



Planning Committee

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

Plans List Item Number: 2

Reason for bringing to committee

Major Application and Section 106 Agreement

Application Details

Location: FORMER POLICE STATION, GREEN LANE, WALSALL

Proposal: CONSTRUCTION OF APARTMENT BUILDING PROVIDING 130 ONE AND TWO BEDROOM APARTMENTS ALONG WITH CAR PARKING, ACCESS AND LANDSCAPING.

Application Number: 20/1103

Case Officer: Helen Smith

Applicant: PJK Developments (Walsall) Ltd

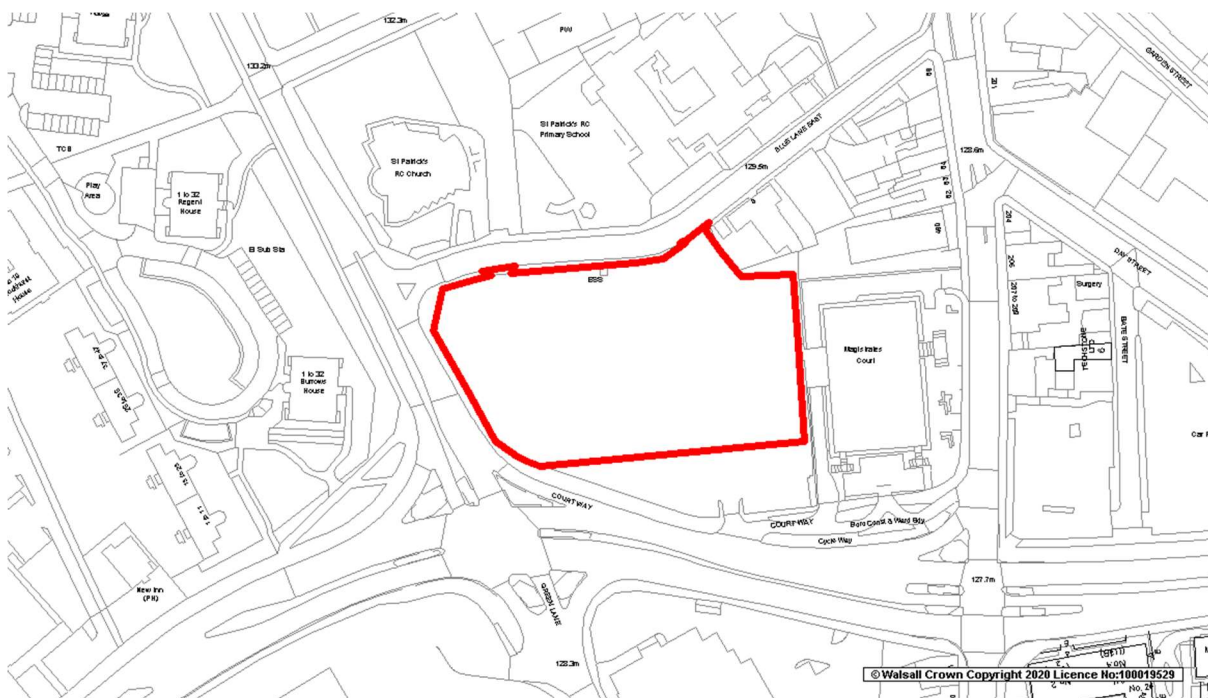
Ward: Birchills Leamore

Agent: Design BM3Architecture

Expired Date: 09-Dec-2020

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

Time Extension Expiry:



Recommendation

Planning Committee resolve to Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and Section 106 Agreement to secure an urban open space contribution, a commuted sum for affordable housing and the ongoing landscape management and maintenance 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 concerns raised by Pollution Control, Housing Standards, Waste Management and Strategic Planning Policy; and
- Lambert Smith Hampton's Advice on Financial Viability Appraisal.

Proposal

This proposal is for the redevelopment of the former Police station site in Walsall town centre for residential purposes and proposes 130 single aspect apartments in a mix of one and two bedrooms. The proposal would be a U-shaped block enclosing on 3 sides a central courtyard along with a separate 3 storey block facing the Magistrate's Court car park to the south.

The key dimensions are;

Green Lane Elevation (west facing)

9.5 storeys high corner tower element – 29.4 metres high

Mid 9 storeys high element – 26.7 metres high

4 storey element – 13.4 metres high

54.3 metres wide in total

Tower Width – 9.3 metres

Blue Lane East Elevation (north facing)

4 storey element near to corner with Green Lane – 13.4 metres high

3 storey element – 10.6 metres

51.9 metres wide in total (excluding bin store)

Bin store – 2.6 metres high and 4.7 metres wide

Blue Lane West/Court Way Elevation (south facing)

9.5 storeys corner tower element – 29.4 metres high
9 storeys high element – 26.7 metres high
5 storey element – 16.2 metres high
4 storey element – 13.4 metres
61.2 metres wide in total

Separate Block Fronting Car Park on Court Way (south facing)

Gap of 3.9 metres between blocks
3 storeys – 10.6 metres high
21.9 metres wide

Proposed 43 x 1 bedroom and 27 x 2 bedroom for active over 55's person's flats comprising the following floor areas;

Type A – 46.4m² (1 bedroom with 2 bed spaces)
Type B – 55.4m² (2 bedroom with 3 bed spaces)
Type C – 53.8m² (2 bedroom with 3 bed spaces)
Type D – 56.4m² (2 bedroom with 3 bed spaces)
Type E – 58.4m² (2 bedroom with 3 bed spaces)

Proposed 4 x 1 bedroom and 56 x 2 bedroom flats for open letting with the following floor areas;

Type 1 – 54.9m² (2 bedroom with 3 bed spaces)
Type 2 – 43.8m² (1 bedroom with 2 bed spaces)
Type 3 – 51.5m² (1 bedroom with 2 bed spaces)
Type 4 – 65.3m² (2 bedroom with 3 bed spaces)
Type 5 – 53.2m² (1 bedroom with 2 bed spaces)

The planning agent has advised that developers have discussed the proposals with local Housing Associations and the current intention is that the scheme will be developed in partnership with all of the units being offered as affordable rent. 70 flats will be exclusively for people over 55 years of age.

The proposal would have varying building heights from 3 up to 9.5 storeys high with the tallest element located on the prominent corner of Green Lane and Blue Lane West. The buildings step down from the tallest point to the lowest 3 storey section nearest the Magistrates Court. On Blue Lane East the proposal steps down from the highest point to 4 storeys, having a similar ridge height as St Patrick's RC Church opposite. The roof design is flat with an overhanging flat roof coloured feature for the proposed tower.

There are three elements to the proposal which includes 70 flats for the over 55's; 60 flats for general needs residents and a communal area at the base of the proposed tower.

The proposal also includes the following;

- Residents lounge
- Small office
- Plant room
- Buggy store
- Lifts x 2
- Refuse areas x 2
- Cycle shelters x 2
- Private communal garden of 628 sq. metres (excluding amenity area in front of residents' lounge)
- Parking – 68 spaces

The development would have a density of 200 dwellings per hectare. The initial proposal for a café has been removed from the scheme and replaced with a residents lounge area. These communal facilities would be a double height social space at the base of the tower element provided for the over 55 residents.

Two vehicle accesses into the site are proposed with two separate parking areas provided off Blue Lane East. These two entrances would have automatic vehicle gates set into the site. Pedestrian entrances into the site are proposed along the northern and south western boundaries.

The proposal states that separate pedestrian entrances are proposed into apartments are included to keep the different residential profiles apart for security purposes. Pedestrian accesses will be provided from the entrance doors facing Green Lane and the Magistrate's Court car park along with entrance points from within a central landscaped courtyard at rear.

The proposal would consist of two contrasting colours of brick with copper colour window detailing in key areas to accentuate certain elements of the development and provide visual interest. The copper colour material would also be added to the overhanging roof detail of the proposed tower. Juliet balconies are to be provided to living rooms in each flat. Small private terraces next to living rooms are also proposed for some ground floor residents within the interior courtyard.

Hard and soft landscaping is proposed for the courtyard area providing communal private amenity space of 628 sq. metres. A smaller less private amenity area of approx. 138 sq. metres is proposed in front of the communal lounge and adjacent to the highway. This area would be enclosed by 1600mm railings and backed by an evergreen hedge adjacent to the road junction.

The courtyard area would provide an amenity space along with an additional parking area provided to the east providing a total of 68 off-street parking spaces when combined with those provided to the western part of the site.

Two separate bins stores areas within the buildings footprint are proposed along with a refuse collection point near the proposed western vehicle access. In addition two separate, enclosed and covered, bicycle stores are proposed to accommodate a total of 44 bicycles.

For access in the over 55's element corridors would be 1.5 metres wide. Two lifts and two stairways on the lower 4 floors would be provided and a single stairway serving the upper 5 floors. The corridors serving the flats are naturally ventilated at one end and have a smoke shaft at the other. Sprinklers protection would be provided as the building would be over 18 metres in height.

The exterior elevations would be of brickwork and no cladding elements are proposed. The site boundary treatments propose 1800mm close boarded fencing on top of the existing retaining boundary wall next to the Magistrates Court, the existing wall next to The Presbytery would be retained and 1600mm railings erected around the remaining perimeter of the site.

The application is supported by the following documents;

Air quality Assessment prepared by REC dated September 2018 which concludes;

- Site located within LBoS Area AQMA and subsequently development has the potential to introduce future site users to an area of poor air quality as well as causing adverse impacts on existing pollution levels at nearby sensitive receptors within the AQMA.
- Good practice dust control measures during the construction phase the significance of air quality impacts resulting from dust generated by earthworks, construction and track out activities was predicted to be not significant.
- Modelling results indicated that pollutant concentration at sensitive residential locations across the site were below the relevant AQOs. The location is therefore considered suitable for retail, office and residential based use without the inclusion of mitigation.
- Overall, based on the assessment results air quality is not considered a constraint to planning consent for the proposed development.

Analysis of Demand for Grade A Office Accommodation in Walsall, Report prepared by Bulleys Chartered Surveyors, January 2020 which concludes;

- From their knowledge and experience of the office market in Walsall and the wider local region they believe there would be extremely limited demand for a headquarters style office building on this site.
- Considers that even a development scheme that provides a smaller arrangement of office accommodation will be limited in terms of demand.

- Good parking ratio (1:200 or better) may attract new occupiers but this is likely to reduce feasibility even further because of site density. Even with an excellent car parking ratio demand is likely to be limited.
- Total square footage of office accommodation has generally reduced in recent years with developers converting office accommodation to residential accommodation using permitted development rights
- This in itself indicates demand for residential accommodation outweighing the demand for offices.
- Trends do change however there are currently no signs to suggest that office demand is going to increase in the short to medium term. Working styles and improvements in technology and communications seem to be reducing the amount of office spaces required by businesses for the foreseeable future.

Arboricultural Impact Assessment BS5837:2021 by Eden Arboriculture, dated 26 August 2020 which concludes;

- 3 x trees would need to be removed (T1, T2 and T4) all of which are low quality retention category C1 or U.
- Proposed plan recommends extensive tree planting to more than offset the losses in the long term
- Tree protection barriers recommended in positions shown on the tree protection plan
- The canopy of T3 will be 3.5 metres from the southern elevation of the proposed building and could be lightly reduced to provide more clearance.
- Pressure for tree removal should be relatively low.
- All buildings should be a sufficient distance from retained trees to make direct damage unlikely as long as they are engineered properly.
- All new trees will need to be positioned so as to avoid direct damage to any of the new structure.
- Some light shading onto the southern elevation from the retained T3 but this would be minimal and to only one part of the building.
- Leaf fall will need to be considered as part of the garden maintenance and gutters and down pipes should be fitted with leaf guards to mitigate the impact.

Design and Access Statement Rev. B June 2021 concludes;

- Scheme will fit into the local environment and provide an attractive, high quality housing development
- May open up further opportunities for re-development along Green Lane
- Key aim was to achieve a high standard of design.
- Represents good town planning and is based upon sound design principles following a comprehensive analysis of the site.
- Design will enhance the Gigaport corridor, creating a key gateway building at the Green Lane junction
- Design makes the best use of the site and provides an interesting and attractive development
- Impact on neighbouring properties has been carefully considered
- High quality landscaping scheme will enhance the local environment and create an attractive place to live

Drainage Design Report prepared by Causeway, dated 23/02/21 which provides technical drainage data.

Ecological Appraisal prepared by FPCR dated August 2020 which concludes;

- Most of the habitats are bare ground and the proposals are unlikely to result in any net loss of biodiversity.
- No invasive species listed on Schedule 9 of the Wildlife and Countryside Act were recorded
- No evidence of the presence of an established or recent bat roost in the buildings pre-demolition
- Street lighting is present in close proximity to the site which reduces the potential for roosting bats.
- Furthermore it is a highly urbanised environment with artificial lighting and few foraging opportunities
- Site does not provide suitable roosting, foraging and commuting habitat for bats
- Recommended that good practice for lighting to minimise light spill
- 2018 survey identified no bird nests in association with the building.
- No evidence of Black Redstart and the collection of habitats in isolation and similarly unsuitable habitats means the presence of these species can be reasonably discounted.
- Removal of vegetation should be completed outside of the bird breeding season (March to August inclusive)
- No ponds identified on site and habitats not of value to amphibians or reptiles. Their presence can be reasonably discounted.
- Biodiversity enhancement recommended to include landscaping, bat and bird boxes

Environmental Noise Report prepared by Cundall, dated 14 August 2020 states;

- As residential development, it is unlikely there will be significant introduction of noise levels attributed to building services plant. Appropriate criteria required to limit the impact.
- Noise levels have been measured at the site to determine the existing noise climate. These have been used to calibrate a 3D noise model to accurately predict noise propagation across the site from transportation sources.
- Using the 3D noise model, predicted noise levels on facades of the proposed building have been used to specify appropriate glazing and ventilation elements, in order for internal noise levels commensurate with the use of the building to be achieved.

Planning Statement by BM3 deposited 9/9/20 concludes

- That the principle and detail of the development is entirely acceptable. Consideration has been given to the appropriateness of the development; a review has been undertaken as to whether the application site is suitable for residential development; and the likelihood of office development materialising on the site has been assessed.
- The statement comments that the proposals offer significant benefits in planning terms and the planning balance is firmly in favour of development.

Transport Statement prepared by Mode Transport Planning, dated August 2020 concludes;

- Proposed development would not have a significant adverse impact on the operation or safety of the surrounding highway network and therefore in accordance with the NPPF (para 109), the proposal should be considered acceptable in transport terms.

In addition to the above the documents the following have been provided;

- Drainage Design Report
- Drainage Strategy
- Site Investigation Reports
- Sun-Shadow Study
- Sustainable Drainage Assessment and Operations Maintenance Plan

Site and Surroundings

The site lies within Walsall Town Centre and is identified in the Town Centre Area Action Plan (AAP) as site TC52. It also lies within the area of Gigaport. Site TC52 comprises both the current application site and the Magistrates car park that faces the ring road. This site is located within the Wolverhampton to Walsall Growth corridor.

The site is 0.65ha in area and was formerly occupied by the West Midlands Police Station. The 6 storey Police Station building was demolished in February 2019. The site lies at a gateway to the town centre facing Green Lane (A34), Blue Lane West (A4148) Blue Lane East to the north of the site and Court way to the south. The site is adjacent to a busy road intersection, dual carriageways and controlled by traffic lights which forms part of the Strategic Highway Network.

Walsall Magistrates Court sits to the east of the application site and its car park immediately to the south of the application site. The application site is flat and to the east there is a service road for the Magistrates Court which is below ground level and has a retaining wall next to the common boundary with the application site supporting the land on the application site.

Beyond the Magistrates' car park and highway are Centaur Works and Crown Wharf Shopping Park the south of the application site. To the north of the site on Green Lane is St. Patrick's Catholic Church which has a distinctive 1960's design and to the west is an estate of high rise flats, maisonettes and houses. These residential buildings range from 2 to 8 storeys high with the 8 storey tower block Burrowes House opposite the application site.

St Patrick's Presbytery, which is locally listed, lies immediately adjacent to the east of the site on Blue Lane East.

There are no trees subject to Tree Preservation Orders within the application site however there are protected Plane trees behind railings along the frontage of St Patrick's RC Primary School.

The Town Centre is approximately 500 metres to the south of application site. Tesco's supermarket is 250 metres away and the bus and train stations are 600 metres from the site. Public facilities such as the library, Council Offices and Town Hall are 10 minutes' walk from the site.

Along the A4148 and to the east of the site is the Gigaport area with Walsall College of Further Education, Walsall Leather Museum, The Hub and offices for Walsall Housing Group and Jhoots Pharmacy.

There is an electricity sub-station on Blue Lane East and also high voltage underground cables cut diagonally across the site in the north-west corner.

Relevant Planning History

The Application Site

17/1696 – Prior Notification: Demolition of Police Station – Prior Approval Granted 30/1/18

11/1541/TE – Walsall Gigaport – Time extended 08/0951/OL – GSC 3/2/12

08/0951/OL – Walsall Gigaport – Outline access only considered – GSC 18/12/08

St Patrick's Church

11/1541/TE – Walsall Gigaport – Time extended 08/0951/OL – GSC 3/2/12

08/0951/OL – Walsall Gigaport – Outline access only considered – GSC 18/12/08

St Patrick's Roman Catholic Primary School

18/0346 – Proposed single storey extension to dining room – GSC 31/05/18

11/1541/TE – Walsall Gigaport – Time extended 08/0951/OL – GSC 3/2/12

08/0951/OL – Walsall Gigaport – Outline access only considered – GSC 18/12/08

07/0846 – Extension to existing nursery classroom – GSC 4/10/17

St Patrick's Presbytery

20/1287 - Creation of 1 x 2 bed townhouse, 1 x 2 bed apartment and 2 x 1 bed apartments. Ground floor commercial offices. New 2.4mtrs high pagreen palisade fencing to parking area – under assessment and not yet determined

Burrows House, Green Lane

20/0410 – Proposed external installation of insulation with render finish, new replacement windows and doors and replacement balcony handrails - GSC 25/06/20

19/0265 – Refurbishment including external renovation with repainting, window and door replacement and replacement balconies - GSC 30/07/19

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF (para 55) says:

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

- 3.9 Derelict Land Reclamation
- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- S8: Housing in Town Centres
- 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

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- 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
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN3: Growth in the Strategic Centres
- CEN4: Regeneration of Town Centres
- CEN8: Car Parking in Centres
- 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 Town Centre Area Action Plan 2019

- Site Specific Policy TC52
- AAPB1: Office Development
- AAPLV1: Residential Developments
- AAPLV3: Health Care Facilities
- AAPLV4: Community Facilities
- AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness
- AAPLV6: Securing Good Design
- AAPLV7: Enhancing Public Realm
- AAPLV8: Environmental Infrastructure
- AAPT1: Pedestrian Movement, Access and Linkages
- AAPT2: Cycling
- AAPT3: Public Transport
- AAPT4: Road Improvements
- AAPT5: Car parking
- AAPINV1: Regeneration Strategy
- AAPINV3: Walsall Gigaport
- AAPINV7: Addressing Potential Site Constraints

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

Affordable Housing

- 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

Archaeology – No objections

Clean and Green – No objections subject to access to the bin stores being provided.

Community Safety – No objections

Conservation Officer – No objections

Education Walsall – No adverse comments received

Fire Officer – No objections subject to compliance with Approved Document B, Volume 1, Dwellings, 2019 edition incorporating 2020 amendments-for use in England

Highways England – No objections

Historic England – No objections

Housing Standards – Object as access to the bedrooms of proposed Flat Type A on the ground floor are through the kitchen which is considered a high risk room for fire. This has been addressed in the body of the report.

Housing Strategy – seeks 25% affordable housing in the form of a commuted sum, to enable the provision of affordable housing on another site in the borough

Lead Local Flood Authority – No objections

Local Highway Authority – No objections subject to planning conditions in respect of highway improvements to the access points with any decommissioning of traffic signals at the entrance as necessary, parking, hard-surfacing, surface water run-off, construction management plan, cycle shelter and residential Travel Plan Statement, if approved.

Natural England - No objections

Network Rail – No objections

Police Architectural Liaison Officer- No objections subject to Secured by Design principles being observed if approved.

Pollution Control – No objections subject to the inclusion of planning conditions in respect of a construction management plan, contaminated land investigation, gas monitoring, acoustic mitigation and glazing, travel plan for air quality requirements and electric vehicle charging points. Further information in respect of the submitted acoustic assessment is awaited from the developer's consultant.

Public Health – No objections but would like to see a cycle store included in the development.

Severn Trent Water – No objections subject to the inclusion of a planning condition in respect of drainage and an informative note regarding a public sewer

Strategic Planning Policy – No objections

Tree Officer – No comments received

Walsall Healthcare – No adverse comments received

Representations

Objections and comments have been received from 5 neighbours including neighbour comments forwarded by Councillor G Ali and Mr Eddie Hughes MP on the following grounds;

- Access and egress on the east of the site should be moved to protect the high Presbytery wall
- Transport Assessment does not identify parking issues in the area –high volume of traffic
- Inadequate parking provision for homeowners and visitors
- Safety of school children and increased traffic
- Inadequate and hazardous access point
- Need to avoid ‘town cramming’ and gross over-development
- Protection of valuable open space and development of new green spaces in accordance with Walsall’s Green Space Strategy 2018-2022. Proposal does not fulfil these visions

Determining Issues

- Heritage
- Principle of the Development
- Impact on the Character and Appearance of the Area
- Impact upon Residential Amenities and Future Occupiers
- Ground Conditions
- Noise
- Air Quality
- Drainage and Flood Risk
- Trees
- Ecology
- Security
- Access and Parking
- Planning Obligations
- Local Finance Considerations

Assessment of the Proposal

Heritage

To the north east of the site is Saint Patrick’s Presbytery, Blue Lane East, a locally listed building. Whilst the site is not within a conservation area or within the setting of a listed building or includes works to a listed building, the site is within the setting of a locally listed building Saint Patrick’s Presbytery, Blue Lane East.

The plan shows the bin store having been relocated away from the boundary with St Patrick's Presbytery, which is welcomed and supported to safeguard the character and significance of the local listed building and the amenities of the proposed occupiers.

Principle of the Development

Residential development is contrary to that proposed for the site by the development plan through the Area Action Plan (AAP). The use of the site for offices is integral with the economic basis of the AAP and the Black Country Core Strategy (BCCS). This envisages that office employment will increase over the period of the plan to replace that lost from traditional heavy industry. Office use has a greater employment density (floors space per employee) than industry so less land is needed to provide the same number of jobs.

The resulting land saving will allow former industrial land to be redeveloped for housing. If insufficient new office floor space is provided, the number of jobs will fall both directly through the loss of employment in those offices but also through multiplier effects as workers spend money in the town centre. Any shortage of employment for people in the area will also mean they will have difficulty buying or renting homes.

The floor space of the former police station was approximately 7,000 sq. metres. The AAP envisaged that a new office building of 18,000 sq. metres could be accommodated on the site. This would provide around 1,500 jobs at the typical employment density for offices (1 job per 12 sq. metres, which is similar to that for the Civic Centre pre-Covid).

The Walsall Town Centre Demand Study and Development Sites Assessment (September 2015) carried out by DTZ, which formed the basis for the proposals in the AAP, highlighted that there was a limited demand for offices in the town centre and a substantial increase in provision was only likely to come forward if supported by public funding. The recommended target of 73,000 sq. metres of new offices over the period 2006-2026 (3,650 sq. metres per year) was substantially less than the target of 220,000sq. metres proposed in the BCCS. This lower target was considered to be more realistic, however it was still higher than typical take-up in recent years which was only between 500 and 2,000 sq. metres per year.

For comparison, 100 Hatherton Street (the Walsall Housing Group offices) are 4,000sq. metres whilst the offices on the opposite side of the road (Jhoots Pharmacy) is 4,664 sq. metres in total.

There have been losses of former offices in recent years through conversions to residential use. Tameway Tower was 9,432 sq. metres whilst Regina Court was 14,708 sq. metres. Balanced against this is Pattison House in Midland Road which had planning permission for conversion to residential. This building of approximately 3,000 sq. metres is now being refurbished to provide a head office for Poundland. There is a current planning application for a leisure-led development on the former Jabez Clift site

in Upper Forster Street: this is also a potential site for offices within the Gigaport boundary.

If the current application site is used for a purpose other than offices, it is unlikely that there would be sufficient suitable land or premises elsewhere in the town centre to accommodate the amount of additional office floor space envisaged by the AAP. The consequences for the economic health of the town centre and the wider borough will therefore be significant.

The current application is accompanied by an office market report prepared for the applicant by Bulleys. This comments that prior to the current owners acquiring the site in 2018 (and demolishing the former police station), the property was marketed in 2017. Interest was largely from developers looking to convert the building to residential. There was no significant interest from office occupiers.

The report continues that there is a relatively small pool of potential tenants who require office accommodation in Walsall. This has been the case for many years. Deals over 10,000 sq.ft (900 sq. metres) are very rare. There are only four existing offices over 50,000 sq.ft and twenty larger than 20,000 sq.ft. The authorities have not seen any recent trends to suggest that the office market will improve with any significance in the Walsall area in the short to medium term. Changes in working styles and improvements in technology have reduced the need for designated desks and working space. Generally the trend has gone towards 'hot-desking' and organisations turning to flexible office solutions which has led to the growth of office providers such as WeWork.

A new build office of Grade A specification would cost in excess of £175 per sq. ft. to construct. For a scheme to be viable rents would need to be in excess of £20 per sq. ft. This level of rental is unprecedented in Walsall. This is double the average market rent for Walsall. Wolverhampton Business Park is the premier office park within the Black Country and one of the only locations for Grade A office accommodation in the area. The highest rent achieved at the park was £20.25 per sq. ft. for approximately 24,000 sq. ft.

The Bulleys report would appear to support the 2015 DTZ report. In the absence of public sector funding and/or a public sector tenant, it is unlikely that even the reduced office requirement proposed by the AAP will be needed. Both the Bulleys and DTZ reports pre-date Covid. The medium and long-term effects of Covid on the office market (and indeed on high density town centre living) are at present unclear. However, there is no indication that the impact will be to reverse the long term trend away from a need for large town centre offices in secondary market areas such as Walsall.

On balance therefore it is accepted that it is unrealistic to require this site to be retained for offices. The wider economic impacts of this will be considered through the review of the BCCS, which is including studies of town centre uses and the land use needs for various economic activities.

Walsall and the rest of the Black Country are facing a significant shortfall of land for housing, as well as land for employment, as the BCCS moves towards the current end date of 2026 for its housing and employment targets. If the allocated town centre use is not deliverable, a high density residential development that makes a benefit of the accessibility of the site to facilities in the town centre is considered to be an acceptable alternative.

There is a relatively urgent need for housing in this area of the town and it is considered that this scheme is beneficial as it meets this need.

Article 32 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 provides for a Local Planning Authority to depart from Development Plan policy where material considerations indicate that the plan should not be followed which has been demonstrated above in this instance.

Impact on the Character and Appearance of the Area

A comprehensive approach to re-development was sought for both the application site and the Magistrates Court and their car park in front of the former Police Station facing Court Way/Littleton Street as required by policy AAPINV3.

Both the magistrates' court and their car park in front of the former police station facing Littleton Street are outside the site. These two features lie in the same ownership. Whilst it is understood that the magistrates have no plans to relocate at present, allowing the police station site to be redeveloped independent of at least the car park would restrict options for the car park should it become available for development in the future. Excluding the car park also limits the potential to carry out landscaping and enhancements to the ring road crossing that would benefit residential occupiers of the police station site.

The design of the proposed building has been revised to create a landmark building that would serve as a way marker for people travelling in and around Walsall. A tall building was sought and the proposed design incorporate a 9.5 metres high tower element at the corner of the application site fronting Green Lane and Court Way. This is considered would form a visual gateway at the traffic intersection.

The proposed adjacent sections have been designed to be stepped, increasing in height towards the proposed tower feature. Facing Court Way the development would increase from 3 to 4 and 5 storeys whilst fronting Green Lane the proposal would be 4 and 9 storeys high. The 3 storeys high element would be next to the Magistrates Court.

The proposed tower element would be almost opposite Burrowes House which is an 8 storey block of residential flats. The proposal has considered the relationship with this adjacent tall building and has increased the height of the proposed tower element to create a more prominent, landmark structure.

Fronting Blue Lane East the proposal would be 3 storeys high nearest to the Presbytery increasing to 4 storeys high which would have a similar height to St. Patrick's Church. It is considered that these stepped height increases rising towards the tower element would ensure that the built form would fit within the existing built landscape and also provide a high quality landmark building. The recommended strong frontage referred to in the AAP would however be diluted by the retention of the magistrates car park fronting Court Way.

The proposed windows in the tower element are designed to increase the vertical appearance of the building. The proposed social space on the ground floor would have double height windows as would the top floor of the tower.

Detailing to include a chequered brickwork effect and recessed copper coloured window reveals in key locations are considered would add visual interest to this proposal. The inclusion of a copper coloured overhanging roof is proposed which is considered would provide a distinctive feature to the building to help provide a unique identity. The proposed design of the development is considered would have a semi-office style appearance which is considered recognises the influence of the existing Gigaport developments.

The proposal would utilise two colours of brick and in conjunction with the different heights of the proposed building are considered would help to reduce the visual bulk and scale of the building.

Proposals include a sheltered and enclosed courtyard and parking area with soft and hard landscaping features which is considered would provide a secure area for residents to utilise. Landscaping and Planting Strategies have been provided which help to soften the overall built form and would be secured by condition.

The proposed refuse store has been relocated next to the proposed building to reduce the impacts of this element on The Presbytery. Boundary treatments propose 1800mm close boarded fencing on top of the existing retaining boundary wall next to the Magistrates Court, the existing wall next to The Presbytery would be retained and 1600mm railings around the remaining site which would provide open but secure views of the development. A planning condition can be included to secure the details if approved.

The construction of a building with a large number of occupiers will result in increased pedestrian movements across the ring road, including by children and the elderly. It is important therefore that these movements can be made safely. Policy AAPT1 states that all new development will be expected to be well integrated in the centre, providing strong pedestrian linkages to and throughout the town centre.

There are existing traffic controlled pedestrian linkages across Green Lane to the Town Centre along with similar controls across the Stafford Street and confirmation is awaited from Highways Engineers that they are satisfied the pedestrian linkages are considered acceptable for the additional foot traffic.

The site is accessible by fire tenders and all external elevations will be in brick. No cladding elements have been proposed.

A resident has objected and expressed concerns that town cramming and gross over development should be avoided. The application site is an urban location and is within Walsall's Town Centre which has a number of high rise developments already. The proposal is considered appropriate in this location and it provides good access for residents to services and modes of public transport. This is a development of a vacant brownfield site and the Council encourages the development of derelict and previously developed land under UDP Policy ENV14 as this recycles land in the urban area.

With regard to a resident's objection concerning the protection of valuable open space and development of new green spaces in accordance with Walsall's Green Space Strategy 2018-2022 it is advised that this site is a previously developed site in an urban Town Centre location. The proposal will require an Open Space contribution in line with planning policy to improve open space within the borough.

On balance it is considered that the proposed design of the development is acceptable and whilst a comprehensive approach to the development would have been a preferred option for the wider site it is considered that the proposal would provide a recognisable landmark building which would be of high quality and provide orientation for residents and visitors to Walsall. Safeguarding conditions that meet the 6 tests in respect of the final palette of materials and boundary treatment can be included, if approved.

Impact on Residential Amenities and Future Occupiers

The proposed scheme is considered to respect and protect the amenity of existing neighbouring properties. This is because the layout ensures that existing residents will not be overlooked, given the design of the proposed site and separation distances, and their privacy would therefore be maintained.

The proposed habitable room window to window separation distance within the site and across the courtyard would be 27 metres which is in excess of the recommended minimum separation distance of 24 metres referred to in Appendix D of Designing Walsall SPD. The design of the scheme would also ensure that there is no unacceptable shading caused by the proposal for surrounding properties and the proposed courtyard would have limited summer shading.

The height of the proposed tower block would be 29.4 metres high and its location towards the traffic intersection would mean it would not adversely impact upon the existing dwellings facing the application site.

The proposal to redevelop The Presbytery into commercial offices at ground floor and residential has not yet been determined. Taking this into account the proposed new refuse store has been relocated away from the common boundary with the Presbytery which would limit the impacts of odour etc. on any future residents, if approved. Furthermore there would be a separation distance of 23 metres between the proposed nearest residential element of this scheme and The Presbytery which is considered sufficient to protect residents' amenity in both buildings. A bin collection area is proposed near to the entrance gates which has been accepted by the Council's Waste Management Team subject to access being provided to them.

The separation distance between habitable room windows in Burrowes House and habitable room windows in the new development would be in excess of 50 metres.

The impact of traffic noise and required mitigation measures on proposed new residents are being considered by Pollution Control Officers and further information which includes details of acoustic ventilation cassettes has been provided by the Planning Agents and an update will be provided at Planning Committee.

As set out below, suitably worded planning conditions can ensure that there will be no unacceptable adverse impacts in terms of noise or air quality, during the construction phase.

The scheme would provide landscaping within to ensure a high quality design and a small number of ground floor apartments facing the courtyard would have private amenity areas. Apartments would be provided with Juliet balconies, opening details of which may need to be amended depending on acoustic findings for those facing the highway.

Habitable windows in the apartment blocks overlook the central courtyard area, parking areas and both entrances to the entrance to the site thus providing passive surveillance.

Housing Standards have expressed concerns that access to the bedrooms of proposed Flat Type A on the ground floor are through the kitchen which is considered a high risk room for fire. The Planning Agents have advised that the building will be subject to the incoming Building Safety Act. In anticipation they have shown a tank room for a sprinkler system, which will cover the flats and the internal communal areas of the building. Because of this, any fire in a flat type A (or any of the others) will be quickly suppressed by the sprinklers and will not pose a hazard to the occupants who will be able to escape safely.

With regard to National Space Standards it is noted that the individual flat sizes are less than those recommended. However these standards can only be applied where there is

a local plan policy based on evidenced need and where the viability of the development is not compromised.

The communal garden area (including small courtyard private areas) is approximately 628 sq. metres. Appendix D of Designing Walsall recommends the provision of 20 sq. metres of useable space per dwelling where communal provision is provided. On this basis the useable space amounts to almost 5 sq. metres per flat excluding the more public amenity area in front of the proposed residents' lounge. Whilst this provision is less than recommended it is recognised that this is a Town Centre location with an urban character and the available space is less. However Walsall's Arboretum is located 0.73km from the application site and within comfortable walking distance for most new residents.

Finally, it is noted that a substation is located directly to the north of the site. No comments have been received from any statutory consultee regarding this and, taking into account this is within a residential area, this is considered acceptable in terms of amenity for future occupants.

Safeguarding conditions can be included in connection with the use of the residents lounge and the office remaining ancillary to the development and in respect of hours of use and amplification equipment.

Given the above, it is considered that, on balance, the proposed scheme would have an acceptable impact on the amenity of existing and future residents. The proposal has been designed in such a way as to provide surveillance and reduce the potential for crime.

Ground Conditions

Due to the presence of buildings at the time of the survey the contaminated land consultant has only submitted a preliminary investigation, advising that further investigations can be undertaken once full site access becomes available. The investigation has identified that the underground fuel tanks have been filled with foam and will require further investigation when removed, if the proposal is approved.

The limited ground gas investigation (four weeks over summer) has not identified any significant gas emissions that would require mitigation measures to be considered. However, given the limited monitoring period over summer months, Pollution Control Officers recommend that additional gas monitoring is undertaken.

Pollution Control Officers concur with the consultants that additional Intrusive Contaminated Land Investigation (Phase 2) is required, to enable the developer to identify precise remediation measures that will be required. A planning condition is required for the Applicant to agree and undertake additional Phase 2 contaminated land investigation and thereafter agree and undertake a remediation.

Noise

The main noise impact upon future residents is considered to be in respect of road traffic. The environmental noise report provided in support of this proposal was dated August 2020 which was undertaken during Covid-19 pandemic lockdown conditions. Pollution Control Officers have advised that consideration is required to establish whether the acoustic survey undertaken is representative of the true noise levels. The removal of the café element from the scheme has removed part of Pollution Control Officers concerns.

The Applicant's consultants have identified that the site is affected by road traffic noise and will require acoustic glazing and ventilation to affected façades. Further information has been provided by the planning agent regarding acoustic mechanical ventilation cassettes and this matter will be updated at planning committee.

Noise from the proposed residents lounge and the impact on residential flats above will need to be considered particularly if the lounge can be used during sensitive time periods (late night and early mornings) and whether there will be restrictions on amplification equipment, partying etc.

Planning conditions that meet the 6 tests in respect of machinery noise limits and acoustic glazing/ventilation mitigation measures will be required, if approved.

Air Quality

The air quality assessment report identifies no major concerns with air quality currently and the proposed development is considered will have little impact upon air quality in the future. Based on the current submission, Pollution Control Officers concur with the consultant's conclusion, however the Air Quality SPD remains relevant.

The Applicant will be required to install electric-vehicle charging points, which states 1 charging point per 10 spaces. Within the application, the Applicant is indicating 68 parking spaces, therefore at least 6 charging points will be required.

A planning condition is required for the Applicant to agree and install 6 charging points in accordance with the Air Quality SPD, if approved.

Given the proximity of a nearby school, residential dwellings and the road infrastructure, there is the potential for local environmental impacts from demolition, engineering and construction activities. Furthermore during the demolition of the former police station, several dust complaints were received by teachers at the school and parents dropping off children to the school.

All of these issues will need to be addressed by planning condition, via a Construction Management Plan, if approved.

Drainage and Flood Risk

The application site and immediately bordering areas lie within the Environment Agency designated Flood Zone 1. The Lead Local Flood Agency (LLFA) have confirmed that the updated Flood Map for Surface Water does not affect the application site.

The LLFA considered there was insufficient detail provided initially however the planning agents and the drainage consultants provided the required information. A revised drainage strategy has been provided and the LLFA have confirmed they are now satisfied with the submitted proposals and have no objections to the proposal, on flood grounds. The amended drainage strategy can be included in the planning conditions, if approved.

Trees

The proposal states that 3 low quality trees (T1, T2 and T4) will need to be removed and replacement tree planting is proposed to off-set these losses.

There are no protected trees on the application site however there are protected trees on the frontage of St Patrick's RC School which overhang the public footpath opposite the application site. The protection of these trees during the construction process, will need to be considered as part of the Construction Management Plan, if approved

Tree protection barriers consisting of 2 metres high weld mesh panels on rubber or concrete feet are proposed around the tree identified as T3, which is located to the south of the site.

Some light shading onto the southern elevation from the retained T3 but this is considered would be minimal and to only one area of the proposed building. A planning condition can be included in respect of tree protection measures.

Ecology

The application site consists mainly of bare ground and it is considered that there is unlikely to be any net loss of biodiversity. No invasive species have been recorded on the site.

The survey confirms that site does not provide suitable roosting, foraging and commuting habitat for bats and there is no evidence of an established or recent bat roost on the site. No evidence of nesting birds or Black Redstarts has been noted nor any amphibians or reptiles on the site and it's considered that the presence of these species can be reasonably discounted. Removal of vegetation should be completed outside of the bird breeding season (March to August inclusive) and this can be conditioned, if approved.

Biodiversity enhancements are recommended in respect of an appropriate landscaping scheme and integrated bat and bird boxes. Planning conditions can be included in respect of these enhancements along with a lighting condition to reduce light spill, if approved.

Security

With regards to the potential for crime, West Midlands Police made a number of comments which have been taken into account as part of the updated proposals.

Windows have been included where there is parking located adjacent to properties and boundary fences to enclose the site have been included. Gates have been positioned to ensure that there are no secluded areas which could attract crime and high walls replaced with railings to provide with passive surveillance.

Parking and the communal amenity space would have natural surveillance from active windows in the flats. Secure by Design Homes 2019 principles have been recommended by the Police.

The covered cycle store to the south of the development is considered by Police to be vulnerable and may be an area where persons congregate using the shelter. This should be securely gated to the front building and rear and lighting and CCTV will be required.

A suitably worded planning condition can ensure that details relating to gates, windows, doors, boundary fencing, CCTV, intercoms for flats and secure mailboxes are provided, where required, to ensure a safe and suitable scheme is created.

The Police have advised that there are no windows to the proposed stairways which may make residents feel nervous when moving in or out of the building as there would be a limited view and lighting and CCTV will be important

The revised scheme is therefore considered appropriate given the proposed is considered a high quality design that respects the character of the area. Suitably worded planning conditions, which meet the required tests, can ensure further details are provided as required above.

Access and Parking

The development consists of 130 flats with 68 parking spaces (52% provision). The access points onto Blue Lane East are existing subject to modification.

Taking into account the sites sustainability credentials being close to the town centre and over 50% of the apartments being marketed at the over 55 age group with lower car ownership, the Highway Authority considers the level of parking provision acceptable. A Travel Plan Statement will be required to set out measures and incentives to promote the sites sustainable credentials

Whilst the former Police Station has been demolished and therefore in effect its extant use has been lost, for comparison purposes however the proposed AM and PM peak traffic generated by the Police Station (office) use is significantly higher than the

proposed residential use based upon 68 parking spaces. Therefore the impact of the development in traffic terms is considered will be less than the previous use.

On balance 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 2018 paragraph 109. The Local Highways Authority, Senior Road Safety Officer has confirmed that there have been no recorded collisions on Blue Lane East for 5 years and one slight collision recorded on Green Lane at the main lights. It is understood that Road Safety Officers engage with St Patrick's RC School on Blue Lane East.

The Presbytery have raised concerns regarding damage to their high wall adjacent to the site from vehicles. The developers could install higher 'Trief' kerbs along that side of the entrance which should prevent any overrun.

Neighbours are concerned about increased volume of traffic arising from this development. In terms of traffic, clearly the former Police Station use would have generated a level of traffic demand and since the Police Station closed there will have been less traffic in theory. Whilst there is a school opposite it is considered that school traffic will only be twice a day during term time so there may only be added pressure during the school day morning period. Blue Lane East is well covered by Red Route, Double Yellow and Zig Zag restrictions so it is considered that parking should be well controlled and enforceable.

It is important to note that the development only has 50% parking provision that will be about half the vehicle trips that a development of this nature outside the town centre would usually generate.

Planning conditions are recommended in respect of highway improvements to access points on Blue Lane East and the removal of the existing access point on the corner of Green Lane and Court Way together with any decommissioning of the traffic light signals at the access as necessary. Conditions in respect of parking areas, surfacing sustainable drainage, cycle shelter and the provision of a Residential Travel Plan that meet the 6 tests will be required, if approved, along with a construction management plan.

Planning Obligations

Given the scale and type of development, planning obligations relating to affordable housing; urban open space; on-site landscaping maintenance and management will be sought.

Urban Open Space

Open Space contributions are required given the size of the proposed scheme. For a development of this size, within this ward, a contribution (as defined by the Urban Open Space SPD) of £149,313.00 is required. There are two areas of Urban Open Space

near to the site including Sydenham Playing Fields on Green Lane (295 metres from the site) and on North Street (390 metres from the site) along with Walsall Arboretum 0.73km away. Ward Members would be consulted in liaison with the Clean and Green Team to agree the final location/s of spend of any contribution to be secured.

The applicant has explained, due to viability reasons, they are unable to provide any financial contributions relating to the Urban Open Space. The submitted viability assessment is currently being assessed by Lambert Smith Hampton on behalf of the Local Planning Authority and an update will be provided in the supplementary paper on the final position.

Should the Members of Planning Committee be minded to support this development proposal, it is requested that any resolution explains what position should be taken on Planning Obligations:

- a) In the event the scheme is found to be entirely unviable, whether Members agree not to seek any open space contribution or affordable housing contribution / provision;
- b) In the event the scheme is found to be wholly viable, whether Members agree to seek the full open space contribution and affordable housing contribution / provision;
- c) In the event the scheme is found to be partially viable, whether Members agree to seek any potential contribution solely towards open space or solely towards any affordable housing provision;
- d) In the event the scheme is found to be partially viable, whether Members agree to seek any potential contribution / provision to be split equally between open space and affordable housing provision.

Affordable Housing

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

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

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

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

The application form states that the scheme is to be 100% social, affordable or intermediate rent, however the only policy requirement is that 25% of the dwellings should be affordable, or funding provided for an off-site equivalent. This should be secured by a section 106 agreement.

A mix of 47 one bedroom and 83 two bedroom flats are proposed. However, the latest available information in the (not yet published) Strategic Housing Market Assessment (SHMA) for the Black Country is that Walsall's affordable housing requirement is for 38% one bed, 32% two bed and 30% three or more beds. The proposal would therefore fail to address a substantial part of the affordable housing need. It could be argued though that this location on a major road junction would not be suitable for larger homes that are more likely to be occupied by children.

Housing Strategy have advised that either 32 affordable flats would be required on site, being a mix of social rent and shared ownership or a commuted sum contribution, as housing associations would not typically take on site units on a flatted development like this. The commuted sum would equate to $130 \times 0.25 \times \text{£}38,937.50 = \text{£}1,265,468.75$.

Vacant Building Credit is considered would not apply in this case, given that the Police Station was demolished a number of years ago when there was no planning permission for residential use and when the development plan allocates the site for offices. The police station use has clearly been abandoned and on this basis it is considered that Vacant Building Credit would not apply and the full affordable housing contribution would be sought subject to the final position on viability.

On-site landscaping

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

Education Contribution

The council does not currently require contributions to education provision through a Supplementary Planning Document, however there is emerging evidence of a shortfall in capacity in the north and central part of Walsall, particularly in secondary school provision. Education Walsall have been consulted and no adverse comments have been received.

On balance, the proposed scheme is considered to be acceptable in terms of obligations however this matter will be updated in the supplementary paper to take account of the final position in the financial review by Lambert Smith Hampton.

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 130 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

Residential development is contrary to that proposed for the site by the development plan through the Area Action Plan (AAP). The use of the site for offices is integral with the economic basis of the AAP and the Black Country Core Strategy (BCCS).

There are no recent trends to suggest that the office market will improve with any significance in the Walsall area in the short to medium term. Changes in working styles and improvements in technology have reduced the need for designated desks and working space.

Furthermore recent reports detailed above indicate that it is unlikely that even the reduced office requirement proposed by the AAP will be needed. Both the Bulleys and DTZ reports pre-date Covid. The medium and long-term effects of Covid on the office market (and indeed on high density town centre living) are at present unclear. However, there is no indication that the impact will be to reverse the long term trend away from a need for large town centre offices in secondary market areas such as Walsall.

On balance therefore it is accepted that it is unrealistic to require this site to be retained for offices. The wider economic impacts of this will be considered through the review of the BCCS, which is including studies of town centre uses and the land use needs for various economic activities.

A comprehensive approach to re-development was sought for both the application site and the Magistrates Court and their car park in front of the former Police Station facing Court Way/Littleton Street was sought however this has not been possible to achieve at this stage.

It is considered that the proposed development would be laid out to respect and reflect the urban character of the area. The proposed buildings would have a stepped roof line, increasing in height to the corner tower proposal and interest has been added through window design, material proposals and layout. There would be elements of landscaping within the scheme which would break up the parking and provide interest. The apartment blocks are considered would allow for an active frontage on both the northern, southern and western elevations.

The proposed would have an acceptable impact upon the amenity of existing neighbouring residents with the separation distances, as set out within the Designing Walsall largely respected. There would be no overlooking or overbearing impact created for any existing resident. Suitably worded planning conditions could also mitigate against any construction impact or ongoing impact after the scheme has been constructed with regards to air quality or noise once all remaining issues have been resolved with the developer's acoustic engineer.

With regards to the amenity of future residents, this is also considered, on balance, to be acceptable. The urban nature of the scheme and need for improved surveillance given the potential for crime in the area is considered acceptable. Each resident has access to private amenity space which, whilst less than the recommended amount referred to in Appendix D of Designing Walsall, is offset by the proximity of Walsall Arboretum along with Sydenham Planning Fields and North Street Open Space. Suitably worded planning conditions can mitigate against any construction impact. A specific condition regarding further noise testing and any required mitigation once agreed with Pollution Control Officers would ensure the scheme is acceptable in this regard.

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

With regards to planning obligations, a viability assessment has been submitted showing that a contribution to urban open space is not feasible. This is currently being assessed by Lambert Smith Hampton on behalf of the Local Planning Authority and an update will be given at Planning Committee.

As such, the development is considered to meet the aims and objections of the National Planning Policy Framework (para 127), Policies CSP4, CSP5, DEL 1, DEL2, HOU1,

HOU2, HOU3, CEN1, CEN3, CEN4, CEN8, TRAN2, ENV1, ENV2, ENV3, ENV5, ENV6, ENV7 and ENV8 of the Black Country Core Strategy and saved policies 3.9, GP2, GP3, GP5, GP6, ENV10, ENV11, ENV13, ENV14, ENV17, ENV18, ENV23, ENV28, ENV32, ENV33, S8, T7, T8, T9, T10, T11 and T13 of Walsall Unitary Development Plan, policies AAPB1, AAPLV1, AAPLV3, AAPLV4, AAPLV5, AAPLV6, AAPLV7, AAPLV8, AAPT1, AAPT2, AAPT3, AAPT4, AAPT5, AAPINV1, AAPINV3, and AAPINV7 of Walsall Town Centre Area Action Plan 2019 and Supplementary Planning Documents Designing Walsall, Conserving Walsall's Natural Environment, Open Space, Sport and Recreation, Affordable Housing and Air Quality.

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

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding design and the revisions to the initial layout; amended plans have been submitted which enable full support to be given to the scheme.

The scheme has been amended as part of the application process to revise the appearance of the proposal to enhance the design and to create a landmark building. The proposed changes are considered to have been helpful and have made improvements to the initial proposal and with the security revisions, replacement of a high wall with open railings along the boundaries and relocation of the remote refuse store away from a locally listed building.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and Section 106 Agreement to secure an urban open space contribution, a commuted sum for affordable housing and the ongoing landscape management and maintenance 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 concerns raised by Pollution Control, Housing Standards, Waste Management and Strategic Planning Policy; and
- Lambert Smith Hampton's Advice on Financial Viability Appraisal.

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: -

- Location Plan, drawing no. D30, deposited 21/06/2021
- Proposed Block Plan, drawing no. D32 Rev. M, deposited 21/06/2021
- Proposed Site Plan, drawing no. D31 Rev. L, deposited 21/06/2021
- Air Quality Assessment by REC dated September 2018, deposited 09/09/2021
- Analysis of Demand by Bulleys Chartered Surveyors dated January 2020, deposited 17/11/2020
- Arboricultural Impact Assessment BS5837:2012 dated 26/08/2020, deposited 09/09/2020
- Artist Visualisation, drawing no. D300 Rev. B, deposited 21/06/2021
- Artist Visualisation from Green Lane looking South wards, drawing no. D301 Rev. B, deposited 21/06/2021
- Design and Access Statement, Rev B dated June 2021, deposited 21/06/2021
- Drainage Design Report, deposited 23/02/2021
- Drainage Strategy, drawing no. CWA-20-225-530 Rev. P4 deposited 06/04/2021
- Ecological Appraisal by fpcr, dated August 2020 and deposited 09/09/2020
- Environmental Noise Report by Cundall, dated 14/8/2020 and deposited 09/9/2020.
- Ground and First Floor Plan, drawing no. D100 Rev. D, deposited 21/06/2021
- Second and Third Floor Plan, drawing no. D101 Rev. C, deposited 21/06/2021
- Fourth and Fifth Floor Plan, drawing no. D102 Rev. C, deposited 21/06/2021
- Sixth, Seventh and Eighth Floor Plan, drawing no. D103, deposited 21/06/2021
- Indicative Levels Strategy, drawing no. CWA-20-225-510 Rev. P1, deposited 23/02/2021
- Land Survey, drawing no. 8557-2, dated August 2020, deposited 09/09/2020
- Landscape Strategy, drawing no. D70 Rev. E, deposited 21/06/2021
- Materials, drawing no. D53 Rev. C, deposited 06/07/2021
- Planning Statement by BM3, deposited 09/09/2020
- Planting Strategy, drawing no. D71 Rev. E, deposited 21/06/2021
- Proposed Elevations Sheet 1, drawing no. D50 Rev. C, deposited 06/07/21
- Proposed Elevations Sheet 2, drawing no. D51 Rev. C, deposited 21/06/2021
- Proposed Elevations Sheet 3, drawing no. D52 Rev. C, deposited 06/07/2021
- Proposed Street Elevations, drawing D54 Rev. D, deposited 06/07/2021
- Refuse Store and Boundary Details, Drawing D72 Rev. B, deposited 21/06/2021
- Sewer Record, deposited 23/02/2021
- Report on Preliminary Ground Investigation at Former Police Station by Applied Geology and associated maps and data, deposited 09/09/2020
- Sun Shadow Data, drawing no. D60 Rev. A, deposited 21/06/2021
- Sustainable Drainage and Maintenance Plan by CWA, dated August 2020, deposited 12/01/2021

- Transport Statement by Mode Transport Planning, dated August 2020, deposited 09/09/2020
- Tree Constraints Plan, drawing no. EA2020-077(TCP), dated 26/08/2020 and deposited 09/09/2020.
- Tree Protection Plan, drawing no. EA-2020-077(TPP), dated 26/08/2020 and deposited 09/09/2021

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.

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

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris
- x. Dust mitigation measures
- 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

3: 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 and highway impacts of the development in

accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan and TRAN2 of BCCS .

4: a) Prior to commencement of the development hereby permitted a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement detailing actions to be taken and timescales for the taking of such action to prevent localised contamination shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

4: c) Following demolition of the building hereby permitted and removal of the demolition material but prior to any building or engineering operations a validation report shall be submitted in writing to the Local Planning Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building and to verify that the approved Method Statement has been carried out. *(Please refer to informative notes CL1, CL2 and CL3)*

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

5: a) Prior to commencement of any building operations above the damp proof course of the development hereby permitted details of the proposed finished floor levels, ridge and eaves heights of the buildings hereby permitted shall be submitted in writing 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.

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

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

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

6: 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.

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

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

7: a) Prior to the commencement of development hereby permitted a scheme providing integrated brick bat boxes and swift nest boxes shall be incorporated into the development. The bat box shall be located at a point not lower than 4 metres from ground level and shall not be positioned directly above any doors or windows as recommended on pages 21 to 22 of the Ecological Appraisal dated August 2020 and prepared by fpcr.

7: b) The entrances to the integrated brick bat boxes and swift nest 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.

8: a) Prior to the commencement of development the tree protection measures included in the submitted Tree Protection Plan for the retained tree, drawing no. EA-2020-077(TPP), dated 26/08/2020 and deposited 09/09/2021 shall be implemented.

8: b) The erection of fencing for the protection of the 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.

8: 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.

8: 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.

9: 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 shall be submitted in writing to and approved in writing by the Local Planning Authority.

9: 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.

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

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

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

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

11. Prior to commencement of any part of the development hereby permitted the following works within the public highway shall be completed;

- i. The removal of the existing bellmouth access points in Blue Lane East and replacement with dropped kerb accesses, to align with the approved site layout, together with any footway reinstatement works;
- ii. The removal of the existing access point on the corner of Green Lane and Court Way back to full kerb height, together with any necessary decommissioning of the traffic signals at the access; and
- iii. Installation of higher 'Trief' kerbs along that side of the entrance nearest to The Presbytery boundary wall.

Reason: To ensure the satisfactory completion and operation of the development and in the interests of highway safety and in accordance with UDP policy GP2 and BCCS policy TRAN2.

12: a) Prior to first occupation of the development hereby permitted all parking and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and drained to prevent surface water from these areas running onto the public highway or into any highway drain, together with the clear demarcation of all parking bays.

12: b) 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 safe and satisfactory operation of the development and in accordance with UDP policy GP2, T7 and T13.

13: a) Prior to first occupation of the 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.

13: 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.

14: Prior to first occupation of the development hereby permitted a residential Travel Plan Statement setting out measures and incentives to promote the development's sustainability credentials and encourage non car borne travel modes shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To encourage sustainable travel modes in accordance with BCCS policy TRAN4 and saved policy T13 of Walsall Unitary Development Plan.

15: a) Prior to first occupation of the development hereby permitted details of the CCTV system, intercoms for flats and secure mailboxes shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the safe and satisfactory operation of the development and in accordance with UDP policy GP2 and ENV32.

16: Site clearance and dismantling works shall be undertaken outside the bird nesting season. The bird nesting season extends between March and August 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.

17: 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.

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

Reason: In the interests of nature conservation to reduce light spillage and the visual amenities of the area in accordance with saved policies GP2, ENV11, ENV23 and ENV32 of Walsall's Unitary Development Plan.

18: Notwithstanding the information provided the residents lounge and office shall remain ancillary to the residential development at all times.

Reason: To define the permission and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

19: (a). Prior to the installation of any amplification equipment installed or used in the residents lounge details of the equipment and any necessary noise mitigation measures have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the amenities of the occupiers of adjoining premises and in accordance with UDP policies GP2 and ENV32.

Notes for Applicant

Fire Officer

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

Requirement B5: Access and facilities for the fire service

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

Requirement

Limits on application

Access and facilities for the fire service B5.

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

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

Intention

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

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

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

Section 13: Vehicle access

Provision and design of access routes and hard-standings

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

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

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

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

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

Blocks of flats fitted with fire mains

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

- a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.
- b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 14.10.

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

- a. Within 18m, and within sight, of an entrance giving access to the fire main.

- b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency

Overall

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

Section 14: Fire mains and hydrants – flats

Provision of fire mains

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

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

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

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

Design and construction of fire mains

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

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

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

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

Provision of private hydrants

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

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

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

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

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

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

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

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

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

Section 15: Access to buildings for firefighting personnel – flats

Provision of firefighting shafts

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

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

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

- a. There is a basement more than 10m below the fire and rescue service vehicle access level. The firefighting shafts should contain firefighting lifts.
- b. There are two or more basement storeys, each with a minimum area of 900m².

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

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

15.5 A minimum of two firefighting shafts should be provided to buildings with a storey that has both of the following.

- a. A floor area of 900m² or more.
- b. A floor level 18m or more above the fire and rescue service vehicle access level.

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

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

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

- a. A maximum of 60m from the fire main outlet in a firefighting shaft (see Diagram 15.3).
- b. Additionally, where sprinklers have not been provided in accordance with Appendix E, the hose laying distance should be a maximum of 45m from a fire main outlet in a protected stairway (although this does not imply that the protected stairway needs to be designed as a firefighting shaft (see Diagram 15.3)).

As per the May 2020 amendment to this guidance –

Wayfinding signage for the fire service

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

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

- a. The signs should be located on every landing of a protected stairway and every protected corridor/lobby (or open access balcony) into which a firefighting lift opens.
- b. The text should be in sans serif typeface with a letter height of at least 50mm. The height of the numeral that designates the floor number should be at least 75mm.
- c. The signs should be visible from the top step of a firefighting stair and, where possible, from inside a firefighting lift when the lift car doors open.
- d. The signs should be mounted between 1.7m and 2m above floor level and, as far as practicable, all the signs should be mounted at the same height.
- e. The text should be on a contrasting background, easily legible and readable in low level lighting conditions or when illuminated with a torch.

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

- a. The floor closest to the mean ground level (see Diagram D4) should be designated as either Floor 0 or Ground Floor.
- b. Each floor above the ground floor should be numbered sequentially beginning with Floor 1.
- c. A lower ground floor should be designated as either Floor –1 or Lower Ground Floor.
- d. Each floor below the ground floor should be numbered sequentially beginning with Floor –1 or Basement 1.

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

- a. The signs should be sited immediately below the floor identification signs, such that the top edge of the sign is no more than 50mm below the bottom edge of the floor identification sign.
- b. The wording should take the form Flats X–Y, with the lowest flat number first.
- c. The text should be in sans serif typeface with a letter height of at least half that of the floor indicator sign.
- d. The wording should be supplemented by arrows when flats are in more than one direction.
- e. The text and arrows should be on a contrasting background, easily legible and readable in low level lighting conditions or when illuminated with a torch. NOTE: In the case of multi-storey flats with two or more entrances, the flat number should only be indicated on the normal access storey

Sprinklers

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

1. 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:
2. 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).

As per the May 2020 amendment to this guidance –

Section 7: Compartmentation/sprinklers – flats Page 59

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

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

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 7)

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

Local Highways 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 expected to either enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority or obtain a Road Opening Permit from the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team at Stephen.Pittaway@walsall.gov.uk

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.

Noise

Determination can be by measurements on the site; and/or measurements of comparable plant, machinery and equipment elsewhere; and/or calculations; and/or a combination of these methods, as agreed in writing by the Local Planning Authority,

For the purposes of this condition, a Receptor is any occupied residential property within the Development Site and the cumulative Noise Rating calculation is taken to be 1 metre from any window of a Receptor, at a height above ground level of not less than 1.5 metres.

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 share parking is 10% of points to comply with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw. For this development, based on 71 car parking spaces, it will require for 7 charging points.

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.

Severn Trent Water

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.

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 0345 266 7930. If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhiannon Thomas (Planning Liaison Technician).

Police Architectural Liaison Officer

Please refer to crime prevention and home security advice contained within SBD New Homes. Please see:

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NE_W_version_2.pdf

Recent developed security and fire standard doors may be appropriate. Dual certified to PAS 24:2016, can give residents reassurance without having to resort to extra security measures. Below is a link to Secured by Design recommendations regarding selecting flat entrance door sets. This includes combined fire resistance with security. (See SBD Brochure page 5, 5).

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

Cycle stores, approved products, are recommended (SBD Homes 2019 page 68, 56). External cycle stores should be as close to the building as possible, located in view of active rooms. (SBD Homes 2019 page 68, 56.3)

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, particularly by entrances and lighting to the parking area. This to provide security for residents entering and leaving. (SBD Homes 2019 page 63 49.1). Not bollard lighting which is wayfinding and easily obscured. It does not project sufficient light at the right height and should be avoided. (SBD Homes 2019 page 25 18.3).

24 hour lighting recommended (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 shared areas in particular facial view on entrances. A height to 120% of the screen is required for identification. (SBD Homes 2019 page 47 29.1 – 30.7). Capture of 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/>

Consider card entry system or similar. With correct management and maintenance. Access control to the building see SBD Homes 2019 page 41, 27. To allow residents entry, to their floor area and apartment.

Dwelling flats entrance door-sets (SBD Homes 2019 page 29, 21.1-8). PAS 24: 2016 standard doors for houses and apartments. Communal shared entrances doors and visitor door entry to standards LPS 1175 or STS 202.

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

Access control will be important. Residents' entry, to only their floor area and apartment. Any planting and foliage should not exceed a metre on height. Trees clear of foliage below 2 metres to retain natural surveillance.

END OF OFFICERS REPORT