has previously operated as a Household Waste and Recycling Centre and Waste Transfer Station and is located within a predominantly industrial area and as such it is considered that immediate occupiers would not be detrimentally affected by the use of the site.

The site is segregated from the nearest housing estate by other industrial premises and highway to the south and south-west and to the north and north-east by the Wyrley and Essington Canal. The Properties on Leamore lane are approximately 117.8m from the site whilst the properties along waster Reed Grove are approximately 169m.

The proposed development is well contained within the site and it's considered that the buildings are appropriate in scale.

Given the above mentioned distance to nearest residential occupiers, it is considered that any noise and disturbance would not be significant, especially given the site will now note comprise a waste transfer station. It should be noted that Environmental Protection support the proposal.

Conditions would be included to restrict the use of an external tannoy or similar system, to safeguard the amenity of nearby occupier, and for a working plan.

Overall, the proposal is considered acceptable subject to the conditions as set out and accords with Saved UDP Policies GP2 and ENV11 and the NPPF.

Highways

It is proposed that the vehicle access to the site will remain via Fryers Road but with an upgrade to the existing bellmouth access, which is to include tactile paving. The internal route will remain one way with the egress leaving the site via Reaymer Close for customers but two-way for service vehicles with a dedicated egress lane.

The proposed upgraded site access is shown by swept path analysis that all vehicles can access and egress the site safely.

The internal layout is designed to accommodate the various elements of customer recycling and refuse processes. The periphery of the site is mainly for customers and the internal area for service vehicles importing and exporting the deposited materials

A total of 62 onsite parking spaces will be provided, including 2 disabled bays and 7 EV charging points. Of the 62 spaces there will be 28 visitors' spaces in the form of rapid bays along the roadway which are for typical HWRC users to pull in for 5-10 minutes whilst unloading near the container bays.

The remaining 34 spaces within the parking area will be mostly for workshop users and the area of parking by the welfare office will be predominantly for staff.

A Transport Assessment has been submitted to support the application.

The proposed site will remove the existing WTS and provide a new 17 bay HWRC in place of the existing 17 bay HWRC. The proposed trip generation for the HWRC will therefore not alter from the existing trips.

The development is predicted to result in a minor increase in trips in the AM peak, PM peak, Saturday peak with a daily reduction in trips for the weekday and weekend. Paired with this through the removal of the WTS all HGV trips (110 daily) associated with this use will be removed off the network.

The WTS trips that currently route from Fryers Road will be redistributed to the proposed facility in Aldridge which is addressed within that application's Transport Assessment.

The Highway Authority agrees that the development will not have a significant detrimental impact on the operation of the local highway network.

Pedestrian access to the site will be provided via Fryers Road in the same location as the vehicle access.

The site will provide sheltered cycle parking spaces for employees in the form of 6 Sheffield cycle stands.

The existing bellmouth access on Fryers Road will be modified and upgraded to improve access and pedestrian accessibility.

The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2021 paragraph 111.

Therefore in light of the comments above, the Highway Authority Supports the proposal, subject to conditions relating to the upgrade of the existing access, implementation of parking, implementation of the proposed cycle shelter and for the measures and incentives within the submitted employee travel plan statement shall be implemented.

Flooding and Drainage

As shown on the Environment Agency's published flood risk map, the application site is located within Flood Zone 1, the lowest area of potential flooding from sea and rivers. Furthermore, the proposed type of development is considered to be 'less vulnerable' than other forms of development i.e. housing.

The Lead Local Flood Authority and Environment Agency were consulted as per statutory requirement.

The Environment Agency have no objections to the proposals as submitted, however they have commented on the following points.

The proposed development site is located on solid geology of the Pennine Middle Coal Measures, designated as a Secondary A Aquifer by the Environment Agency. Superficial deposits are indicated to be absent. The nearest surface water feature is the Wyrley and Essington Canal located approximately 130m North East. There are no groundwater abstractions within 500m and site is not within a groundwater Source Protection Zone.

The desk study report identifies that former uses include that of a refuse heap with 'tipping of material', this activity was undertaken extensively throughout the 20th century until 1988, where the site then became a Waste Recycling Centre.

It is considered that the previous extensive use of the site as a refuse heap as potentially contaminative. It is possible that demolition and redevelopment could present potential pollutant linkages to controlled waters (namely the underlying Secondary A Aquifer) and it's noted the Desk Study report concludes that an intrusive site investigation should be undertaken to further assess the prevailing ground conditions, which should include a contaminated land assessment.

Whilst the controlled waters in this environmental setting maybe considered of relatively low sensitivity, we agree to these recommendations that an appropriate intrusive investigation should be undertaken. An assessment of the risk to controlled waters should be included if any significant contamination becomes apparent.

A condition requiring a remediation strategy is recommended to be included if planning permission is granted in order to ensure controlled waters receptors are appropriately protected. This should be carried out by a competent person in line with paragraph 184 of the National Planning Policy Framework.

In terms of the comments from the LLFA, they have considered that there is insufficient detail to fully demonstrate that an acceptable drainage strategy is proposed and recommend that planning permission is not granted until this is resolved.

It is requested that members of this Planning Committee resolve to delegate the determination of this application to the Head of Planning and Building Control to finalise and amend planning conditions as necessary, and subject to overcoming the objection from the LLFA.

Air Quality/Noise/EV Points

The 'Noise Assessment Report', by Wardell Armstrong, Ref. CA11906/001, December 2021, identifies that no sensitive receptors (households) will be affected by noise from the proposed activities on the site, therefore, no mitigation measures are required.

Given that some current activities (associated with the Waste Transfer Station) are proposed to move to the Aldridge Site, the consultant is predicting that there will eventually be an improvement in acoustic impacts. Environmental Protection agree with the findings of the report that no specific mitigation measures are warranted.

The 'Fryers Road, Walsall – Air Quality Assessment', by Wardell Armstrong, Ref. PS/MTW/VE/CA11906/RPT-0002a, Dec 2021 advises about communications that have already been undertaken with Environmental Protection, and an agreement reached that as a result of the continuing activities and removal of the Waste Transfer Station an Air Quality assessment was not required.

The Air Quality Supplementary Planning Document (AQ SPD) remains relevant and will require for the installation of electric vehicle charging points. The proposed site plan (Fryers Road General Arrangement Plan) indicates at least 7 charging points, which should comply with the requirements of the SPD.

The AQ SPD can be located via the following link:

https://go.walsall.gov.uk/Portals/0/images/importeddocuments/black_country_air_quality_spd.pdf

Conditions are to agree measures to comply with the Air Quality SPD. Subject to these measures the proposals will comply with policy ENV8 of the BCCS, policies GP2, ENV10, ENV32 and JP8 of the UDP and the Air Quality SPD.

Contamination/Coal

The Phase I Desk Study, by Wardell Armstrong, March 2021, Ref. CA11906-004 identifies that the site is likely to have made ground deposits underneath it and recommends that for completeness the Applicant undertake an intrusive contaminated land investigation.

Although the proposal is for a similar activity to be undertaken to what is there currently, Environmental Protection agrees that an intrusive investigation should be undertaken to consider geological and contaminated land concerns (note – separate consultation will be required with our Engineers Section for input on the geological investigation) to ensure future building/structure are adequately constructed.

Planning conditions have been provided for contaminated land investigation, however, subject to consultation with our Engineers, Planning Officers should consider modifying them to include geological investigations.

The need for contaminated land and geological investigation will depend upon the building types to be constructed and whether there is much foundation type works involved with the

structures. This should be something that the architect and/or the design engineer or Building Control may be able to advise upon.

A Coal Mining Risk Assessment was submitted to support the application. The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development. Conditions are therefore recommended regarding a scheme of intrusive investigations and for a signed statement or declaration to be prepared confirming that the site is, or has been made safe and stable for the approved development.

Impact on natural environment

The landscape design shows new landscaping in an around the site in the form of proposed hedgerows, planting beds and structural planting in addition to retaining existing boundary vegetation. This landscaping is welcomed and will enhance the landscape value of the site.

A Preliminary Ecological Appraisal has been submitted to support the application. It considers that no direct or indirect significant effects on the statutory and non-statutory nature conservation sites within 2km of the site are anticipated. It is recommended that existing scrub and tree habitats on site are retained, where possible. No further protected species surveys are considered necessary at Fryers Road. To protect breeding birds, it is recommended that building demolition or vegetation clearance should be undertaken outside bird breeding season (March to August inclusive). It is also recommended that measures to prevent harm and disturbance to local wildlife (especially within the scrub located along the south-east boundary) are implemented during site clearance and construction works following a Precautionary Working Method Statement. There are opportunities to enhance the development for biodiversity to deliver a biodiversity net gain in accordance with the requirements of the NPPF. These include appropriate management of existing valuable habitat within the site, creation of new habitats through a landscape scheme for the site and the provision of homes for wildlife.

Trees/Protected Trees

There are no protected trees on site and it is considered there are no objections on Arboricultural grounds.

Security

Principles of secure by design are recommended and would be secured by condition. There is no objection from West Midlands Police.

Conclusions and Reasons for Decision

FOR Grant

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

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and have raised concerns regarding the LLFA comments in regard to insufficient information. The LPA and agent are working together to overcome this outstanding objection and request that members of this Planning Committee resolve to delegate the determination of this application to the Head of Planning and Building Control to finalise and amend planning conditions as necessary, and subject to overcoming the objection from the LLFA.

Recommendation

Conditions and Reasons

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

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

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

CA11906-200 REV A Site Location Plan, dated 07/07/2021, received on 31/01/2022.

CA11906-209 REV A- Re-use Shop and workshop layout and elevations- dated 19/10/2021, received on 31/01/2022.

CA11906-214- REV A- Weighbridge Office Layout dated 13/01/2022, received on 31/01/2022.

CA11906-208 Rev A- Welfare Office layout and elevations dated 19/10/2021, received on 31/01/2022.

CA11906-201 REV P0- Topographical Survey dated 10/06/2021, received on 31/01/2022.

CA11906-206 REV A- Surface Water Management Plan, dated 11/11/2021, received on 31/01/2022.

CA11906-213 Indicative Solar PV details, dated 01/11/2021, received on 31/01/2022.

CA11906-207 REV A Operational site lighting plan- dated 05/07/2021 received on 31/01/2022.

CA11906-215 REV A- Meet and Greet Operative Station dated 18/01/2022, received on 31/01/2022.

CA11906-211 REV A – Landscape Proposals detailed design, dated 08/10/2021, received on 31/01/2022.

CA11906-210 REV A HWRC Containers elevation, dated 13/09/2021, received on 31/01/2022.

CA11906-203 REC A-General arrangement, dated 04/10/2021, received on 31/01/2022.

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CA11906-212- Fence Boundary Details, dated 09/09/2021, received on 31/01/2022.
 Planning Supporting Statement by Wardell Armstrong dated January 2022.
 Cover Letter by Wardell Armstrong dated January 2022.
 Glint Statement by Wardell Armstrong dated 22nd November 2021.
 Visual Review Technical Note by Wardell Armstrong dated December 2021.
 Transport Statement by Vectos dated December 2021.
 Coal Mining Risk Assessment by Wardell Armstrong received 31/01/2022.
 Phase I Desk Study by Wardell Armstrong dated March 2021.
 Noise Assessment Report by Wardell Armstrong dated December 2021.
 PWMS for Hedgehog, Reptiles, Amphibians and Otter dated 27-01-2022.
 Preliminary Ecological Appraisal dated 27-01-2022.
 Arboricultural Impact Assessment dated November 2021.
 Air Quality Assessment dated 14th December 2021.
 Flood Risk Assessment dated January 2022.
 Site Selection Assessment dated January 2022.
 Statement of Community Involvement dated December 2021.

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).

3a. Prior to the commencement of the development hereby permitted a scheme of intrusive investigations to establish the risks posed to the development by past shallow coal mining activity and remedial stabilisation works to address land instability arising from shallow coal mining legacy shall be carried out in full in order to ensure that the site is made safe and stable for the development proposed. The works shall be submitted in writing to and approved in writing by the local planning authority.

3b. Prior to the occupation of the development hereby permitted a signed statement or declaration prepared by a suitably competent person confirming the site has been made safe and stable for the permitted development shall be submitted in writing to and approved in writing by the Local Planning Authority. This document shall confirm the completion of the remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

3c. The development shall not be carried out otherwise than in accordance with the agreed details and shall thereafter be retained for the lifetime of the development.

Reason: To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and migratory measures to be identified and carried out before building works commence on site, in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

4a. Prior to commencement of development hereby approved, a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted shall be submitted to in writing to and approved in writing by the local planning authority. This strategy will include the following components:

i. A site investigation scheme in areas of the site where new structures are proposed to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

ii. The results of the site investigation and the detailed risk assessment referred to in (ii) and,

based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

iii. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority.

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved remediation strategy.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from/adversely affected by, unacceptable levels of water pollution in line with paragraph 177 of the National Planning Policy Framework.

5a. Prior to the commencement of development hereby permitted, including any engineering, site clearance/preparation, and/or construction works a Construction Environmental Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. The Plan shall set out how the works will be undertaken and give details of arrangements for the control of noise, vibration, dust and debris (including site drag-out), and the management of any materials arising from the works.

5b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Management Plan and the approved management plan shall be maintained throughout the construction period.

Reason: to protect the local amenities, the local infrastructure and environment.

6a. Prior to the commencement of development hereby approved 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).

6b. Prior to the commencement of development hereby approved a copy of the findings of the site investigation, ground contamination survey and ground gas assessment as stipulated in part a of this condition, 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)

6c. Prior to the commencement of development hereby approved 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).

6d. The remedial measures as set out in the 'Remediation Statement' required by part c of this condition shall be implemented in accordance with the agreed timetable.

6e. 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 a) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part c) 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.

6f. A validation report setting out and confirming the details of the remedial measures implemented, cross referencing those measures with 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)

6g. The development hereby permitted 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.

7a. Prior to the commencement of the development hereby permitted details on how the requirements of the Black Country Air Quality Supplementary Planning Document shall be implemented shall be submitted in writing to and agreed in writing with the Local Planning Authority.

7b. 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.

7c. Prior to the occupancy of the development hereby permitted, a written validation statement that demonstrates the agreed measures have been implemented shall be submitted in writing to and agreed in writing by the Local Planning Authority.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy.

8a. Prior to the commencement of the development hereby permitted, a Construction Methodology Statement shall be submitted in writing to and agreed by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

8b. 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 preparation and construction period.

Reason: In order to minimise potential disruption to the free flow of traffic and in the interests of highway safety.

9a. Prior to the commencement of the development hereby permitted drainage plans for the disposal of foul and surface water flows shall be submitted in writing to and approved in writing by the Local Planning Authority

9b. 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 that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

10a. Prior to the commencement of the development hereby permitted, all access ways, manoeuvring areas and parking spaces shall be implemented being clearly demarcated on the ground and thereafter be retained and used for no other purpose.

10b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the parking spaces shall thereafter be retained for the purposes of parking vehicles and for no other purpose for the lifetime of the development.

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

11. Notwithstanding the details submitted on drawing CA11906-212- Fence Boundary Details, dated 09/09/2021, received on 31/01/2022 and prior to the commencement of development hereby permitted, details regarding the proposed boundary treatments shall be submitted to and approved in writing to the Local Planning Authority.

Reason: To safeguard and ensure the security of the site.

12a. Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits) shall be submitted in writing to and approved in writing by the Local Planning Authority.

12b. The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

13. Prior to the development hereby permitted first coming into use, the existing bellmouth access on Fryers Road shall be upgraded to include a tactile pedestrian crossing point to the satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory completion and operation of the access, to improve pedestrian accessibility and in accordance with UDP Policy GP2 and in the interests of highway safety.

14a. Prior to the development hereby permitted first coming into use, the proposed cycle shelter, which shall be covered and illuminated, shall be fully implemented in accordance with the approved details.

14b. The cycle shelter 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.

15. Prior to the development hereby permitted first coming into operation, the measures and incentives to promote the facilities sustainability credentials and encourage non car borne travel modes shall be implemented in accordance with the submitted Employee Travel Plan Statement dated January 2022.

Reason: To encourage sustainable travel modes, in accordance with BCCS policy TRAN2 and UDP Policy T10.

16a: The development hereby permitted shall not be carried out otherwise in accordance with the approved Landscape proposals as detailed on drawing CA11906-211 REV A dated 08/10/2021 and received on 31/01/2022 and the approved details shall thereafter be retained for the lifetime of the development.

16b: 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.

17: All site clearance shall take place outside the bird breeding season (February to August) unless carried out under the supervision of a qualified and experienced ecologist.

Reason: To ensure proper regard is taken to the impact of development on protected and important species.

18a. The following types of materials shall not be imported onto or deposited within the site:

- a) Any waste comprising liquids, sludges or slurries.
- b) Any waste classified as hazardous within the European Waste Catalogue.

19b. Where wastes of a type not permitted for acceptance at the facility are inadvertently delivered they shall be segregated and kept in enclosed containers prior to removal to a suitable alternative facility.

Reason: To minimise the potential for any adverse environmental impact arising from the type of waste material imported.

20. Materials shall only be imported, deposited or stored within the storage areas shown on the approved plans. All parking and vehicle manoeuvring areas shown on the approved plan shall thereafter be retained and used for no other purpose.

Reason: To ensure adequate parking and manoeuvring space is available and retained at all times, to ensure the satisfactory operation of the development and in accordance with UDP Policy GP2, T7 and T13 and in the interests of the free flow of traffic on the public highway and to highway safety and to safeguard the amenities of the occupiers of adjoining premises.

21. The site shall not be operated so as to permit the escape of any litter or visible dust emissions outside the confines of the site. In the event of any such emissions despite then the operations that cause dust emissions shall cease until such time as conditions change and dust suppression becomes effective.

Reason: To prevent any dust emissions or escape of litter arising.

22. The total quantity of waste imported onto the site as measured over any 52 week period shall not exceed 25,000 tonnes.

Reason: To minimise the potential for any adverse impact arising from the development.

23. No operations or activities associated with this permission shall take place on any Bank Holiday or Public Holiday, and such operations or activities shall otherwise only take place between the hours 08:00 – 19:00 Mondays to Sundays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

Reason: To ensure that there is no adverse impact on adjacent and nearby uses arising from the duration of operations.

24. There shall be no burning of waste on the site.

Reason: In the interests of amenity.

25. No public address facility, tannoy, radio or similar device to the external areas of the site shall be used between the hours of 22:00pm and 06:00am.

Reason: To safeguard the amenities of nearby occupiers and in accordance with Saved UDP Policy GP2 and the NPPF.

26. Structure-borne vibration transmitted to occupied buildings from ground stabilisation/piling works shall not exceed the specified criteria for 'low probability of adverse comment' levels, as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting' as may be amended or replaced from time to time.

Reason: to protect the local amenities, the local infrastructure and environment.

Notes for Applicant

Note to Applicant Air Quality SPD

The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points:

The electric vehicle charging point parking provision for commercial premises is 5% of points to comply with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw, with appropriate cable provision in place for a further 5% to meet any future increase in demand.

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

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

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

West Midlands Low Emissions Towns and Cities Programme, Good Practice - Air Quality Planning Guidance,

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Black Country Air Quality Supplementary Planning Document (SPD),
General Procurement Guidance for Electric Vehicle Charging Points, UK Electric Vehicle
Supply Equipment Association (April 2015),
Institute of Engineering and Technology (IET) Code of Practice for Electric Vehicle Charging
Equipment Installation.

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 land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

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

NOTE for groundworkers – The area of this proposed development has been utilised as a works and whilst subsequent remediation has taken place there may be hotspots of contaminated soil which could present Health and Safety implications. This information should be brought to the attention of the builder(s) or contractor(s) undertaking the

development and/or any site investigations in order that they may implement any Health and Safety at Work appropriate when undertaking work at the site of the proposed development.

In accordance with Government Policy detailed in the National Planning Policy Framework (paragraph 183), 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Therefore, should any significant contamination subsequently become apparent then responsibility remains with these parties.

Environment Agency

In accordance with Government Policy detailed in the National Planning Policy Framework (paragraph 183), 'where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'. Therefore, should any significant contamination subsequently become apparent then responsibility remains with these parties.

We recommend that developers should:

- Follow the risk management framework provided in LCRM - Land Contamination Risk Management when dealing with land affected by contamination.
- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site. The local authority can advise on risk to other receptors, such as human health.
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed.
- Refer to the contaminated land pages on GOV.UK for more information.

We would like to refer the applicant/enquirer to our groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from gov.uk. This publication sets out our position for a wide range of activities and developments, including:

Waste management
Discharge of liquid effluents
Land contamination
Ground source heat pumps
Drainage

Environmental Permitting

The demolition of the existing Household Waste Recycling Centre and Waste Transfer Station and redevelopment on the existing site will likely require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12. To add, the existing facility permit ref. number BB3202MJ/V002 may benefit from a permit variation.

The applicant is advised to find out more information about the permit application process online and to send a pre-application enquiry form via the gov.uk

website: <https://www.gov.uk/government/publications/environmental-permit-pre-application-advice-form>.

Severn Trent Water

Severn Trent Water advise that there is a public 375mm combined water sewer and a public 150mm surface water sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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

- 100mm to 299mm diameter – 3m either side of the pipe, measured from the centreline of the sewer.
- 300mm to 999mm diameter – 5m either side of the pipe, measured from the centreline of the sewer.

West Midlands Fire Service

Approved Document B, Volume 2, Buildings other than 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.

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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 15: Vehicle access

Buildings not fitted with fire mains

15.1 For small buildings (up to 2000m², with a top occupied storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.

- a. 15% of the perimeter.
- b. Within 45m of every point of the footprint of the building (see Diagram 15.1).

15.2 For all other buildings, provide vehicle access in accordance with Table 15.1.

15.3 Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m (e.g. a 150m elevation would need a minimum of two doors)

Buildings fitted with fire mains

15.4 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 16.10.

15.5 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.

15.6 Where fire mains are provided in buildings for which Sections 16 and 17 make no provision, vehicle access may be as described in paragraphs 15.4 and 15.5, rather than Table 15.1.

Design of access routes and hard-standings

15.7 Access routes and hard-standings should comply with the guidance in Table 15.2.

Requirements can only apply to the site of the works. It may not be reasonable to upgrade the route across a site to a small building. The building control body, in consultation with the fire and rescue service, should consider options from doing no work to upgrading certain features, such as sharp bends.

15.8 Where access to an elevation is provided in accordance with Table 15.1, the following requirements should be met, depending on the building height. a. Buildings up to 11m, excluding small buildings (paragraph 15.1): pump appliance access should be provided adjacent to the building for the specified percentage of the total perimeter. b. Buildings over 11m: access routes should comply with the guidance in Diagram 15.2.

15.9 Where access is provided for high reach appliances in accordance with Table 15.1, overhead obstructions (such as cables and branches) should be avoided in the zone shown in Diagram 15.2.

15.10 Dead-end access routes longer than 20m require turning facilities, as in Diagram 15.3. Turning facilities should comply with the guidance in Table 15.2.

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 2, Table 15.2)

Dead Ends including cul-de sacs

Dead ends including cul-de sacs should be avoided but where not possible the following should be applied.

The main problem with dead ends and cul-de sacs is access in an emergency and the issue of obstructions such as parking. In these circumstances fire service personnel are committed to approach on foot carrying equipment to deal with the situation. 225 to 250 metres carrying equipment is considered a maximum for efficient fire-fighting operations.

Dead ends/cul-de sacs roadways should be a minimum of 5.5 metres in width.

Industrial Estates

- a) In order to accommodate very long articulated vehicles carriageways should be 9 metres wide but certainly not less than 7.3 metres.
- b) The estate should be designed so that there is adequate off-street parking and there is no loading, unloading or long-term parking on the carriageway.
- c) Dead end access routes must not exceed 180 metres in length from a junction which provides two alternative routes out of the industrial estate, unless an emergency vehicle access is provided from the dead end, as described in 3.8.2.

Section 16: Fire mains and hydrants

Provision of fire mains

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

- a. The firefighting shafts.
- b. Where necessary, in protected escape stairs. The criteria for providing firefighting shafts and fire mains are given in Section 17.

16.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with Table 15.1. In these cases, outlets from fire mains should be located as described in paragraph

16.4, with a maximum hose distance of 45m from the fire main outlet to the furthest point, measured on a route suitable for laying a hose. Stairs do not need to be designed as firefighting shafts.

Provision of private hydrants

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

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

16.9 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.

16.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251. 16.11 Guidance on aspects of provision and siting of private fire hydrants is given in BS 9990.

Water Supplies

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-ffq-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 17: Access to buildings for firefighting personnel

Provision of firefighting shafts

17.2 A building with a storey more than 18m above the fire and rescue service vehicle access level should have one or more firefighting shafts containing a firefighting lift. The number and location of firefighting shafts should comply with paragraphs 17.4 to 17.7.

Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 17.3 and Diagram 17.2).

The approval of Building Control will be required to Part B of the Building Regulations 2010 Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 8)

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)

Working Hours

Construction and engineering works (including land reclamation, stabilisation, preparation, remediation or investigation), shall not take place outside the hours of 08:00 to 18.00 weekdays and 08.00 to 14.00 Saturdays and no such works shall take place on Sundays, Bank Holidays or Public Holidays*. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

(* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).

END OF OFFICERS REPORT

Economy, Environment and Communities, Development Management

Planning Committee

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

Plans List Item Number: 3

Reason for bringing to committee

The Head of Planning and Building Control considers that this application raises matters that should be considered by Committee on the basis of an officer recommendation to approve a variation to a planning condition imposed on permission granted at appeal by a Planning Inspector. The appeal related to the Planning Committee's previous authorisation to serve an enforcement notice in relation to the site.

Application Details

Location: BRUSH GARAGE, 86, LICHFIELD ROAD, WALSALL, WS4 1PY

Proposal: SECTION 73A: APPLICATION TO VARY CONDITION 2 (NOISE) OF ALLOWED APPEAL DECISION APP/V4630/C/18/3197762 DATED 12.07.2019 FOLLOWING ENFORCEMENT NOTICE E09/0717 ISSUED 05.02.2018.

Application Number: 22/0127

Case Officer: Sally Wagstaff

Applicant: Spooner Architects

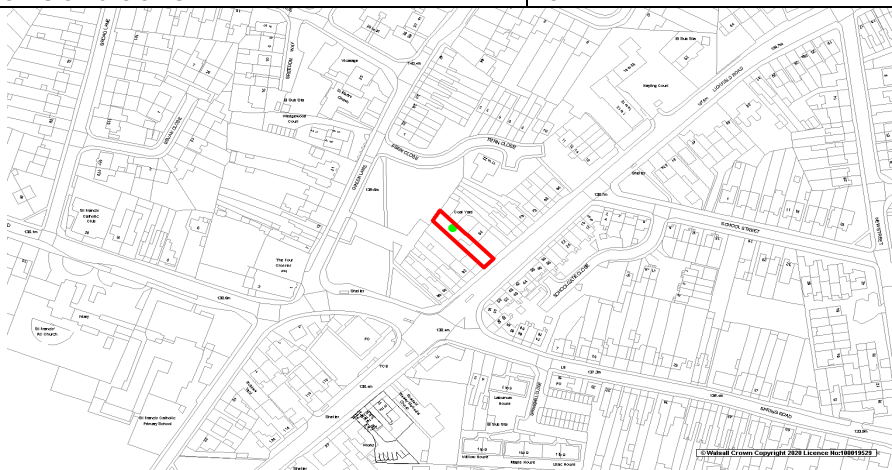
Ward: Rushall-Shelfield

Agent: Spooner Architects

Expired Date: 19-Apr-2022

Application Type: Section 73: Removal or Variation of Conditions

Time Extension Expiry: 11-May-2022



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Recommendation:

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions

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Proposal

This Section 73a application seeks to vary condition No.2 of the planning permission granted at appeal on 12th July 2019 under reference APP/V4630/C/18/3197762 in relation to noise.

The applicant states that a '5 dB limit' set out in condition 2 of the Inspector's decisions cannot be achieved for the permitted operations on the site. Consequently, the applicant has carried out acoustic measures to the workshop in the form of proprietary sound absorbent panels applied internally to the roof area. This is detailed and assessed in a supporting report prepared by an acoustic consultant, and constitutes alternative means to address potential noise impacts.

Rockfon Eclipse absorbent panels have been installed on 500mm hangers to the underside of the pitched composite roof with a total 28.8m² roof area coverage:

- 4no @ 2360mm x 1160mm
- 9no @ 1706mm x 1160mm

Site and Surroundings

The site is situated on the north western side of Lichfield Road (A461 Strategic Highway Network) just to the north of the traffic light junction with Mill Road and Spring Road.

The site includes premises formerly known as Brush Garage, accessed from Lichfield Road and bordered to the north of the site by a modern residential property set back from the road with a large detached garage set to the rear. To the south it is bordered by a two storey premises with a retail shop at ground floor on the frontage and residential accommodation at first floor and to rear at ground floor.

Immediately to the rear of the site (west) is an area of open space owned by the Council. This was previously the site of a neighbourhood office building and includes an area used for public parking.

Whilst the site lies adjacent to predominantly residential properties on either side, it also lies just outside of Shelfield local centre (10m away), which sits around the traffic light junction and is therefore located in a mixed residential-commercial area, with a convenience shop, veterinary practise, takeaways, barbers and hairdressers in close proximity along with modern flats on the opposite side of Lichfield Road to the south.

Relevant Planning History

10/0211/FL - Re-roofing, repair and alterations to rear element of existing garage building; minor extensions to front of the building, formation of car parking area fronting Lichfield Road and formation of hard standing and access at rear.

Granted Subject to Conditions 23rd August 2010.

E09/0717 – Without planning permission use of the site as a tyre sales and fitting premises including wheel balancing and alignment, tyre storage facility, tyre jetting/washing facility, office and customer sales area. Enforcement Notice served on 5th February 2018 and came into effect on 13th March 2018. The notice was subsequently quashed, and planning permission granted at appeal on 12th July 2019 under reference APP/V4630/C/18/3197762. This appeal decision included the following noise condition the subject of this current application:

“2. The use of the land hereby permitted shall not take place on the land until a noise survey has been undertaken and a noise report prepared, in accordance with a methodology set out in BS 4142:1997, and both the noise survey and the noise report have been submitted to the Local Planning Authority for their written approval. The noise report shall detail all findings and shall provide details of recommendations for mitigation measures to ensure that noise from commercial activities on the land shall not at any time exceed 5 dB above background noise levels at nearby noise sensitive locations. The use of the land hereby permitted shall not take place until the noise report, noise survey and mitigation measures required by condition two have been approved in writing by the Local Planning Authority. The mitigation measures shall be carried out before the use hereby permitted commences and shall thereafter be retained.

Reason: To safeguard the amenities of local residents.”

20/0415 - Section 73 Application: Variation of condition 2 (Appeal reference APP/V4630/C/18/3197762) regarding noise. Refused 23rd June 2020 on the following grounds (summarised):

- 1. Failed to provide an appropriate assessment to be made of the noise or associated noise impacts of the consented use.*
- 2. Failed to provide appropriate evidence to demonstrate that the proposal would not result in significant additional detrimental harm to neighbours' amenity.*

Discharge of Conditions

Conditions 3 (refuse) and 5 (parking) have been discharged by the Local Planning Authority on 22nd December 2021 following the receipt of satisfactory details required.

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

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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 6 – Building a strong, competitive economy**

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

Planning conditions should be kept to a minimum and only imposed where they are

necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early

is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- JP8: Bad Neighbour Industrial Uses

Black Country Core Strategy

- EMP1: Providing for Economic Growth

Consultation Replies

Environmental Protection – No objection subject to conditions to secure additional acoustic absorption to the building, along with further controls on the use of equipment and operations taking place internally and external to the application building in order to safeguard amenity.

Representations (*Officer comments in italics*)

9 x objections from nearby occupiers on the following grounds:

- Unclear whether internal insulation has been installed (*sound absorbing panels have been installed*);
- Has right of way to their own property (*this is a civil matter*);
- BS4142 assessment required;

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- Applicant should adhere to the 5dB limit;
- Impacts to amenity from noise arising;
- Object to condition No.5 and highway safety (*this condition has already been discharged*);
- Former Brush Garage and TV repair shop 17 years ago resulted in highways issues (*noted*);
- Will lead to parking on double yellow lines (*Condition No.5 has already been discharged and this would be a matter for highway enforcement*);
- Decreased house values (*this is not a material planning consideration*);
- Tyre storage and space in workshop;
- Concerns over Council handling of this application (*this application has been assessed by professional and suitably qualified and experienced Council officers against local and national planning policy and guidance, and judged on its own merits. This application has been put before Members of the Planning Committee to seek their resolution in line with the Council's constitution*);
- Involvement of Councillors and previous Local Government Ombudsman decision (*Any Members affected by the Ombudsman decision will be reminded of the outcome of the LGO decision along with any resulting need to not have any dealings with the application, and to leave the room and not participate in that item at Planning Committee*);
- Does not deal with noise breakout including when workshop doors left open;
- Contrary to Planning Policy;
- On-site assessment from neighbours garden has not taken place (*the proposed variation of condition does not require this to be carried out*);
- Not in spirit of Inspectors decision;
- Submitted report cannot be relied upon (*the report has been carried out and signed off by a suitably qualified person*);
- Previously proposed variation of condition was refused (*noted*);
- Permitted use as small garage workshop lost 10 years ago;
- Sound-absorbing panels have not been independently checked and verified by a qualified person;
- Reference to Human Rights Act;
- Site now under different ownership (*this does not prevent the determination of this current application*);
- Two independent reviews of the submitted survey carried out on behalf of neighbour;
- Provides a history of the site (*noted*);
- Recognises the incorrect reference to the 1997 standard and explains the purpose of BS4142:2014 (*noted*);
- Refers to Birmingham City Council noise guidance (*this relates to another Council's guidance which cannot be taken into account in the determination of this application*); and
- A noise impact assessment would identify whether noise level too high and explains that it would recommend any necessary noise mitigation or to identify an alternative site location for the operation.

Councillor Worrall (Ward Member):

- Cannot restrict noise levels to the 5 dB maximum specified by the inspector given the limitations of the current building;
- Unacceptable to seek increase in permitted levels of noise in absence of

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- necessary noise survey;
- Does not deal with noise break out;
- Mitigation unlikely to avoid noise through open front entrance open; and
- 5 dB limit set by Inspector is not negotiable.

Determining Issues

- Whether the variation of Condition No.2 is acceptable
- Updating of Conditions
- Other Matters

Assessment of the Proposal

Whether the variation of Condition No.2 is acceptable

The Council's Environmental Protection Team confirm that the version of British Standard BS 4142 referred to in condition No.2 attached to the permission had already been rescinded and superseded at the time of its application at appeal in 2019. Furthermore, the application of British Standard BS 4142 within the current condition does not in itself provide for the detail of mitigation measures to be undertaken. This is pertinent on the basis that the standard does not provide for any fixed sound level to be achieved. Its underlying approach is formed on using exceedances over background noise which is inevitably variable, and giving important weight to context considerations. It cannot therefore simply provide for a correct and robust planning condition. This is said to be recognised by practitioners as part of modern convention. Even if a defined Background Noise Level could nonetheless be settled, the limitations set in the current condition are tantamount to prohibiting operation of the business; this is in conflict with the spirit of the Inspector's decision and the required tests of the NPPF.

The applicant's acoustic consultant who acted in relation to the previously refused application reference 20/0415 also expressed that *".. the noise 'level' set was so low that it meant the permission could never be implemented."* Notwithstanding the shortcomings of the previously refused application, this position helps to demonstrate an agreement between the Council and applicant's experts on the issues around the application of the current condition.

It should also be set out here as a context consideration that residential occupiers in the immediate vicinity are already subject to a relatively high level of noise and possible associated disturbance compared to what would be expected on a residential estate for example, due to their proximity to Lichfield Road (the A461 Strategic Highway Network). Furthermore, the application site has itself been in some form of commercial use for between 17 to 30 years based on details contained within representations and based on anecdotal evidence of Council officers. The Inspector also agreed that the site had operated as a garage business (which was not subject to restrictions) and shop/storage use as at 2008.

Safeguarding local amenity should therefore be proportionate. It is understood that the assessment of this proposal must also be carried out in the spirit of the

Inspector's decision, which essentially concluded that commercial operations on this site are acceptable, subject to the inclusion of conditions to protect the amenity of local residents.

Notwithstanding the details agreed by parties at the time of the appeal, given the above position, it is considered reasonable to explore an alternative approach to protect neighbours amenity as proposed by the applicant in this current application. It is argued that there are a number of methods and controls that can be secured by way of planning conditions to safeguard residents' amenity. The Local Planning Authority (LPA) has a duty to consider an application lodged before them. The inclusion of conditions attached to a decision made by the Planning Inspector does not prevent the LPA from considering alternative approaches put forward by an applicant to aim to secure an acceptable level of amenity for nearby occupiers. This current application must therefore be judged on its own merits, and has also been considered, and assessed, in the spirit of the appeal decision.

The applicant's reverberation assessment submitted in support of this current application has been carried out, and signed off, by a suitably qualified person, and explains that an assessment has been made following the installation of proprietary sound-absorbent panels to the roof area of the workshop by the applicant, and compared against initial results prior to their installation.

It also concludes that the presence of tyres within the workshop helps to provide additional sound absorption. Comments made by nearby occupiers on the number of tyres stored within the building are noted, but there is no evidence to demonstrate that this level is not required to facilitate the permitted use or that sufficient space does not remain to operate the permitted use.

The applicant's submitted assessment demonstrates a notable improvement in the measured reverberation time in the workshop when stocked with a notional quantity of tyres and taking account of the installed absorbent panels of RT 0.6s, from the original measured RT 1.03. It also discusses the installation of a further 50m² of Class C absorbent panels to the workshop area that could be accommodated in order to achieve a reduced reverberation time of at least 0.5s, which is equivalent to a standardised living room.

The Council's Environmental Protection team agrees with the findings of the applicant's submitted survey including the option for additional absorbent panels within the building as part of best practice in terms of noise control and has suggested the inclusion of planning conditions to reflect this.

Turning to the comments made by two independent experts instructed by a local resident, they conclude (summarised):

- Assessment should be carried out to establish background noise level;
- Consider internal partitions and localised sound absorption;

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- Consider use of quieter tools; and
- Proposed reliance on the submitted reverberation assessment not acceptable.

These opinions have been duly considered, along with other documents that have been submitted in response to this current application, and responses in short are provided as follows:

1. Neither Opinion makes mention that the version of British Standard BS 4142 had already been rescinded and superseded at the time of its application in 2019.
2. Acoustic assessments were carried out prior to submission of the current planning application to assess compliance with the planning condition. Understandably, Blue Acoustics and TGS Acoustics Ltd. who have provided opinion on behalf of an objector may not be privy to this work as it does not form part of this application.
3. Blue Acoustics and TGS Acoustics Ltd. were apparently not aware of the overt intentions underlying the assessment that is now provided in support of this application by Messrs Soundtesting.co.uk Ltd. Frankly this is not well expounded in the planning application. On a point of note and fact, neither Blue Acoustics nor TGS Acoustics Ltd. have consulted Environmental Protection concerning this application.
4. There is seemingly an inherent over-sight, or else failure to recognise, the manner in which tyre-fitting facilities in practice are operated. Attention is drawn to references on the acoustic modelling of the building. A reference to noise control measures is made by Blue Acoustics as follows: *“application of suitable cavity ceiling and independent stud wall systems designed to reduce the noise breakout and the noise impact at the nearby dwellings”*. This is a fruitless endeavour given the ‘drive-in, drive-out’ nature of activities and the open-door format of this type of commercial business, along with the limitations of the building size, and the practicalities of its operation. The opinion does however note that *“Should it be deemed impossible to attenuate the noise sufficiently through building insulation alone then internal partitions and localised sound absorption may be considered”*. [The size and nature of the premises does not lend itself to internal partitioning as this cannot have meaningful effects without compromising the working area in terms of access, siting of equipment, storage of goods and potential safety considerations.]
5. As already highlighted, the reverberation assessment was supported by the Council's Environmental Protection team for the intended purposes and involved discussions with the applicant's acoustic consultant prior to and after site work was commissioned, and reporting finalised.
6. There is no consideration or recognition that the extant noise condition fails to meet required planning tests or whether it could in practice be achieved.

On balance, taking account of the Council's expert advice, the representations received and the material planning considerations of this proposal, it is considered

acceptable to vary condition No.2 along with the above mentioned further changes to conditions / additional conditions to secure an acceptable level of amenity to nearby occupiers. This is considered to be in the spirit of the Inspector's decision and would not therefore undermine the outcome of the 2019 appeal.

Updating of Conditions

Under the provisions of a Section 73a application, which is essentially a replacement planning permission, it is possible to update conditions where necessary and the following sets out a summary of the changes considered necessary in this instance:

Condition 1 (Permission Time Limit) - use to begin with 3 years of 12th July 2019. Permission expires on 11th July 2022.

Condition 2 (Noise Survey) – this condition has been updated taking account of consultation comments as set out in the report.

Condition 3 (Refuse Collection) – agreed details show bins to be stored in the building and returned after collection. This condition was discharged on 22nd December 2021. This condition has therefore been updated to reflect the agreed details.

Condition 4 (Roller Shutter) – No details required to be submitted and the approved plan shows it to be filled in. Condition remains unchanged.

Condition 5 (Parking) - 2 x parking spaces on north-east boundary with remainder of forecourt offering manoeuvring area. This condition was discharged on 22nd December 2021 taking account of comments provided by the Local Highway Authority (LHA), as Council experts in this matter. The LHA considered that the constraints of the site limited the opportunity for more than two parking spaces, and that on balance, whilst some reverse manoeuvring may occur at times the likely infrequent movements and close proximity to the signal junction would allow breaks in traffic flows on the main road to facilitate this. This condition has therefore been updated to reflect the agreed details.

Condition 6 (Hours of operation) – Condition remains unchanged.

Condition 7 (Outdoor restrictions) - this condition has been updated taking account of consultation comments as set out in the report.

Proposed additional conditions:

Condition 8 (Equipment) – this additional condition has been included to provide further control of the equipment associated with the permitted use taking account of consultation comments as set out in the report.

Other Matters

In terms of the comments made in relation to Human Rights, the proposals set out in the report are considered to be compatible with the Human Rights Act 1998. The proposals may interfere with neighbour's rights under Article 8 of Schedule 1 to the Human Rights Act, which provides that everyone has the right to respect for their private and family life, home and correspondence. Interference with this right can only be justified if it is in accordance with the law and is necessary in a democratic society. The potential interference here has been fully considered within the report and on balance is justified and proportionate in relation to the provisions of the policies of the Development Plan and the NPPF.

Conclusions and Reasons for Decision

There are no material planning reasons to warrant a refusal of this application and 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 confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested.

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions

Conditions and Reasons

Original and updated conditions:

1. The use of the land hereby permitted shall begin no later than three years from the date of the Inspector's decision of 12th July 2019.

Reason: To comply with the requirements of Section 91 of the Act.

2a. Notwithstanding the details submitted, prior to the use of the land hereby permitted first coming into use, an additional scheme of acoustic absorption, over and above the existing acoustic absorption scheme, shall be installed to include Class C sound absorbent panels to reduce reverberation time as detailed within the submitted Sound Testing.co.uk Ltd. report (reference 15486 Version 2 Wednesday 3rd November 2021). A validation report of the completed work shall be submitted to and approved in writing by the Local Planning Authority.

2b. The acoustic absorption scheme shall thereafter be maintained, and retained in its entirety for the lifetime of the development. **See note to applicant 1.**

Reason: To safeguard the amenities of local residents.

3. The approved scheme of refuse storage as shown on 'General Arrangement Plan' reference 0919-1 Revision J, received on 21st December 2021, approved by discharge of condition on 22nd December 2021 shall be implemented, before the use of the land hereby permitted commences, and shall be maintained throughout the lifetime of the development.

Reason: To ensure that refuse is properly stored.

4. The use of the land hereby permitted shall not take place until the rear roller shutter door has been removed and the opening infilled with facing materials to match surrounding materials.

Reason: To ensure a satisfactory appearance for the development.

5. The approved car parking and manoeuvring scheme as shown on 'General Arrangement Plan' reference 0919-1 Revision J, received on 21st December 2021, approved by discharge of condition on 22nd December 2021 including demarcation of parking bays, shall be implemented before the use of the land hereby permitted commences, and the parking and manoeuvring area shall not be used for any other purpose at any time, and shall be maintained throughout the lifetime of the development.

Reason: To ensure satisfactory parking and manoeuvring is provided.

6. The use of the land hereby permitted, including collections and despatches from and deliveries to the premises, shall not take place outside the hours of 0800 to 1800 on Mondays to Fridays and 0800 to 1600 on Saturdays, and shall not take place on Sundays and Bank and Public Holidays. **See note to applicant 2.**

Reason: To protect the amenities of neighbouring residents.

7. No jet washing of tyres or vehicles shall take place at any time. No activities or operations associated with motor vehicle tyre fitting, wheel balancing and alignment, and any associated and ancillary work, repairs and operations involving the use of any equipment, plant, machinery and hand-tools powered by compressed air, electricity and any other fuel shall take place external to the tyre-fitting building at any time.

Reason: To protect the amenities of neighbouring residents in accordance with Saved UDP Policy GP2 and the NPPF.

New additional conditions:

8. Notwithstanding the details submitted, prior to the use of the land hereby permitted first coming into use, details of all plant, machinery and equipment to be used for the purposes of providing compressed air and electricity contained in the tyre fitting building, along with acoustic enclosures, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the use of the land hereby permitted first coming into use and shall thereafter be retained as such for the lifetime of the development.

Reason: To protect the amenities of neighbouring residents in accordance with Saved UDP Policy GP2 and the NPPF.

Notes for Applicant

1. The additional installation of acoustic absorption required in condition No.2 should include the covering of the tyre fitting centre floor space with resilient matting so far as is practicable, along with the addition of further internal acoustic absorbent panels to the ceiling, or alternatively provision of suspended space absorbers to the roof space, and application of internal sound absorbent cladding the gables of the building.
2. Bank Holidays and Public Holidays shall be taken to mean: Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Bank Holiday; Spring Bank Holiday; and Summer Bank Holiday.
3. The applicant is required to comply with the requirements of the additional condition No.8 along with all other updated and re-attached conditions originally imposed by the Inspector.

END OF OFFICERS REPORT

Economy, Environment and Communities, Development Management

Planning Committee

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

Plans List Item Number: 4

Reason for bringing to committee

Called in by Councillor Andrew due to public interest.

Application Details

Location: 2, WALSALL ROAD, WILLENHALL, WV13 2EH

Proposal: PROPOSED CONSTRUCTION OF 4 NO. NEW THREE BED TOWNHOUSES WITH ASSOCIATED PARKING, ACCESS, EXTERNAL LIGHTING AND BIN STORES.

Application Number: 20/1575

Case Officer: Ann Scott

Applicant: W13 Ltd

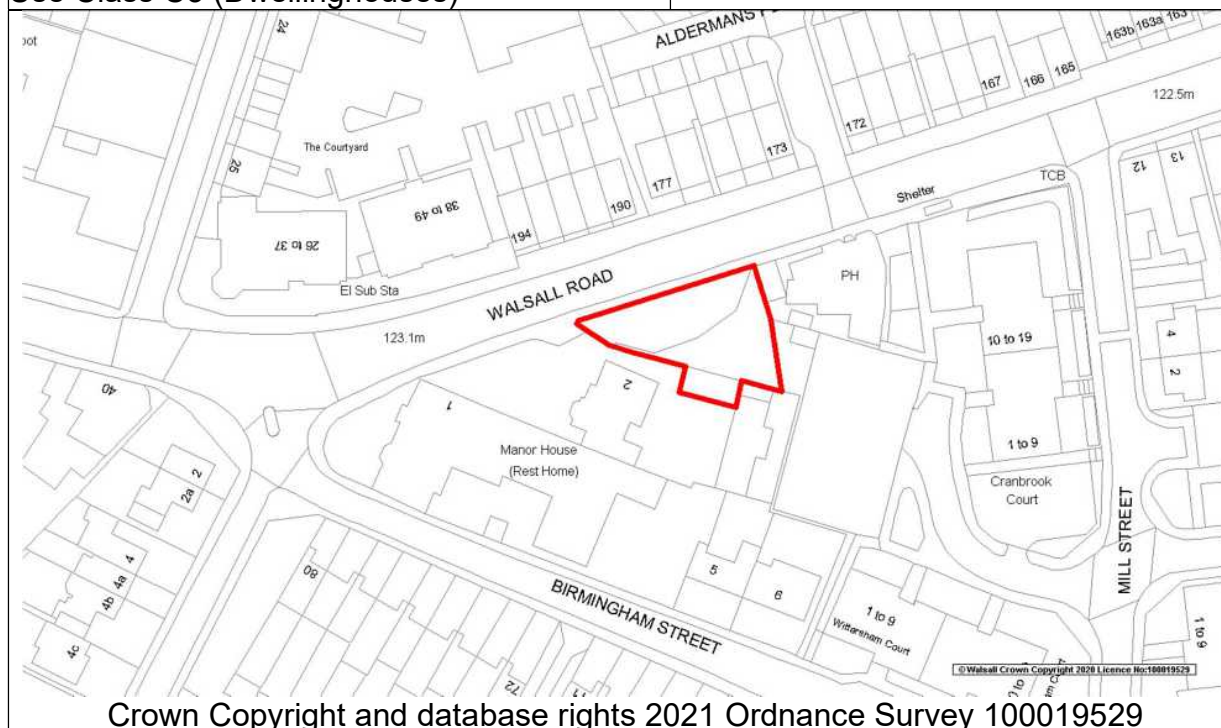
Ward: Willenhall South

Agent: W13 Ltd

Expired Date: 07-Apr-2021

Application Type: Full Application: Minor Use Class C3 (Dwellinghouses)

Time Extension Expiry: 11-May-2022



Recommendation

Refuse

Proposal

Proposed construction of 4 no. new three bed townhouses with associated parking, access, external lighting and bin stores.

Site and Surroundings

The application site is at 2 Walsall Road Willenhall and is in proximity to an existing commercial premise with a shared access from Walsall Road. The application site currently forms part of the site with 3 no advertising hoardings displayed with a fence and grassed area in front facing Walsall Road. The adjacent premises are a clinic and the site incorporates an existing parking area to the rear of the advertising hoardings.

To the front of the application site along Walsall Road there is a single yellow line parking restriction in place.

The site lies between commercial developments being a clinic to the West of the application site and the Three Tuns public house to the East of the application site. The proposed rear garden/amenity areas of the new dwellings would back onto the car parking area to the Clinic site which shares vehicular access with the proposed dwellings parking and turning area.

Relevant Planning History

02/0529 – Two storey Rear extension and change of use of land to car park for the flat above 3 Tuns Public House – Granted 16-07-2002.

Mills and Allen Ltd – Advertising Right 614 Adjacent 3 Walsall Road Willenhall

04/01487/OL – Demolition of existing office and construction of new build residential consisting of 9 x 1 bed apartments – Refused 12-07-2004

17/0944 Change of use of building from B1 to D1 Nursery – Refused 09-08-2017.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF 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

- GP2: Environmental Protection
- GP5: Equal Opportunities
- 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
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The ‘Local List’ of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV36: Poster Hoardings
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of
- T1 - Helping People to Get Around
- T2 - Bus Services
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- 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
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN4: Regeneration of Town Centres
- CEN5: District and Local Centres
- 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
- WM1: Sustainable Waste and Resource Management

Site Allocation Document

- HC2: Development of Other Land for Housing

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

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

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

Highway Authority – objection with regard to parking turning areas and shared access, including the position of the bin store. Spaces for plot one too remote and will be underutilised. Parking for plot 3 is awkward to reverse out of. Fencing fails to provide adequate visibility for vehicles entering and exiting the access.

Further comments on amended plans still raises concerns around access and parking.

- The parking spaces at an awkward acute angle to the access road and will be reliant on turning on the commercial access areas over which the residents would have no control and is likely to result in conflicts and disputes.
- The access to the parking spaces mixes residential traffic with commercial traffic parking and is likely to result in conflicts and disputes and not a safe environment for residents.

- The dwellings have stepped access to the front doors which is not fully inclusive design.
- The bin collection point presumably has a stepped entrance which is unacceptable from a collection point of view.
- The 2.1m high screen fence alongside the access fails to provide adequate inter-visibility at the access onto Walsall Road.

Conservation Officer – Concerns raised with regard to the number of units which needs to be reduced, a pair of semi-detached houses would be more supportable.

The proposed development would result in medium harm to the significance of the non-designated heritage assets, 2 Walsall Road and the Three Tuns Public House.

The design needs to be amended, so that the proposed houses sit subservient to the adjacent locally listed buildings.

Environmental Protection - Due to the new information on Air Quality from WHO (World Health Organisation) and concerns regarding exposure to poor air quality the applicant is required to carry out and provide an Air Quality assessment for the development site prior to reviewing any documents associated with this application.

Planning Policy - The amended plans do not raise planning policy issues.

Severn Trent Water Authority – No objections.

Coal Authority - The Coal Authority Response: Material Consideration.

The Coal Authority objected to this planning application in our previous letter dated 23 March 2021 as no Coal Mining Risk Assessment had been submitted at that time to identify and mitigate the risk to the proposed development from former coal mining activity.

The Coal Authority has no specific comments to make on the amended plans and our previous comments remain valid and relevant to the decision-making process.

Representations

3 letters from third parties in relation to the following:

- Highway safety, parking and congestion/risk of accidents
- Residential amenity in proximity to commercial business including pub garden/outdoor smoking area which will cause complaints from occupiers
- Trees at the rear of the development
- Poor design not in keeping with the area
- Flood risk – Walsall Road floods during heavy rainfall

Determining Issues

- Principle of development
- Layout and design
- Housing need
- Access and parking
- Impact on residential amenity
- Impact on character of the area
- Impact on heritage assets
- Flood risk and drainage
- Other issues
- Air quality
- Local Finance Considerations

Assessment of the Proposal

Principle of development

The revised NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. The application is mostly on commercial land in a sustainable location. The NPPF also says that housing applications should be considered in the context of the presumption in favour of sustainable development.

The proposal is in a sustainable location being within the built-up area of Willenhall. However, the development is not a sustainable form of development if it fails to consider the environmental role - protecting and enhancing our natural, built, and historic environment. The report considers this further.

Layout and design

The proposed layout of 4 no. 3 bedroom houses with associated access and parking provision within the site is cramped in terms of scale, mass and design and there is insufficient room within the site to park and turn around adequately. There are other issues associated with the proposed layout of the development that would have an adverse impact on the amenities of the locality and highway safety due to the shared vehicular access to the site from Walsall Road and proximity of the proposed development to nearby commercial premises.

In particular plot 1 has very limited rear amenity space and overall, the proposal is considered to be a cramped form of development on a constrained site with the potential for conflict between pedestrians and vehicles. The proposal includes rear amenity space which due to its triangular shape and diminishing gardens brings the residential uses closer to the commercial uses at the rear of the site. As such the development is not considered to accord with the Supplementary Guidance set out in Designing Walsall SPD. In particular Policy DW3 Character, DW5 Ease of Movement and DW8 Adaptability.

Housing need

Chapter 5 of the NPPF relates to delivering a sufficient supply of homes. Paragraph 60 seeks to ensure the governments' objective of significantly boosting the supply of homes. Paragraph 61 relates to strategic housing supply policies and should be informed by local housing need. The council has an emerging housing supply shortfall and has recently failed the Housing Delivery Test because of low housing delivery over the last three years. Paragraph 73b of the NPPF seeks to ensure that the supply of new homes should be well located and designed, and supported by the necessary infrastructure and facilities including a choice of transport modes

The site is part of a commercial area and forms part advertising site/part car park to the adjacent clinic. The site lies within the built-up area of Willenhall. The housing scheme proposed is therefore supported on strategic planning policy grounds by BCCS policies CSP1 and HOU1, SAD policy HC2 and NPPF paragraphs 69 and 119.

Paragraph 74 relates to maintaining supply and delivery of housing sites over the development plan period. Local Planning Authorities should update annually a supply of deliverable sites against their housing requirement set out in adopted strategic policies.

The Black Country Core Strategy Policy HOU1 Delivering Sustainable Housing Growth seeks to create a network of cohesive, healthy, and prosperous communities and for the provision of sufficient land to provide for sustainable housing growth.

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

Access and parking

The site is accessed via a shared access to the commercial premises of Walsall Road. To the front of the site are parking restrictions. The access is narrow and the car parking for the proposed development would be provided to the left of the access fronting Walsall Road.

The highways officer has expressed concerns about the amended plans and highlights the lack of adequate parking and turning provision within the site. Which may lead to conflict regarding the shared access to the adjacent commercial premises. In addition, the fencing in proximity to the access would restrict visibility and the stepped access to the dwellings would not be inclusive in design terms to users with disabilities. The fencing is proposed to maintain privacy for future occupants and would be retained.

The access to the parking spaces mixes residential traffic with commercial traffic parking and is likely to result in conflicts and disputes and not a safe environment for residents.

Para 110 of the National Planning Policy Framework 2021 seeks to ensure that specific plans for development should provide 'safe and suitable access to the site that can be achieved for all users' and that, under para 112, applications for development should 'give priority first to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility, create places that are safe and secure and attractive which minimise the scope for conflicts between pedestrians, cyclists and vehicle movements, allow for the efficient delivery of goods and access by service and emergency vehicles'.

The application is not considered to accord with the BCCS Policy TRAN2 Managing transport impacts of new development which seeks to ensure that application for development provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development including, access by walking, cycling, public transport and car sharing and Policy DW5 Ease of movement in the Designing Walsall SPD.

Impact on residential amenity

The site lies between commercial developments being a clinic to the West of the application site and the Three Tuns public house to the East of the application site. The proposed rear garden/amenity areas of the new dwellings would back onto the car parking area to the Clinic site as the Clinic shares the vehicular access with the proposed dwellings parking and turning area. Pedestrian access would be to the front and rear of the application site with a possible conflict with pedestrians and vehicles as the proposed gardens back onto the shared access.

The proposed dwellings are not considered to be adversely affected by overlooking to the rear gardens or amenity spaces other than from the potential for nearby commercial premises during hours of operation creating the potential for noise and disturbance. The site is enclosed to the rear by boundary fencing which is adjacent to the access to the parking for the wider site and plot 4. It is considered that the proposal meets with the separation distances in Annex D of Designing Walsall SPD but that does not preclude consideration of other matters in other Development Plan policies.

Impact on character of the area

The proposed dwellings are similar in character to those opposite the site fronting Walsall Road. The dwellings are however situated in very close proximity to two locally listed heritage assets and medium harm is considered from the resulting development. There are no details of proposed materials but that could be potentially secured by a planning condition. The dwellings take reference from opposite the application site but the Heritage statement does not adequately assess the impact on the adjacent buildings and the context of the proposal in terms of design and materials. The site is fairly constrained and it is considered that the proposal would aim to squeeze 4 dwellings on a cramped site which in its scale, form, size and siting would fail to reflect the existing character of the locality in terms of its direct impact on the character and appearance of that part of Walsall Road in context with the surrounding buildings. Contrary to saved Policy GP2 and saved Policy ENV32 Environmental Protection of the

Walsall UPD and the BCCS Policy CSP4 Place Making and Policy ENV2 Historic character and local distinctiveness and the Designing Walsall SPD. In particular Policy DW3 Character, DW5 Ease of Movement and DW8 Adaptability.

Impact on heritage assets

The site is adjacent The Three Tuns PH, No 1 Walsall Road and 170-173 Walsall Street, all three are locally listed and classed as non-designated heritage assets. That are in close proximity to the application site.

There is a further property of historical and architectural interest at 2 Walsall Road (currently functioning as beauty salon) – and although this building is not nationally designated or on the Local List it should also be given consideration as a non-designated heritage asset. This is due to the positive contribution the three buildings together make to the historic environment (and also in relation to the 18th century Toll House building on the other side of the Walsall Road / Birmingham Street junction) at this ‘entry point’ to Willenhall town centre.

Both the Manor House 1 Walsall Road, and the property currently at 2 Walsall Road (sometimes referred to as ‘Holloway House’) are of 19th century date and associated with the locally notable Harthill family, who were e.g. involved in the parish life of the nearby by Giles Church and medical professionals and clergymen in the town.

Paragraph 203 of the NPPF states *‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’*.

Whilst, the proposed dwellings are designed to replicate the dwellings on the opposite side of Walsall Road. The proposed dwellings would compete with 2 Walsall Road by virtue of their height, a non-designated heritage asset which has a medium to high level of significance due to its architectural features.

The proposed development would result in medium harm to the significance of the non-designated heritage assets, 2 Walsall Road and the Three Tuns Public House.

Flood risk and drainage

The application site is situated in Flood Zone 1 an area at the lowest risk of flooding as defined on the Environment Agency Flood Map for Planning. There are no objections to the proposal from Severn Trent Water Authority and the proposal accords with the Black Country Core Strategy Policy ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island.

Drainage could be dealt with by a planning condition to secure details for the disposal of foul and surface water.

Other issues

Regarding the existing advertising hoardings on the site. Poster contractors own the panels on which the posters are displayed; these contractors have rights to use the sites on which posters are placed. The contractor generally does not own the site, and the site owner may receive a rent from the contractor. The site presently has a right to advertise Mills and Allen Ltd – Advertising Right 614 Adjacent 3 Walsall Road Willenhall. These hoardings would need to be removed from the site to facilitate the development. There is limited information in the submission as to whether this hoarding is still in use presently.

The Coal mining report submitted with the application concludes that there is the possibility of shallow workings at the site and advises that intrusive investigations including boreholes should be carried out to identify the presence of workings at the site. If any workings are found, then a detailed ground investigation report and treatment would be required. Including a Coal Authority Licence closure document. These matters could be dealt with by a planning condition.

The site falls under the threshold for the need for open space contributions.

Air Quality

Walsall has adopted Air Quality SPD and Policy ENV8 of the Black Country Core Strategy Air Quality relates to Promoting healthy living is a key element of the Sustainable Communities direction of change which underpins the Vision. Reducing exposure to poor air quality will improve the health and quality of life of the population and support Spatial Objectives. This application has failed to make an assessment of air quality, and has failed to provide details of any necessary mitigation measures and is therefore contrary to Black Country Core Strategy Policy ENV8 (Air Quality), the Air Quality SPD and the National Planning Policy Framework.

The Environmental Protection Officer has requested an air quality report in advance in accordance with WHO guidance. Officers requested this information, but this has not been submitted.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 4 new homes.

The Government has indicated that, for 2020-21, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling.

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

Officers have spoken to the applicant's agent in this instance and requested amendments and additional information in accordance with the recommendations of statutory consultees. This information has not been forthcoming and as such there have not been changes put forward to overcome the Policy concerns and officers are unable to support the proposal.

Given that the amended plans submitted with this proposal gives no material planning considerations to overcome the policy concerns and nothing put forward in the current submission to provide support for the proposal in relation to highway safety, impact on heritage assets, air quality and the scale and form of the development proposed it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Officers have spoken to the applicant's agent in this instance as there are no recommendations considered sufficient that could be changed in order to overcome the Policy concerns and no amendments put forward that would overcome the concerns officers are unable to support the proposal.

Recommendation

Refuse

Reasons for Refusal

1. The proposed shared vehicular access and parking area with no turning head is considered to be inadequate. The access serves as a rear access to the adjacent commercial premises, and the development proposed. The parking and turning provision is constrained and limited and if permitted, the development would add further vehicular traffic to this road from new residents, visitors, and service and delivery vehicles, resulting in added congestion and obstruction to the detriment of the existing residents. Resulting in the potential for pedestrian and vehicular conflicts detrimental to the safe and satisfactory operation of the development and to highway safety contrary to UDP Policy GP2, T1, and the NPPF 2021.
2. The proposed layout of 4 no. 3 bedroom houses with associated access and parking provision within the site is cramped in terms of scale, mass and design. There is insufficient room within the site to park and turn around adequately. Plot 1 has limited amenity space and overall, the proposal is a cramped form of development on a constrained site with the potential for conflict between pedestrians and vehicles. As such the development is not considered to accord with the Supplementary Guidance set out in Designing Walsall SPD. In particular Policies DW3 Character, DW5 Ease of Movement and DW8 Adaptability.

3. The proposed development fails to provide adequate justification in terms of its impact on nearby local heritage assets. The proposal would involve the erection of four terraced dwellings which would create less than substantial harm to the setting of the adjacent locally listed heritage assets and there is insufficient information in the submission to demonstrate the significance of the heritage assets and how the proposal would impact on them contrary to Paragraph 194 and 195 of the National Planning Policy Framework. The Black Country Core Strategy ENV2 Historic Character and Local Distinctiveness.
4. This application has failed to make an assessment of air quality, and has failed to provide details of any necessary mitigation measures and is therefore contrary to Black Country Core Strategy Policy ENV8 (Air Quality), the Air Quality SPD and the National Planning Policy Framework.

END OF OFFICERS REPORT

Economy, Environment and Communities, Development Management

Planning Committee

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

Plans List Item Number: 5

Reason for bringing to committee

Non Determination Appeal of a Major Application

Application Details

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

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

Application Number: 20/0522

Case Officer: Sally Wagstaff

Applicant: Cricket Close LLP

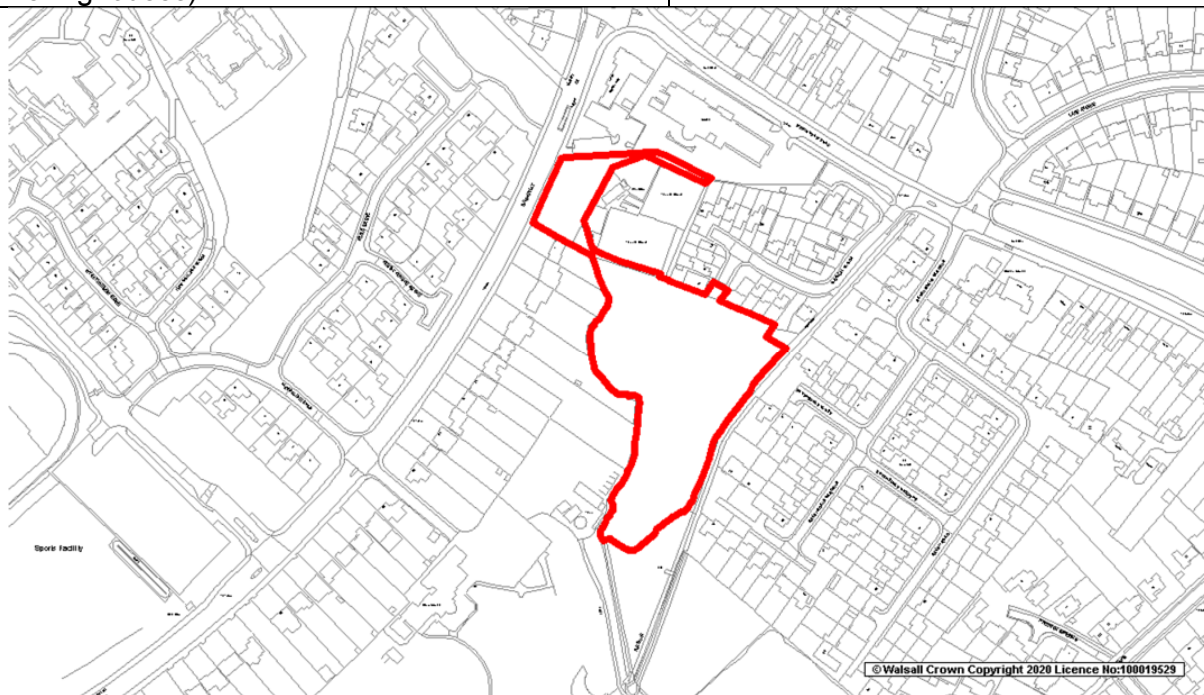
Ward: Paddock, Palfrey

Agent: Natasa Vlahovic

Expired Date: 06-Aug-2020

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

Time Extension Expiry: 28-Feb-2021



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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 S106 to secure urban open space contribution, affordable housing and landscape management company to manage landscaping subject to;

- Further independent review of Planning Obligations to inform final level of obligations (should Members choose this option)

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- To resolve tree issues raised by the Council's Arboriculturalist
- The amendment and finalising of conditions
- No further comments from a statutory consultee or neighbour raising material planning considerations not previously addressed

Current Status

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

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

At the Planning Committee meeting of 4th February 2021, an update was presented to Members explaining that access to the site via the Broadway is not possible for two reasons (unacceptable impacts to the operation and safety of a classified A road and Strategic Highway link and it would require the inclusion of third party land at the Tennis Club to facilitate). It was however explained to Members that the applicant had submitted revised plans to provide a temporary construction haul road from the Broadway which could be provided across the site to reduce impacts on existing residents during the construction period (using a 'left in' and 'left out' junction onto The Broadway). The Local Highway Authority confirmed that following consultation with Walsall Road Safety Team they would not accept a permanent new access onto the Broadway as this is a key safety corridor and a permanent new access would increase the risk of accidents, but that a temporary access via the Broadway would be acceptable with the primary and permanent access from Cricket Close as proposed.

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

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

Consultee Responses Received Since 4 February 2021 Planning Committee

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

Neighbour Comments Received Since 4 February 2021 Planning Committee

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

A resident contacted the Local Planning Authority to question why an official seemingly from Severn Trent Water was taking photographs of the site which they considered indicated that there was the probability of forthcoming activity and requested the current status of the application. The resident was advised that the Local Planning Department had no details of any potential activity by Severn Trent Water and that the planning application remained under assessment.

Supplementary Paper 4th February 2021

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

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

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

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

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

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

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

Conclusion

The Local Planning Authority considers that the applicant has demonstrated a vehicle access via Cricket Close remains to be the most feasible option which would not result in unacceptable highway safety impacts and accords with local and national planning policies and guidance. The proposed temporary construction access off the Broadway is also considered acceptable and would help to minimise impacts

to surrounding residential occupiers of Cricket Close during that period and conditions could be included on any approval to secure this.

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

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

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

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

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

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

Updated Conditions and Notes for the Applicant

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

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

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

- Planning Application form dated 7/5/2020
- Location Plan, drawing no. D000, deposited 7/5/2020
- Site Layout Plan, drawing no. D01 Revision AA, deposited 27/11/2020
- Planning Statement incorporating Statement of Community Involvement by Planning & Development Ltd, dated May 2020, deposited 7/5/2020
- 20yr Baseline Flood Extent, 14378-XX-XX-FR-DR-0001 Revision P01, deposited 7/5/2020
- 100yr Baseline Flood Extent, 14378-XX-XX-FR-DR-0002 Revision P01, deposited 7/5/2020
- 100yr+35 Baseline Flood Extent, 14378-XX-XX-FR-DR-0003 Revision P01, deposited 7/5/2020
- 100yr+75 Baseline Flood Extent, 14378-XX-XX-FR-DR-0004 Revision P01, deposited 7/5/2020
- 1000yr Baseline Flood Extent, drawing no. 14378-XX-XX-FR-DR-0005 Revision P01, deposited 7/5/2020
- 20yr Post Development Flood Extent, 14378-XX-XX-FR-DR-0006 Revision P01, deposited 7/5/2020
- 100yr Post Development Flood Extent, 14378-XX-XX-FR-DR-0007 Revision P01, deposited 7/5/2020
- 100yr+35 Post Development Flood Extent, 14378-XX-XX-FR-DR-0008 Revision P01, deposited 7/5/2020

- 100yr+75 Post Development Flood Extent, 14378-XX-XX-FR-DR-0009 Revision P01, deposited 7/5/2020
- 1000yr Post Development Flood Extent, drawing no. 14378-XX-XX-FR-DR-0010 Revision P01, deposited 7/5/2020
- Garage and Utility Plan, drawing no. D10 Rev. B, deposited 7/5/2020
- House Type 2B A AF Plans and Elevations drawing no. D09 Rev. F, deposited 7/5/2020
- House Type 2B N OM Plans and Elevations drawing no. D02 Rev. G, deposited 7/5/2020
- House Type 3B N2 SO Plans and Elevations drawing no. D04 Rev. F, deposited 7/5/2020
- House Type 3B WN OM Plans and Elevations drawing no. D06 Rev. F, deposited 14/8/2020
- House Type 4B 2.5S OM Plans and Elevations drawing no. D12 Rev. G, deposited 14/8/2020
- House Type 4B 2S OM Plans and Elevations drawing no. D07 Rev. G, deposited 14/8/2020
- House Type 5B 2.5S OM Plans and Elevations drawing no. D08 Rev. F, deposited 14/8/2020
- ICP SUDS Mean Annual Flood Data, deposited 07/05/2020
- Landscape Plan, drawing no. D900 Rev B, deposited 7/5/2020
- Severn Trent Water Sewer Record, issued 12/06/14 and deposited 07/05/2020
- Hydrock Consultants Ltd Storm Sewer Design, East, deposited 7/5/2020
- Hydrock Consultants Ltd Storm Sewer Design, West, deposited 7/5/2020
- Street Elevations 1, 2 & 3, drawing no. D20, deposited 14/8/2020
- Street Elevations 4 & 5, drawing no. D21, deposited 14/8/2020
- Street Elevations 6 & 7, drawing no. D22, deposited 7/5/2020
- Topographical Survey, drawing no. 0001, Rev 1, deposited 7/5/2020
- Tree Survey prepared by Dr Stefan Bodnar, February 2020, deposited 7/5/2020
- Hydrock Construction Traffic Management Plan, dated 23/3/2020, document reference 14378-HYD-XX-XX-TS-TP-7001.P1, deposited 7/5/2020
- ASL Desk Study Report Land Off Cricket Close, ASL Report no. 116-14-067-11Rev. 2, February 2020, deposited 7/5/2020
- Drainage Strategy by Hydrock, document reference 14378-HYD-XX-XX-DR-D-2200 Rev. P01, deposited 7/5/2020
- Energy Statement by Focus, April 2020, deposited 7/5/2020
- Flood Risk Assessment and Drainage Strategy by Hydrock, dated 26/3/2020, document reference 14378-HYD-XX-XX-RP-FR-0001, deposited 7/5/2020
- Framework Travel Plan by Hydrock, dated 30/3/2020, document reference 14378-HYD-XX-XX-FTP-TP-6001.P2, deposited 7/5/2020
- Traffic Noise and Industrial Noise Assessment by John Waring, Issue 1, dated 9/6/2017, deposited 7/5/2020
- ASL Site Investigation, Land off Cricket Close, ASL Report no. 116-14-067-09Rev. 1, February 2020, deposited 7/5/2020
- Hydrock SUDS mitigation, drawing no. 14378-HYD-XX-XX-CA-D-5100 Rev. P01, deposited 7/5/2020
- Hydrock Transport Statement dated 30/3/2020, Document Reference 14378-HYD-XX-XX-TS-TP-4001.P2, deposited 7/5/2020
- Design and Access Statement, Rev 1, deposited 10/09/2020
- Dawn/Dusk Emergent Bat Survey by Dr Stefan Bodnar, June 2020 and deposited 18/11/2020
- Boundary Treatment, drawing D14 Rev. N, deposited 30/11/2020
- Hydrock Technical Design Note, dated 9/11/2020, document reference C-14378-HYD-XX-XX-TN-TP-1001.P01.01, deposited 18/11/2020
- Materials Schedule, drawing no. D30, deposited 27/11/2020
- Preliminary Ecological Assessment (Extended Phase 1 Ecological Survey) by Dr Stefan Bodnar February 2020, revised November 2020 deposited 18/11/2020
- Manual Reptile Survey by Dr Stefan Bodnar, May 2020 Revised November 2020 deposited 18/11/2020

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

3: a) Notwithstanding the submitted details, prior to commencement of the development hereby permitted, a further bat survey shall be undertaken by a person or persons who shall be a person qualified in

ecology and/or nature conservancy to determine the presence or absence of roosting or hibernating bats. The bat survey results including details of mitigation measures and contingency plans shall be submitted in writing to and agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8: a) Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures
- xiii. Re- covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc.
- xiv. Scheme for the ecological protection of the Full Brook Wildlife Corridor and watercourse buffer from site preparation, clearance, and during construction.

8: b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

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

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

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

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

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

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

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

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

11: a) Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces that match the existing materials including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

11: b) The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

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

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

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

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

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

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

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

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

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

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

15: a) Prior to the first occupation of any dwelling of the development, the development shall be constructed with the access road, parking and vehicle manoeuvring areas being consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays.

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

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

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

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

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

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

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

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

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 and DEL1 of the Black Country Core Strategy.

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

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

19: No boilers shall be installed in any of the units hereby permitted, save for;

- Gas and liquefied petroleum gas (LPG) boilers with maximum NOx emissions no greater than 56 mg/kWh
- Oil-fired boilers with maximum NOx emissions no greater than 120 mg/kWh.

Reason: To conserve and enhance the natural environment in accordance with BCCS policies ENV8 and DEL1.

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

- All external doors to individual dwellings to be PAS24; 2016
- All ground floor windows and over accessible roofs to be PAS24; 2016
- All ground floor windows and over accessible roofs including French doors and patio doors to have not less than one pane of 6.4mm laminated glass.
- Dusk until dawn lights (white light source) to be installed adjacent to each door including either side of garage doors
- Recycling and refuse areas to be secured at the rear of the properties in a lockable storage facility
- 1.8m high closed board fencing with 0.3m trellis topper to be erected around the perimeter (inside of the boundary hedging) of each dwelling.
- All access gates shall be of the same construction of the perimeter fencing, self-closing, facing the street, lockable with a key front and rear, designed to not create any climbing aids
- No Lead or metal shall be used on the ground floor.
- All the dwellings shall be suitably with an intruder alarm by a registered SSAIB or NSI engineer to British Standard (BS EN 50131 Grade 2)
- All energy meters shall be placed at the front of the dwellings

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

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

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

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

22: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no additional side facing windows, doors, or other openings other than those shown on the approved plans, shall be installed in any part of this development.

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

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

-Class A (enlargement, improvement or other alterations),

-Class B (additions to the roof),

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

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

Notes for Applicant

Police Architectural Officer

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

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

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

Please see: https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf

Secured by Design security standards are explained.

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

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Severn Trent Water

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

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent. Please contact Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call our office on 0345 266 7930

West Midlands Fire Service

Approved Document B, Volume 1, Dwelling-houses, 2019.

Requirement B5: Access and facilities for the fire service

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

Requirement

Limits on application Access and facilities for the fire service B5.

- (1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.
- (2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

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

- a. External access enabling fire appliances to be used near the building.
- b. Access into and within the building for firefighting personnel to both:
 - i. search for and rescue people
 - ii. Fight fire.

- c. Provision for internal fire facilities for firefighters to complete their tasks.
- d. Ventilation of heat and smoke from a fire in a basement.

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

Section 13: Vehicle access

Provision and design of access routes and hard-standings

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

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

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

Overall

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

Water

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

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

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

Sprinklers

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

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

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

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

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

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

Knotweed

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

Contaminated Land

CL1

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

CL2

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

CL3

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

Noise

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

THE UPDATE REPORT OF 4TH FEBRUARY 2021 FOLLOWS:

Current Status

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

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

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

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

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

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

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

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

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

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

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

The Local Highway Authority (LHA) have confirmed that the above proposed Condition 1 works are likely to be overridden by SPRINT and would not form part of the proposal however proposed conditions 2 and

3 would be required if approved and will therefore be considered against the government's tests on planning conditions and updated if necessary.

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

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

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

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

Highways

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

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

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

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

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

Fire Officer

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

Sports England

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

Pollution Control

Acoustics

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

Air Quality

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

Ground Contamination

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

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

Tree Officer

Comments have been received from the Council's Tree Officer advising there appears to be a discrepancy between the number of trees on site and those shown on drawings. There are trees protected by TPOs on the northern part of the development site and the proposed location of Units 28 & 29 will result in all tree removals in this area. T29, the large individual tree is a TPO tree although it appears this tree can be retained. However, H7, to the left of the tennis courts (not shown on the Site Plan) is indicated in the Tree Survey as Leylandii which are not protected. However, there are other deciduous trees to the left of H7 that have not been surveyed and appear to be protected. Even trees that are not within the red line boundary but still pose a constraint to the development, are a material consideration in the planning process.

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

Clean and Green/Waste Management

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

Archaeology

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

Planning Obligations

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

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

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

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

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

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

Representations

(Officers comments in italics)

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

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

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

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

- Significant increase in the number of cars each household has on Cricket Close over the last 36 years (*comment noted*)
- Caution needed where residents come off their drives where there is a blind bend (*comment noted*)
- Already difficult to exit the close via Birmingham Road at peak times (*comment noted*).
- New Sprint bus along the A34 will only increase the build-up of traffic as areas of the route will be narrowed (*Sprint route changes are not a material planning consideration for this application*)
- Alternative access consultation for the Broadway was carried out by Steve Woods Consultants in October 17 and evidence supporting this was stated in his findings (*Mr Woods comments were based on the original application for more houses, not the current proposal before planning committee*)
- Unrealistic photos of Cricket Close, it has never been known for there to be no vehicles parked on any drives or the road and they are obviously air brushed out (*case officers have made site visits during the assessment of the application*)
- Traffic surveys need to be carried out more than once at realistic times and not with Covid restrictions in place (*comment noted*)

Conclusion

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

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

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

Recommendation: The recommendation is to grant permission as follows;

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and S106 to secure urban open space contribution, affordable housing and landscape management company to manage landscaping subject to;
 - Securing further comments from the Council's Arboriculturist
 - The amendment and finalising of conditions;
 - No further comments from a statutory consultee or neighbour raising material planning considerations not previously addressed;
 - Address Pollution Control concerns once they have secured further soil samples for the area fronting Broadway

THE ORIGINAL REPORT OF 10TH DECEMBER 2020 FOLLOWS:

Reason for Bringing to Committee: Major Application

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

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

Proposal

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

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

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

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

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

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

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

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

This application is supported by the following documents;

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

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

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

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

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

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

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

The document states;

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

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

Design and Access Statement Rev 1 by BM3

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

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

The report states that;

- The value of the site in ecological value to wildlife is generally low with the woodland and riparian stream habitats of moderate value

- Retention and protection of mature trees, woodland and enhancement of boundary features are important in terms of maintaining connective features of the site and screening of the development.

In conclusion the report states;

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

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

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

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

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

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

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

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

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

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

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

Site Investigation prepared by ASL, February 2020

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

Desk Study Report prepared by ASL, February 2020

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

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

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

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

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

Energy Statement prepared by Focus Consultants, April 2020

Report identifies potential options for meeting Policy ENV7

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

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

The report concludes the following;

- Gardens should be fenced with a 2 metre high close boarded fence of surface density 7.0kg/m². If preferred a brick wall would be equally effective
- Double glazing would be sufficient to bring noise levels within the dwellings to below the maximum design noise levels provided specialist ventilation units are used
- This should be considered to be a minimum standard of glazing and so be more certain of achieving the average noise levels and peak night time noise level.
- Assessment of the noise impact of the nearby Metro Hotel has concluded that following guidance given in BS4142 there is likely to be a low impact on the surrounding residents

Arboricultural Assessment by Dr Stefan Bodnar, February 2020

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

Site and Surroundings

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

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

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

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

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

Relevant Planning History

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

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

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

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

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

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

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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

Saved Policies of Walsall Unitary Development Plan

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

Black Country Core Strategy

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

Walsall Site Allocation Document 2019

HC1: Land allocated for New Housing Development
HC3: Affordable Housing and Housing for People with Special Needs
GB1: Green Belt Boundary and Control of Development in the Green Belt
EN1: Natural Environment Protection, Management and Enhancement
EN3: Flood Risk
T4: The Highway Network

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Supplementary Planning Documents

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

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

Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above (this standard will be applied more robustly at the rear than across roads at the front), 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20 sq. metres useable space per dwelling where communal provision is provided.

Open space, sport and recreation

- OS1: Qualifying Development
- OS2: Planning Obligations
- OS3: Scale of Contribution

- OS4: Local Standards for New Homes
- OS5: Use of Contributions
- OS6: Quality and Value
- OS7: Minimum Specifications
- OS8: Phasing of On-site Provision for Children and Young People

Affordable Housing

- AH1: Quality of Affordable Housing
- AH2: Tenure Type and Size
- AH3: Abnormal Development Costs
- AH4: Provision Location
- AH5: Off Site Provision

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

Consultation Replies

Highways England – No objections

Transportation – To be updated at planning committee

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

Pollution Control –To be updated at planning committee

Tree Preservation Officer –To be updated at planning committee

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

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

Historic England – No objections

Housing Strategy – To be updated at planning committee

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

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

Public Health – No objections

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

Rail Infrastructure Manager – No objections

Sport England – No objections

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

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

Representations

(Officer comments in italics)

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

- Entrance and exit points via Cricket Close are not practical and potentially hazardous
- Turning right onto Birmingham Road (A34) from Cricket Close will become increasingly more difficult due to an increase in traffic volume
- No right hand filter on the A34 to speed up the traffic flow
- Safety of children and residents. Roads are typically narrow with cars parked
- Misled as the letter states 29 dwellings but it has come to light that this relates to Phase 1 and that Phase 2 will follow shortly *(The local planning authority can only consider the application before it. If phase 2 comes forward at a later date, that would be as a separate planning application)*
- Additional traffic re-routed from M6 after an incident always causes significant disruption to Birmingham Road *(This a separate matter to the determination of the current planning application)*
- Existing problems with the sewage system causes problems *(The development would have to comply with the requirements of Building Control legislation and the requirements of Severn Trent Water)*
- Disruption from construction traffic *(A construction management plan would form part of an approval)*
- Parked cars obstruct emergency vehicles and the refuse lorry *(This is outside the scope of the planning application and would be managed by third party agencies)*
- University overflow parking *(This is outside the scope of the planning application and the University has increased on-site parking to the front)*
- Parking will worsen if the Government stops people parking on the kerb *(not a material planning consideration to the determination of this planning application)*
- Devalue house prices *(not a material planning consideration)*
- Increased traffic volume because of new Sprint bus to Birmingham and what impact will this have on local traffic? *(Sprint route changes are not a material planning consideration)*
- Existing parking is difficult with around 30 houses and without extra housing and tradesmen's vehicles. *(not a material planning consideration, the development has to demonstrate it has its own parking provision)*
- Need to protect this green land *(This land has been designated for housing development in Walsall's SAD, Policy HC1 and site reference HO305)*
- With Covid-19 there should not be increased dwellings in the area and furthermore controlling the region population numbers. *(This is not a material planning consideration and Government policy is to increase the numbers of houses available)*
- Loss of trees detrimental to the area
- Will Cricket Close become a 'Park and Ride' for the Sprint bus? *(not a material planning consideration and the Council is processing an application for new housing at this location)*
- Pollution of the stream from further housing *(no evidence to substantiate this claim)*
- Reversing out of drive will become more hazardous *(This is outside the scope of the planning application)*

- Safest access would be via the Broadway (*There is no evidence put forward to substantiate this claim, the Local Planning Authority can only determine the planning proposal before them*)
- Loss of wildlife and the buffering and screening between new and existing developments from woodland (a green buffer around the east, south and west boundaries of the site would be maintained and protected species are considered in the body of the report)
- Extra load on the stream during storm conditions (*no evidence to substantiate this claim. All developments must demonstrate they do not exacerbate flooding*)
- Some existing houses only have space to park one vehicle and on-street parking is vital to current residents (*The parking of current residents is outside the scope of the planning application. The proposed development is weighed against the Councils policies*)
- Increased traffic congestion with close proximity to Lake Avenue, Ravensdale Gardens and Springvale Avenue (*Birmingham Road is part of the Strategic Highway Network and it is considered that the addition of 29 further houses, if approved would have a nominal increase in traffic volume*)
- Potential Phase 2 of the development on the former Tennis Club would put further pressure will be placed on the road network in the area (*The local planning authority can only consider the application before it. If phase 2 comes forward at a later date, that would be as a separate planning application and residents would be notified in accordance with the national planning requirements at that time*)
- Unresolved issue with the drainage into the brook at the head of the close and this should be resolved before any planning permission is approved. (*All developments must demonstrate they do not exacerbate flooding and cannot be required to overcome existing issues off site*)
- Boundary Treatment Document and Transport Statement have inaccurate drawings which suggest 11 Cricket Close has a longer private drive than exists. No. 11 has been extended and the proposal would remove any useable frontage parking for no. 11
- Not enough junction spacing on Birmingham Road (A34) and this would not be an issue if access was taken from Broadway
- The controlled pedestrian crossing on Broadway is ideally located for pedestrian and permeability purpose (*This is outside the scope of the application and the Local Planning Authority can only determine the planning proposal before them*)
- Birmingham Road already over capacity with extensive queuing (*Birmingham Road is part of the Strategic Highway Network and it is considered that the addition of 29 further houses, if approved would have a nominal increase in traffic volume*)
- Sprint bus will result in the loss of pavement on the Birmingham Road (A34) Walsall direction and not enough consideration given to the upcoming future of the Cricket Close and Birmingham Road junction (*Sprint route changes are not a material planning considerations for this application*)
- Danger of a rat-run being created (*The proposal does not show a through route from Birmingham Road to Broadway*)
- Object to 2 car parking spaces being allocated to 11 Cricket Close around the corner from their property as the front of the house is covered by CCTV and this is would not have adequate crime prevention
- No submission of bat surveys, reptile surveys and noise report (*bat surveys, reptile surveys and noise reports have been provided in support of the application*)
- Lack of consideration of school places in the area for phase 1 and 2 of the proposed development (*no adverse comments received from Education Walsall*)
- No available spaces for any reception to Year 6 places (*no adverse comments received from Education Walsall*)
- Drainage problems with the brook and allotments (*All developments must demonstrate they do not exacerbate flooding*)
- Two blind corners and parked cars. The Council puts money before safety and should any type of accident occur the Council will be taken to court as being complicit as they knew full well the dangers that this proposal will cause. (*No evidence provided to substantiate the claims. The local highway authority is advising the local planning authority regarding highway safety matters*)
- As no details of subsequent phases are given residents are unable to adequately comment on the full implications if additional housing is still proposed on the former Tennis Club Site particularly how this part of the site would be accessed rendering the application process undemocratic and fundamentally flawed (*The local planning authority can only consider the application before it. If*

phase 2 comes forward at a later date, that would be as a separate planning application and residents would be notified and would be able to comment on it)

- Proposal has again failed to meet Walsall's planning parking provision contained in TG13 which is a minimum standard that should be fulfilled
- Application relies heavily on garage parking space which will be under-utilised (*The local planning authority can only consider the application before it*)
- Several properties only have 1 space per property which is below minimum requirements and it is insufficient to offset these deficiencies against increased parking at larger properties and rely on average densities
- Transport and access survey does not consider the implication of additional traffic travelling at speed along Cricket Close and the impact on residents. Survey indicates more than a third of all vehicles on the surrounding network are above the speed limit yet there is no mention of how this will be alleviated to make the junctions safer or reduce speed. (*Birmingham Road is part of the Strategic Highway Network and it is considered that the addition of 29 further houses, if approved would have a nominal increase in traffic volume*)
- The Transport Statement makes no mention of the lack of parking
- The report suggests that cyclists will be able to use the surrounding road network because of the width of the carriageways but neglects to point out that excessive speeding and frequent accidents already prevent keen cyclists using this form of transport (*Traffic violations are dealt with by different legislation*)
- Phased development yet application frequently refers to the reduced number of properties (*The local planning authority can only consider the application before it. If further phases come forward at a later date, that would be as a separate planning application and residents would be notified and would be able to comment on it*)
- Not clear how the Tennis Club part of the site would be accessed (*The local planning authority can only consider the application before it. The tennis club does not operate from the site currently. If a future proposal comes forward at the tennis club and it requires planning approval, neighbours will be notified in accordance with the national legislation and would be able to comment on it*)
- Outline proposals for subsequent phases must be released even if they will not be pursued until the Tennis Club has formally relocated (*The local planning authority can only consider the application before it. If further phases come forward at a later date, that would be as a separate planning application and residents would be notified and would be able to comment on it*)
- No space to install a single electric vehicle charging point in a communal area, these should be provided for every property in the proposal (*The Council's Air Quality SPD includes for all new houses to have electric charging points for vehicles and there is no requirement to deliver a communal electric point*)
- Travel plan is tokenistic and only directed at initial occupants with no long term or sustainable impact on travel behaviours (*Highways do not require a Travel Plan for 29 dwellings*)
- No mention in the report of the Sprint bus development and will have a huge impact on traffic along Birmingham Road resulting in the survey results included in the report being void (*Sprint route changes are not a material planning consideration*)
- The sections on the report on biodiversity results have been redacted and the resident is aware that bats, owls, parakeets, foxes, hedgehogs as well as a large population of birds and insects all nest within the site. There is no mention of this broad biodiversity and the mitigation to be taken to protect it. (*GDPR legislation requires the council to redact sensitive data when publishing on the website*)
- Developer should be required to utilise non-gas heating methods such as ground source heating within the design and build stage (*This would require the Government to change legislation. The councils Air Quality SPD encourages the use of low NOx boilers*)

Determining Issues

- Principle of Development
- Impact on the Character and Appearance of the Area
- Impact on Residential Amenities
- Green Belt
- Noise

- Air Quality
- Drainage and Flood Risk
- Ground Conditions
- Coal
- Ecology
- Trees
- Archaeology
- Access and Parking
- Planning Obligations
- Local Finance Considerations

Assessment of the Proposal

Principle of the Development

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

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

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

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

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

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

Impact on the Character and Appearance of the Area

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

The application site is surrounded by a mix of residential properties of varying age and design along with Metro Inn Hotel to the north of the application site. It is considered that the introduction of additional infill housing on this unused former allotment site would integrate with the existing character of the area and

urban form. The proposed buildings, whilst of their own style and character, are considered on balance to contribute to the existing mixed architectural character of the area. The stand-off buffer adjacent to the water course would retain a green corridor through the site.

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

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

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

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

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

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

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

Impact on Residential Amenities

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

The proposed development would provide secure private amenity spaces for new residents. Private gardens serving new houses vary in size. The Council's recommended minimum rear garden size is 12 metres in length or have an area of 68 square metres, as referred to in Appendix D of Designing Walsall SPD. Plot numbers 10 and 24 would have rear gardens at 46 square metres, whilst the remaining plots would be 60 square metres or greater. Whilst the private amenity space for some dwellings is less than recommended it is considered on balance acceptable as the site has a green buffer surrounding the site and the overall provision for the development is considered meets Designing Walsall.

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

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

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

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

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

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

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

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

Green Belt

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

Noise

To be updated at planning committee

Air Quality

To be updated at planning committee

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

Drainage and Flood Risk

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

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

Ground Conditions

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

Coal

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

Ecology

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

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

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

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

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

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

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

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

Trees

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

Archaeology

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

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

Access and Parking

To be updated at planning committee.

A planning condition can be included to ensure that that this development, if approved, is constructed in accordance with the access road, parking and vehicle manoeuvring areas being consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays.

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

Planning Obligations

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

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

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

The applicant has submitted a viability assessment which considers that both schemes (social rent or affordable rent) are not viable largely due to the significant amount of infrastructure works compared to the relatively low number of units. The report comments that the applicant is supportive of delivering affordable units at this site however on the alternative basis that the affordable units are for shared ownership. Furthermore the report considers that the impacts of the current pandemic on the residential market over the coming months could impact upon funding and finance which would most likely increase the cost of development.

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

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

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

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

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 29 new homes.

The Government has indicated that, for 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

Conclusions and Reasons for Decision

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

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

The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment with the inclusion of safeguarding conditions.

Positive and Proactive Working with the Applicant

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

Recommendation

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

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

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

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

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

- Planning Application form dated 7/5/2020
- Location Plan, drawing no. DOOO, deposited 7/5/2020
- Site Layout Plan, drawing no. D01 Revision AA, deposited 27/11/2020
- Planning Statement incorporating Statement of Community Involvement by Planning & Development Ltd, dated May 2020, deposited 7/5/2020
- 20yr Baseline Flood Extent, 14378-XX-XX-FR-DR-0001 Revision P01, deposited 7/5/2020
- 100yr Baseline Flood Extent, 14378-XX-XX-FR-DR-0002 Revision P01, deposited 7/5/2020
- 100yr+35 Baseline Flood Extent, 14378-XX-XX-FR-DR-0003 Revision P01, deposited 7/5/2020
- 100yr+75 Baseline Flood Extent, 14378-XX-XX-FR-DR-0004 Revision P01, deposited 7/5/2020
- 1000yr Baseline Flood Extent, drawing no. 14378-XX-XX-FR-DR-0005 Revision P01, deposited 7/5/2020
- 20yr Post Development Flood Extent, 14378-XX-XX-FR-DR-0006 Revision P01, deposited 7/5/2020
- 100yr Post Development Flood Extent, 14378-XX-XX-FR-DR-0007 Revision P01, deposited 7/5/2020
- 100yr+35 Post Development Flood Extent, 14378-XX-XX-FR-DR-0008 Revision P01, deposited 7/5/2020
- 100yr+75 Post Development Flood Extent, 14378-XX-XX-FR-DR-0009 Revision P01, deposited 7/5/2020
- 1000yr Post Development Flood Extent, drawing no. 14378-XX-XX-FR-DR-0010 Revision P01, deposited 7/5/2020
- Garage and Utility Plan, drawing no. D10 Rev. B, deposited 7/5/2020
- House Type 2B A AF Plans and Elevations drawing no. D09 Rev. F, deposited 7/5/2020
- House Type 2B N OM Plans and Elevations drawing no. D02 Rev. G, deposited 7/5/2020
- House Type 3B N2 SO Plans and Elevations drawing no. D04 Rev. F, deposited 7/5/2020
- House Type 3B WN OM Plans and Elevations drawing no. D06 Rev. F, deposited 14/8/2020
- House Type 4B 2.5S OM Plans and Elevations drawing no. D12 Rev. G, deposited 14/8/2020
- House Type 4B 2S OM Plans and Elevations drawing no. D07 Rev. G, deposited 14/8/2020
- House Type 5B 2.5S OM Plans and Elevations drawing no. D08 Rev. F, deposited 14/8/2020
- ICP SUDS Mean Annual Flood Data, deposited 07/05/2020
- Landscape Plan, drawing no. D900 Rev B, deposited 7/5/2020
- Severn Trent Water Sewer Record, issued 12/06/14 and deposited 07/05/2020
- Hydrock Consultants Ltd Storm Sewer Design, East, deposited 7/5/2020
- Hydrock Consultants Ltd Storm Sewer Design, West, deposited 7/5/2020
- Street Elevations 1, 2 & 3, drawing no. D20, deposited 14/8/2020
- Street Elevations 4 & 5, drawing no. D21, deposited 14/8/2020
- Street Elevations 6 & 7, drawing no. D22, deposited 7/5/2020
- Topographical Survey, drawing no. 0001, Rev 1, deposited 7/5/2020
- Tree Survey prepared by Dr Stefan Bodnar, February 2020, deposited 7/5/2020
- Hydrock Construction Traffic Management Plan, dated 23/3/2020, document reference 14378-HYD-XX-XX-TS-TP-7001.P1, deposited 7/5/2020
- ASL Desk Study Report Land Off Cricket Close, ASL Report no. 116-14-067-11Rev. 2, February 2020, deposited 7/5/2020
- Drainage Strategy by Hydrock, document reference 14378-HYD-XX-XX-DR-D-2200 Rev. P01, deposited 7/5/2020
- Energy Statement by Focus, April 2020, deposited 7/5/2020

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8: a) Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

i. Construction working hours

ii. Parking and turning facilities for vehicles of site operatives and visitors

iii. Loading and unloading of materials

iv. Storage of plant and materials used in constructing the development

- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures
- xiii. Re- covering of holes, escape from holes, tree/hedgerow protection, newts, bats etc.
- xiv. Scheme for the ecological protection of the Full Brook Wildlife Corridor and watercourse buffer from site preparation, clearance, and during construction.

8: b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

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

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

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

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

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

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

levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties.

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

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

11: a) Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces that match the existing materials including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

11: b) The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

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

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

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

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

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

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

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

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

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

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

15: a) Prior to the first occupation of any dwelling of the development, the development shall be constructed with the access road, parking and vehicle manoeuvring areas being consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays.

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

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

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

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

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

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

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

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

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 and DEL1 of the Black Country Core Strategy

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

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

19: No boilers shall be installed in any of the units hereby permitted, save for;

- Gas and liquefied petroleum gas (LPG) boilers with maximum NOx emissions no greater than 56 mg/kWh
- Oil-fired boilers with maximum NOx emissions no greater than 120 mg/kWh.

Reason: To conserve and enhance the natural environment in accordance with BCCS policies ENV8 and DEL1.

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

- All external doors to individual dwellings to be PAS24; 2016
- All ground floor windows and over accessible roofs to be PAS24; 2016
- All ground floor windows and over accessible roofs including French doors and patio doors to have not less than one pane of 6.4mm laminated glass.
- Dusk until dawn lights (white light source) to be installed adjacent to each door including either side of garage doors
- Recycling and refuse areas to be secured at the rear of the properties in a lockable storage facility
- 1.8m high closed board fencing with 0.3m trellis topper to be erected around the perimeter (inside of the boundary hedging) of each dwelling.
- All access gates shall be of the same construction of the perimeter fencing, self-closing, facing the street, lockable with a key front and rear, designed to not create any climbing aids
- No Lead or metal shall be used on the ground floor.
- All the dwellings shall be suitably with an intruder alarm by a registered SSAIB or NSI engineer to British Standard (BS EN 50131 Grade 2)
- All energy meters shall be placed at the front of the dwellings

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

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

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

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

22: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no additional side facing windows, doors, or other openings other than those shown on the approved plans, shall be installed in any part of this development.

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

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

-Class A (enlargement, improvement or other alterations),

-Class B (additions to the roof),

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

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

Notes for Applicant

Police Architectural Officer

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

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

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

Please see:

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf

Secured by Design security standards are explained.

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

Severn Trent Water

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

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent. Please contact Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call our office on 0345 266 7930

West Midlands Fire Service

Approved Document B, Volume 1, Dwelling-houses, 2019.

Requirement B5: Access and facilities for the fire service

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

Requirement

Limits on application Access and facilities for the fire service B5.

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

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

Intention

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

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

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

Section 13: Vehicle access

Provision and design of access routes and hard-standings

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

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

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

Overall

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

Water

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

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

Sprinklers

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

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

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

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

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

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

Knotweed

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

END OF OFFICERS REPORT