

Planning Committee

Report of Head of Planning and Building Control on 15 July 2021

Plans List Item Number: 4

Reason for bringing to committee

Major Application

Application Details

Location: LAND AND GARAGES, RUDGE CLOSE, WILLENHALL

Proposal: DEVELOPMENT OF 14NO. TWO BEDROOM APARTMENTS OVER TWO BLOCKS WITH BIN STORAGE, PARKING AND ASSOCIATED LANDSCAPING.

Application Number: 20/0374

Case Officer: Gemma Meaton

Applicant: Stallion Homes Ltd

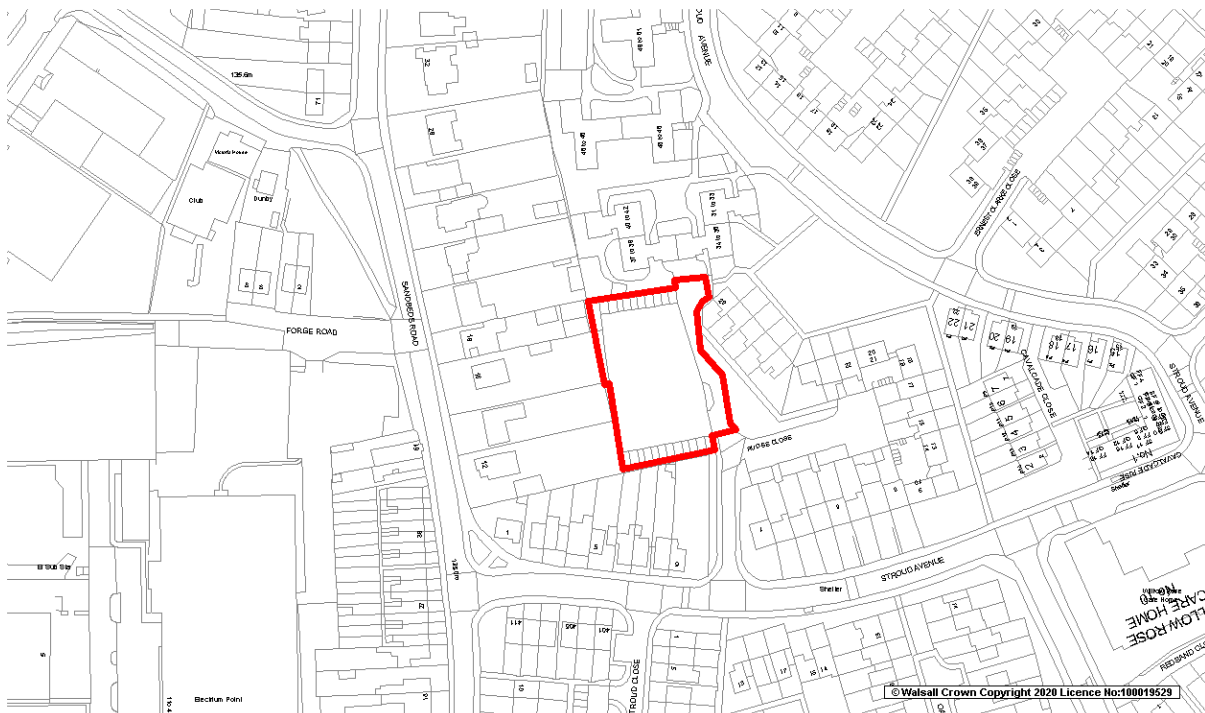
Ward: Short Heath

Agent: David Weeks

Expired Date: 17-Jun-2020

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

Time Extension Expiry: 22-Jul-2021



Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to S106 agreement for the provision of urban open space contribution and subject to:

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

Proposal

The proposal involves the redevelopment of the former garage site on Rudge Close and erection of 14 flats with associated parking, servicing, amenity space and access. The 14 apartments would be split over two small blocks, one of 6 units and the other of 8. Each apartment has two double bedrooms, separate bathroom & en-suite shower room together with open plan kitchen / dining / living / hallway. The second floor apartments have separate kitchens.

The two buildings would be between 2 and 3 storeys high, and the built development extends along the roughly oblong site with parking and landscaping at the front and main amenity space provided at the rear. At the northern end of the site, adjacent to the existing apartment building at 31 Stroud Avenue, the building is reduced in scale in response to the adjacent 2 storey residential dwellings.

The blocks are modern in design with flat roofs that reduce the massing and allow for solar panels to be installed. The dark brick contrasts with the off-white render and the dark grey windows. The stair towers have stack bonded brick to act as a feature to each building.

The main vehicular access into the site is located on Rudge Close, the landscaped area and parking and access through two entrances maintains an active frontage to the street. It is proposed to provide 15 parking spaces with 2no. PTW (powered two wheeler) spaces, as well as a cycle store. One dedicated bin store is provided for each block. Two ground floor apartments have private gardens of 55m² and 80m². The remaining flats would have access to a communal garden of 560m², which equates to 47m² per unit.

The apartments are served by a central corridor with a staircase core at each end. Apartments A1-A6 and B2, B5, B7 and B8 have a full dual aspect with all the apartments benefitting from corner windows in the open plan living area.

The site area is 2136m² which means the scheme equates to a proposed residential density of 65.5 dwellings per hectare.

The Design & Access Statement – Describes the site its context, pre-application work, and building design. The statement explains access considerations and servicing and provides artistic interpretations of the proposal

The Sustainable Drainage Statement – Highlights that the proposed development is on brownfield land which is almost entirely impermeable. The proposals include the incorporation of green landscaping, reducing the impermeable area, which offers betterment over the existing drainage proposals. Concludes that the development can be undertaken in a sustainable manner without increasing the flood risk to the proposed development or to existing properties/systems. Given the change in land use the proposals also offer water quality benefits which will be further supplemented by the permeable paving, in accordance with sustainable urban drainage best practice.

The Ground Investigation Report – Provides an overview of geology and past mining and quarrying and potential for contamination. Concludes that given evidence of former mining raft foundations should be used, ground protection measures be employed to protect against ground gas, capping topsoil to be provided to protect against any contaminated soil, the soils were not found to be leachable so risk to controlled waters is low, and drainage design will need to take into account the very low permeability of the clay strata beneath the site.

The Arboricultural Report – Surveys the trees on and around the site. Concludes that no tree removals will take place as part of the development, and that trees can be effectively protected during construction by using protective fencing.

Site and Surroundings

The site is situated on the western side of Rudge Close, which is a cul-de-sac. There were until recently 22 lock up garages on the site but these have recently been demolished to leave an area of hardstanding. The site has been vacant for some time having been used previously as a site compound for works being undertaken elsewhere in the area.

Immediately to the south of the site are semi-detached houses in Stroud Avenue, with a number of large poplar trees in the garden of No 9 Stroud Avenue which are on the corner of Rudge Close and close to the boundary of the site. To the east of the site are terraced houses that front Stroud Avenue, with a parking court and garages to serve the properties to the south east, within Rudge Close. To the west are detached houses in large plots that front Sandbeds Road. To the north is an 'H' shaped block of two storey flats, accessed off Stroud Avenue and more three storey flats further to the north. The site sits within a predominantly residential area with a large number of properties within the ownership of WHG.

Relevant Planning History

14/0650/FL, 8 new dwellings, 6 x 2bed and 2 x 3 bed houses together with external works, car parking, private access road and landscaping. GSC 12/09/14.

14/0650/FL, Provision of 8 no. new dwellings which comprise 6 no. 2B4P houses and 2 no. 3B5P houses together with external works, car parking, private access road and landscaping. GSC, 12/09/2014

17/1260, Erection of 8 houses, 2 x 3 bed and 6 x 2 bed with associated parking, landscaping and access road., GSC, 27/02/2018

20/0220, Demolition of 2 no. existing single storey garage blocks. Prior Approval: Not Required, 02/04/2020

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **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 55) says:

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.6 to 3.8 Environmental Improvement
- 3.9 Derelict Land Reclamation
- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H4: Affordable Housing
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space
- 8.7 to 8.9 Strategic Policy Statement
- LC1: Urban Open Spaces

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- 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

HC2: Development of Other Land for Housing

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk
T4: The Highway Network

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

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

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

Consultation Replies

Archaeology

No objection, no archaeological implications for this proposal

Coal Authority

No objection. The content and conclusions of the information prepared by JPB Ltd are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development

Clean and Green

Support. The site will require 2x 660ltr bins for general waste and 2x 1100ltr bins for recycling.

Highways England

No objection

Housing Standards

Support

Local Highways Authority

No objection, subject to conditions regarding highway works, construction environmental management plan, parking provision and cycle store.

Lead Local Flood Authority

No objection

Local Access Forum

No objection, the proposal does not impact on pedestrian access to the footpath between Stroud Avenue and Rudge Close.

Natural England

No objection

Network Rail

No comment

Pollution Control

No objection subject to conditions for, a Construction Management Plan, remediation plan following the ground investigation and any agreed remediation works, an Air Quality Low Emission Scheme.

Public Lighting

No objection. There is no external lighting proposed for this development as yet. If any, please make sure there is a condition for no spill light or pollution outside its boundaries.

Severn Trent Water

No objection subject to the application of a drainage condition.

Sport England

No objection

Strategic Planning Policy

Support. The site has an existing planning permission for 8 houses and is on the council's brownfield land register so residential development is supported on strategic planning policy grounds. There are also 2 and 3-storey flats nearby so the proposal would be in keeping with the character of the area. A contribution to off-site open space will be required in accordance with the open space SPD.

Tree Officer

Additional details required prior to consent. No significant structures are present in the root protection area, however details will be required of and roads/paths/cycle shelters in this area. Drainage at a depth greater than 750mm as indicated should also be excluded from the exclusion area. Details of the bin store are required and will likely need to be re-aligned to avoid the root protection area.

West Midlands Fire Service

No objection, subject to compliance with Approved Document B, Volume 1, Dwellings of the Building regulations.

West Midlands Police

No objection, note to applicant regarding security lights, parking areas, secure mail, cycle stores, boundary fencing, locks and entry requirements.

Representations

Four surrounding occupiers commented on the application, three of which were objecting to the proposal and one providing neutral comments. The issues highlighted can be summarised as follows (officer's comments are provided in *italics*):

- Impact on privacy from overlooking to surrounding properties
- Trees will not provide sufficient screening
- Question the need for three storey development
- Concern as to the secure fencing of the development
- Increase in traffic on Stroud Avenue
- Impact of a strip of (possibly, now former) council land that straddles the western side backing across at least 6 properties and has been neglected.
This strip of land is in the process of being purchased by the applicant and it is proposed that it will be incorporated into the landscaping of the development.

Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Surrounding Occupiers
- Highways
- Ecology / Trees
- Flood Risk / Drainage
- Ground Conditions and Environment
- Planning Obligations
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The principle of redevelopment of the site has been established through the approval of previous applications on the site. The application site is on the Council's Brownfield Land Register, residential development is therefore supported on strategic planning policy grounds.

The site is considered to be a highly sustainable location, with good access to employment opportunities in the nearby commercial and industrial development. The site is approximately 500m from the Brackendale Local Centre and within easy access to public transport on Sandbeds Road and Stroud Avenue.

The principle of the development is therefore considered acceptable subject to detail design considerations.

Design, Layout and Character

The layout shows two blocks arranged across the site and connected with a single storey link between them to be used for access and circulation space. The two blocks break up the massing of the development keeping the scale in line with the residential character of the area and apartment blocks to the north.

A restrained pallet of materials has been proposed to re-enforce the modern design. It is proposed to use a plain dark brown or grey facing brick, off-white or light grey render and dark grey window frames, black coping to parapets and dark grey cladding panels. In order to ensure that the materials are of good quality and make a positive contribution to the character of the area it is recommended that a condition be included to provide full details of all facing materials to be used in the scheme.

The buildings are designed to be contemporary and modern, taking cues from the development to the north while updating it to be practical and functional. The blocks' modern design includes flat roofs that both reduce the massing and allow for solar panels to be installed. The dark brick contrasts with the off-white render and the dark grey windows give further modernity to the scheme. The stair towers have stack bonded brick to act as a feature to each building. The single storey link building takes up the level changes between the entrances and creates a sense of unity.

The design of the building is considered appropriate and is in line with the character of the surrounding area.

The layout of the building includes mostly dual aspect flats served off a central corridor with two stair cores. All the apartments meet the nationally described space standards for their proposed level of occupancy, and have appropriately sized rooms that are practically configured.

Private amenity space is provided in the form of communal a landscaped formal garden in the rear area at a size of 560m², which would be shared between 12 of the units meaning there would be a provision of 47m² per unit, which is well in excess of the 20m² per flat recommendation provided by the Designing Walsall SPD. The remaining two flats on the ground floor, would have private gardens of 55m² and 80m², which is also in line with the recommended provision for flats and would provide a good level of amenity to these occupants. A condition to require the submission of a full detailed landscaping plan is recommended in order to ensure that the landscaped areas are appropriately developed.

The existing boundary fences to surrounding properties are proposed to be retained, while a 1.8m high wall is proposed as a boundary of the communal garden to the south side of the development adjacent to the main access and parking. 1.5m high looped black metal fencing is proposed as a separation between the parking and communal garden area in the north which will be complemented by landscaping to create a division between the public and more private areas of the development. 1.8m high close boarded fencing is proposed to separate the private garden areas from the communal areas. The proposed boundary treatments are considered appropriate.

The two refuse and recycling stores are located close to the access. The application has demonstrated that there would be sufficient space for a refuse truck to turn into Rudge Close and service the bins. The southern-most store is a considerable distance from the main entrance to the flats, meaning that it may prove impractical for use by occupants, leading to over-use of the northern bin store. It is therefore recommended that a condition be attached to the decision to require that details of an amended location for this bin store be provided. Clean and Green have supported the proposal indicating that the site will require 2x 660ltr bins for general waste and 2x 1100ltr bins for recycling, which could be accommodated within the bin stores.

The design and layout of the proposal is considered acceptable and in line with the character of the surrounding area.

Amenity of Surrounding Properties

The rear gardens of the houses on Sandbeds Road including numbers 12-18 back onto the application site. The rear elevation of these houses is at least 35m from the proposed development. The siting of the proposed building is also set back at least 5m from the western boundary meaning that the impact to the adjacent properties on this site is not considered significant. According to the site survey provided with the application, here is an elevation difference between the site and Sandbeds Road of just under 4m. This means that the dwellings along the road and to a lesser extent their gardens are significantly elevated when compared to the application site, which would further decrease the impact of any perception of bulk or of privacy impacts of the development on the amenity of these properties.

To the south the rear gardens of 6-9 Stroud Avenue also back onto the development. The development has been set at least 10m away from this boundary in order to protect the mature trees on this side, meaning that the proposed building would also be at least 35m from the rear elevation of the buildings on this side.

Properties on Rudge Close, most critically those at 25-29 Rudge Close would also adjoin the development across their rear boundary, but these would be located on the other side of the existing access way at Rudge Close and would also be separated by at least 20m from the proposed development. The proposed building in the area closest to these properties would also be the two-storey component of the development, mitigating for any overlooking or perception of overbearing bulk in this area.

To the north is the existing flatted development at 31 Stroud Avenue, which would be adjacent to the two storey portion of the development. Separation in this separation would also be maintained at at-least 18m and would be angled away from the building meaning that habitable windows would not directly overlook each other.

Given the above comments the relationship to surrounding properties is acceptable and will not cause significant or harmful overlooking or overshadowing to surrounding occupiers.

It is recommended that a condition requiring the submission of a Construction Environmental Management Plan be applied in order to protect the amenity of surrounding occupiers during the construction phase of the development.

Highways

The private car parking courtyard is accessed Rudge Close off Stroud Avenue. The access is existing and visibility splays can be adequately achieved. The highway officer has requested that a condition be included to ensure that boundary treatments close to the main access are constructed so as to maintain visibility.

The application provides 15 parking spaces including two disabled spaces along the frontage of the development. The Highway Officer has commented that the 100% parking provision is considered acceptable considering the nature of the development and the sites sustainable location. It is recommended that electric vehicle charging points be installed within the parking area in order to ensure that the development is in line with the Black Country Air Quality SPD.

It is recommended that a condition to provide full details of the proposed cycle shelter be applied to the decision notice to ensure their provision is robust and configuration is practical. The car parking area will be block paved, which will provide an attractive and robust surface, delineating the access from the parking area. The parking has natural surveillance and would be overlooked several of the new apartments, and existing houses on Rudge Close. The proposal has demonstrated that a refuse vehicle can successfully access the site to access the bin stores.

No lighting scheme has been provided for the parking area. Given the need to prevent light pollution while ensuring the parking area is well lit, a planning condition is recommended to require the submission of this detail.

In order to ensure that there is no impact on the highway during the construction phase of the development is recommended that as part of the Construction Environmental Management Plan temporary parking and turning areas are detailed as well as measures to prevent mud on the road.

The Highway Authority have supported the application and indicated that 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 paragraph 109.

Ecology / Trees

The site is currently dominated by hardstanding and until recently there were two rows of garaging on the site. The site is therefore currently of low ecological value. Enhancement measures are therefore required to ensure that the proposal represents a net ecological gain to the surrounding area. The proposal includes the landscaping of a significant area of the site including the planting of several trees which would constitute an improvement in the ecological value of the property. In order to secure this, it is recommended that a condition be attached to the decision to require the submission of a scheme of mitigation and enhancement measures to be incorporated within the proposed development.

According to the Arboricultural Report there are 6 trees and one hedge in close proximity to the site but outside the boundary of the development. No trees are proposed to be removed as part of the proposal. A 10m exclusion zone for development has been negotiated with the applicant on the advice of the Tree Officer along the southern boundary of the site, in order to ensure the protection of the mature poplar trees on third party land to the south. A condition to ensure that tree protection measures are provided would ensure trees are protected through the construction process.

The Tree Officer has indicated that additional details would be required prior to consent, including details of and roads/paths/cycle shelters in this area. Any drainage at a depth greater than 750mm excluded from the exclusion area. Details of the bin store are required and may need to be re-aligned to avoid the root protection area. Much of this information would be provided through the details to be agreed as part of other conditions recommended as part of the decision, including drainage details, cycle shelter details, and hard and soft landscaping works including earthworks. The tree officer will be consulted as part of the discharge of these conditions, therefore it is not necessary to withhold consent prior to submission of this information.

Flood Risk / Drainage

A drainage strategy has been submitted with the application. The application site is in Flood Zone 1, and is indicated to be of very low risk of surface water flooding. The development site has been previously developed and includes a large area of hardstanding and impermeable area, covering almost the entire site. The proposal will create a decrease in impermeable area due to the incorporation of turf and landscaped areas. The report confirms that surface water drainage can be achieved by using the surface water sewer within Rudge Close. It is proposed to connect to the sewer within Stroud Avenue. All foul drainage will be designed and constructed in accordance with Building Regulations Part H.

In order to provide further betterment over the existing drainage regime, permeable paving will be incorporated beneath the proposed parking bays. They will consist of a permeable surface with an underlying stone sub base. This will provide up to 20.05m³ of storage volume. The system has been designed to accommodate surface water for up to and including the 1 in 100 year plus 40% climate change event.

The Lead Local Flood Authority have supported the proposal and Severn Trent have not objected to the application subject to the application of a drainage condition to secure the detailed design of the drainage proposals.

Ground Conditions and Environment

A Ground Investigation was carried out in order to assess the potential risk to human health and environmental receptors from historical uses of the site as a result of contamination, and the potential impacts on ground stability as a result of past mining activity. The report confirms, that whilst an intact coal seams were encountered at shallow depth, no workings were identified.

The Coal Authority has concurred with the conclusions of the report and is satisfied that the issue of the potential for coal mining legacy to affect the proposed development has been adequately investigated, indicating that no further investigations are necessary.

The report located hotspots of elevated ground contamination within the site and has not assessed the foundry identified within the made ground layer at the site. The investigation has also records elevated levels of ground gas that will require mitigation measures. It is recommended that a condition to require ground gas mitigation be applied to the decision in line with the comments received from Pollution Control.

In order to ensure that the proposal meets the requirements of the Black Country Air Quality SPD it is recommended that a condition be attached to the permission in order to require the installation of electric vehicle charging points, low NOx emissions boilers

Planning Obligations

In accordance with policies GP3 and LC1 of the UDP, policy DEL1 of the BCCS and Urban Open Space SPD the proposal triggers the need for urban open space contribution.

The developer has indicated a willingness to enter into a S106 agreement in order to secure these contributions. For a development of this size, within this ward, a contribution (as defined by the Urban Open Space SPD) of £19,404 is required.

The open space contributions would need to be directly related to the development and fairly and reasonably related in scale and kind to the development in order to meet the 3 tests for securing S106 contributions in this instance. The final location for contribution would need to be agreed with Clean and Green and subject to consultation with ward members at the site.

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 14 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

The application site is on the Council's Brownfield Land Register, and the principle of redevelopment of the site has been established through the approval of previous applications on the site.

The proposed buildings would be varied and interesting in appearance but with a strong thematic character and cohesive use of materials. There would be elements of landscaping within the scheme which would break up the parking and provide interest. The apartment blocks respect the scale of the area and has been sensitively designed, with an active frontage along Rudge Close.

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

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

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

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

With regards to planning obligations, open space contributions are due in line with the provisions of the Urban Open Space SPD, requiring a s106 agreement to be entered into.

As such, the development is considered to meet the aims and objectives of the National Planning Policy Framework, Policies CSP4, HOU1, HOU2, HOU3, TRAN2, ENV1, ENV2, ENV3, ENV5, ENV7 and ENV8 of the Black Country Core Strategy and saved policies 3.6 to 3.9, GP2, GP3, ENV10, ENV11, ENV14, ENV17, ENV18, ENV23, ENV32,

ENV33, H4, T7, T8, T9, T10, T11, T12 and T13 of Walsall Unitary Development Plan policies, Policies HC2, EN1, EN3 and T4 of the Walsall Site Allocation Document and Supplementary Planning Documents Designing Walsall, Conserving Walsall's Natural Environment, Open Space, Sport and Recreation, and Air Quality.

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

Positive and Proactive Working with the Applicant

Approve

Officers have confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to S106 agreement for the provision of urban open space contribution and subject to:

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

Conditions and Reasons

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

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

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

- Site Location and Block Plan, Drawing No 100 Rev. /, submitted 18-03-20
- Existing Site Survey, Drawing No. 101 Rev. /, submitted 18-03-20
- Proposed Site Plan, Drawing No 102 Rev. D, submitted 30-04-2021
- Block A Proposed Ground and First Floor Plans, Drawing No 104 Rev. A, submitted 30-04-2021
- Block A Proposed Second Floor and Roof Plans, Drawing No 105 Rev. A, submitted 30-04-2021
- Block B Proposed Ground and First Floor Plans, Drawing No 107 Rev. B, submitted 30-04-2021
- Block B Proposed Second Floor and Roof Plans, Drawing No 108 Rev. B, submitted 30-04-2021
- Block A Proposed Elevations, Drawing No 106 Rev. A, submitted 30-04-2021
- Block B Proposed Elevations, Drawing No 109 Rev. B, submitted 30-04-2021
- Proposed Landscape Plan, Drawing No 103 Rev. /, submitted 30-04-2021
- Street Scene 1 Drawing No 111 Rev. B, submitted 30-04-2021

- Street Scene 2 Drawing No 112 Rev. A, submitted 30-04-2021
- Street Scene 3 Drawing No 113 Rev. A, submitted 30-04-2021
- Artistic Impression, view from Rudge Close/Stroud Avenue Junction Drawing No 114 Rev. A, submitted 17-05-2021
- Artistic Impression, close up view showing the two main entrances, Drawing No 117 Rev. A, submitted 17-05-2021
- Artistic Impression, view from Rear Communal Garden to Block B Drawing No 114 Rev. A, submitted 17-05-2021
- Artistic Impression, Aerial View from NE corner above Rudge Close Drawing No 115 Rev. A, submitted 17-05-2021
- Artistic Impression, view from Rudge Close looking towards the site Drawing No 118 Rev. A, submitted 17-05-2021
- Artistic Impression, view from NE corner looking back into the site Drawing No 119 Rev. /, submitted 17-05-2021
- Artistic Impression, view from one of the private gardens Drawing No 122 Rev. /, submitted 17-05-2021
- Artistic Impression, view of Block B Drawing No 121 Rev. /, submitted 17-05-2021
- Artistic Impression, view of Block B Drawing No 120 Rev. /, submitted 17-05-2021
- Design and Access Statement prepared by C&S Architects dated May 2021
- Arboricultural Report, prepared by Old Oak Tree Care. ref OOTC/PC21/442 094 dated 13-01-2021
- Sustainable Drainage Statement prepared by Chamberlain consulting LLP ref. 19448-R01-01 Issue 1 dated 17-05-2021
- Ground Investigation Report , prepared by Geo² Remediation Limited ref. RB47-01/JCB/PE.1 dated 31-10-2017

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

3. a. Prior to the commencement of the development hereby permitted:
 - i. details of protective fencing and ground protection to be installed around all retained trees shall be submitted in writing to and approved in writing by the Local Planning Authority
 - ii. The approved protective fencing and ground protection shall be installed
 - iii. One month's written notice of the intention to commence development shall be given to the Local Planning Authority to allow the Council's Arboricultural Officer to fully inspect the installation of the protective fencing and ground protection

- b. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

- c. Nothing shall be stored or placed nor any fires started, any tipping, refuelling, disposal of solvents or cement mixing carried out inside the protective fencing or on the ground protection referred to in part a to this condition .Ground levels within protective fencing and on ground protection areas shall not be altered nor shall any excavation or vehicular access or drainage routes be made.

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

Reason: To preserve and enhance the visual amenities of the locality in accordance with Saved Policy ENV18 of the UDP and Conserving Walsall's Natural Environment SPD.

4. a. Prior to the commencement of the development hereby permitted as scheme of ecological enhancement and mitigation measures shall be submitted in writing to and approved in writing by the Local Planning Authority

b. The development shall not be carried out otherwise than in line with the approved ecological enhancement and mitigation measures

Reason: To ensure a net ecological gain for the development and to comply with NPPF15, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD

5. a. Prior to the commencement of development hereby permitted 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 porta cabins 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
 - xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
 - xii. Noise and vibration mitigation measures * see note CEMP

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.

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

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

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

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site and to protect existing trees in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 ENV17, and ENV40 and SPD Conserving Walsall's Natural Environment..

7. a. Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

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

c. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation are 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 works required and agreed in writing by the Local Planning Authority.

d. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

Reason: To ensure safe development of the site and to protect human health and the environment in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan and to meet the requirements of NPPF 170 and 178.

8. a. Prior to first occupation of the development hereby permitted details of an Air Quality Low Emission Scheme to install electric-vehicle charging points and Ultra-Low NOx boilers shall be submitted in writing to and agreed in writing by the Local Planning Authority.

b. Prior to first occupation of the development the approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

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.

9. a. Prior to first occupation of the development hereby permitted the following works shall be fully implemented:
- i. The access road, all access ways and parking spaces which shall be fully implemented being consolidated, hard surfaced and drained or permeably surfaced,
 - ii. The clear demarcation of all parking bays, pedestrian routes and hatched Keep Clear zones.
 - iii. A flush demarcation kerb shall be installed along the interface between the private access road and the adopted public highway boundary.
 - iv. The installation of a tactile pedestrian dropped kerb across the Rudge Close junction near Stroud Avenue

b. All access ways and parking areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with UDP policy GP2, T7 and T13, to define the highway boundary and to improve pedestrian accessibility to the site.

10. a. Notwithstanding the submitted information and prior to first occupation 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.

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

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

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

11. a. Prior to the first occupation of any part of the development hereby permitted, full details of the locations and construction methods and materials of the proposed bin stores shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

b. The bin stores shall thereafter be retained and used for no other purpose.

Reason: To safeguard the amenities of the occupiers and to protect existing trees and in accordance with saved policies GP2, ENV17 and ENV32 Walsall's Unitary Development Plan, and SPD Conserving Walsall's Natural Environment..

12. a. Prior to the first occupation of any part of the development hereby permitted, full details of the proposed cycle shelters, which shall be covered and illuminated shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

b. The cycle shelter facilities 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.

13. 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 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.

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.

14. 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.

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.

15. Permeable Paving to the parking area should be installed in line with the recommendations of the Sustainable Drainage Statement prepared by Chamberlain consulting LLP ref. 19448-R01-01 Issue 1 dated 17-05-2021.

Reason: to reduce the possibility of damage from flooding in accordance with to comply with Walsall's Unitary Development Plan saved policies GP2 and ENV40, BCCS policy ENV5 and Site Allocation Document Policy EN3.

16. The boundary treatment south of Parking Space 1 shall consist of open railings or open railings onto top of a 600mm high wall or similar only in order to provide adequate inter-visibility for drivers emerging from the parking space and approaching pedestrians and vehicles, full details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interests of highway safety in accordance with saved policies GP2 and T13 of Walsall's Unitary Development Plan.

Notes for Applicant

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.

CEMP

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

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 provision for residential premises is a charging point per residential premise or Units with unallocated parking e.g. apartments – 1 charging point per 10 spaces, complying with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw. Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-

phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded. The charging unit is to be supplied by its own independent radial circuit. Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following:

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

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

West Midlands Police

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

Access control to the building see SBD Homes 2019 page 41 27.2-4.

Compartmentation providing security to each floor with access only for those residents.

Secure mail is recommended without providing unnecessary access to private areas. (SBD Homes 2019 page 58 2b. 38). SBD strongly recommends where possible, mail delivery via a 'secure external letter box' Standard TS009 (DHF TS009) (SBD Homes 2019 page 58 38.3). 'Through the wall mail delivery into secure internal letter boxes' can be considered Standard TS008 (DHF TS008) (SBD Homes 2019 page 59 38.4-5).

Lighting must be at the levels recommended by BS 5489-1:2013. External LED lights with daylight sensors to the external walls, by entrances and lighting to the parking area. This to provide security for residents entering and leaving. (SBD Homes 2019 page 63 49.1). I would recommend 24 hour lighting (switched using a photoelectric cell) to internal communal areas. Providing security to residents as they make their way within the building. (SBD Homes 2019 page 63 49.2.).

Consider cctv multiplex cctv system for all the public areas in particular facial view on all entrances. A height to 120% of the screen is required for identification. (SBD Homes 2019 page 47 29.1 – 30.7). A capture of all persons and vehicles particularly entering and leaving. Alarm and cctv installers should be approved by NSI, SSAIB or both please see <https://www.nsi.org.uk/> and <https://ssaib.org/>

Highway Authority

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. The applicant will be required to obtain the necessary Road Opening Permit or enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority for the works within the public highway. For further information please contact the Highways Development Control Team at Stephen.Pittaway@walsall.gov.uk

Severn Trent

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

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

West Midlands Fire Service

Requirement B5: Access and facilities for the fire service

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.

Section 13: Vehicle access

Provision and design of access routes and hard-standings

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

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

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

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

Overall

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

Section 14: Fire mains and hydrants – flats

Provision of fire mains

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

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

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

following.

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

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

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

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 16 and 'National Guidance Document on the Provision for Fire Fighting' published by Local Government Association and WaterUK:

<https://www.water.org.uk/wp-content/uploads/2018/11/national-guidance-document-on-water-for-ffg-final.pdf>

For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

The approval of Building Control will be required to Part B of the Building Regulations 2010 Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 7) The external access provisions for a building should be planned to complement the internal access requirements for a fire attack plan. (CIBSE Guide E, Fire Safety Engineering 2010, p. 13-14)

END OF OFFICERS REPORT