

## Planning Committee

Report of Head of Planning and Building Control on 02 December 2021

Plans List Item Number: 3

### Reason for bringing to committee

### Major Application

#### Application Details

**Location:** FORMER SOCIAL CARE AND INCLUSION RESPONSE CENTRE, 6, BROWNHILLS ROAD, WALSALL WOOD, WALSALL, WS8 7BS

**Proposal:** ERECTION OF TWO STOREY BUILDING FOR A PROPOSED 30 BED RESIDENTIAL CARE HOME (10NO BEDS AT GROUND FLOOR AND 20NO BEDS AT FIRST FLOOR) WITH ASSOCIATED CAR PARKING, LANDSCAPING AND COMMUNAL GARDENS.

**Application Number:** 21/0970

**Case Officer:** Leah Wright

**Applicant:** Cairnwell Development Limited & Hendison

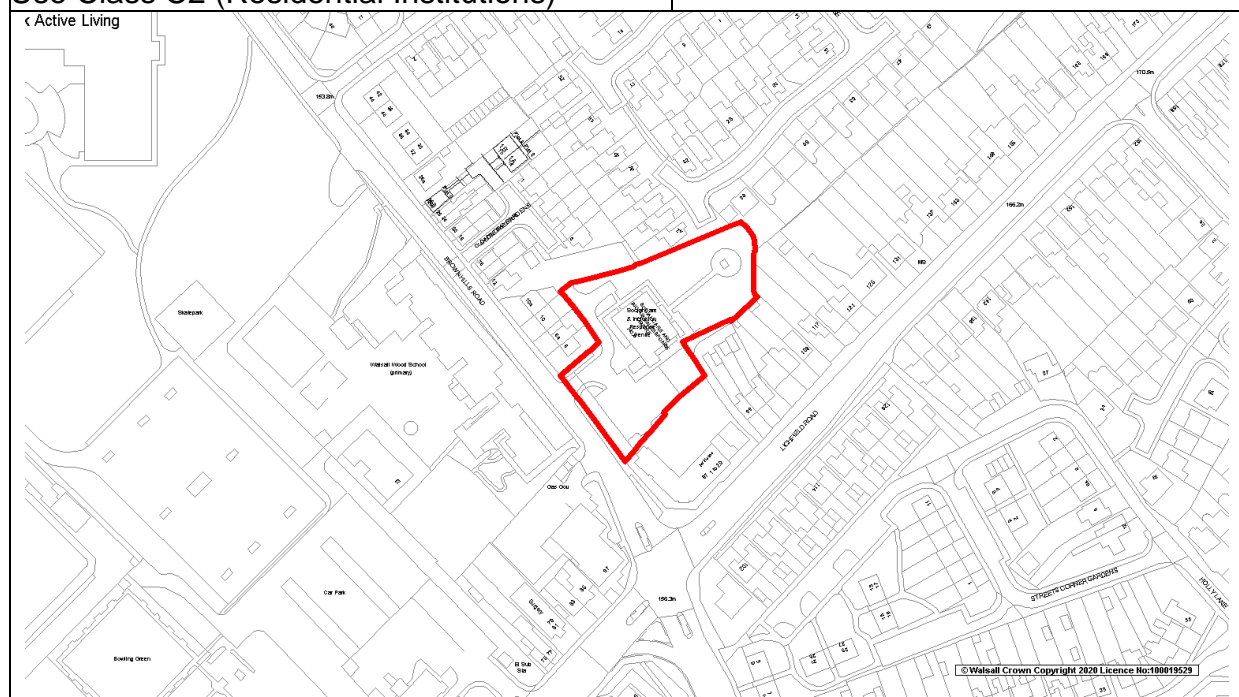
**Ward:** Aldridge North And Walsall Wood

**Agent:** Watson Batty Architects Ltd

**Expired Date:** 21-Sep-2021

**Application Type:** Full Application: Major Use Class C2 (Residential Institutions)

**Time Extension Expiry:**



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## Recommendation:

1. Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and;
  - subject to the amendment and finalising of conditions
  - securing final comments from tree officers

## Proposal

This application proposes the erection of a two storey building for a proposed 30 bed residential care home (10no beds at ground floor and 20no beds at first floor) with associated car parking, landscaping and communal gardens.

The building would measure 8.8m in maximum height with a hipped roof with eaves of 5.7m, 40.5m in maximum width and 66.8m in maximum depth. The building has large gable features to both side elevations. To the front elevation there is a front entrance with glazed doors. Both the front and rear elevation benefit from hipped roof features. The building has a large amount of glazed windows

The building is to be constructed of red multi-face brick, colour through render in limestone finish, cedar thrutone textured slate effect tiles in blue-black, dark grey UPVC gutter and rainwater pipes (rwps) and red plinth to the ground.

The facility will consist of 3no units each with 10no beds (10no beds to the Ground Floor, and 20no to the First Floor). These units will accommodate nursing, and required amenity facilities, alongside dining room, quiet rooms and lounge areas, shared on each floor. Communal facilities within the building will include a residential therapy room and entrance hub facility with suitable meeting and sitting areas for visiting relatives. These spaces will be located to the centre of the building to ensure optimum access for both residents and visitors is achieved for these spaces. The space is designed to ensure privacy and security for the residents whilst also

maintaining communal and visitor accommodation which can be utilised to provide areas of socialisation around the building.

Additionally, these spaces are located to utilise the external spaces to the eastern aspect of the building, providing access points out to landscaped and garden terrace spaces. Servicing of the building will be on the ground floor level with the main kitchen for the building located in a readily accessible location. Refuse stores will be located externally adjacent to the kitchen space to ensure ease of access for refuse pick-up and vehicle location. The location of spaces throughout the building have been to provide a space which works for the residents, visitors, whilst also accommodating the main access point, fire exits and ancillary requirements.

## Site and Surroundings

The site is located within a predominantly residential area adjacent to Brown Hills and Lichfield Road. Key sites in the area include Walsall Wood school (to the West), Oak Park Active Living Centre (to the North), and Shire Oak Academy (to the North East). The surrounding area is a mixture in character due to residential and commercial buildings. Due to the locations of homes and established school, the site is within close proximity to a number of other local facilities including sport and retail, alongside public transport links.

The site is an irregular shaped plot accessed from Brownhill road which gradients to the North East of the site to create a zig-zagged shape which accommodates the existing site levels. The site will be accessed from the South from Brownhill Road, whilst the East, North and West site restraints are adjacent to residential property boundaries. The buildings to the West, North & East of the site are predominately two-storey residential buildings. The site area to the South East is directly adjacent to an existing carpark which serves Residential apartments.

Surrounding the site the buildings are a mixture of residential, education and commercial, alongside playing fields which serve the school, and leisure facilities of Shire Oak academy, and Oak Park Active living centre. A number of existing buildings are still located on the site including the former care home, which is a one-storey brick building with a pitched tile roof. The building extends on the South and East side. This building is in varying stages of disrepair currently and benefits from demolition consent under application 21/1025.

The proposed site is not within any conservation zones, or impacting or adjacent to listed buildings. The Site is located in Flood Zone 1.

## Relevant Planning History

**21/1025-** Prior approval for the demolition of social care and inclusion response centre at 6 Brownhills Road- **Prior approval Granted.**

## Relevant Policies

### National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- NPPF 2 – Achieving sustainable development
- NPPF 4 – Decision Making
- NPPF 9 – Promoting sustainable transport
- NPPF 11 – Making effective use of land
- NPPF 12 – Achieving well-designed places
- NPPF 14 – Meeting the challenge of climate change, flooding and coastal change
- NPPF 15 – Conserving and enhancing the natural environment

On planning conditions the NPPF (para 55) says:

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

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

### National Planning Policy Guidance

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

### Reducing Inequalities

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

### Development Plan

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

### Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution

- ENV11: Light Pollution
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H6: Nursing Homes and Rest Homes for the Elderly
- 7.4 Strategic Policy Statement
- T1 - Helping People to Get Around
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

### **Black Country Core Strategy**

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- DEL1: Infrastructure Provision
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness

- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

### **Walsall Site Allocation Document 2019**

HC3: Affordable Housing and Housing for People with Special Needs

EN1: Natural Environment Protection, Management and Enhancement

T4: The Highway Network

EN3: Flood Risk

### **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

- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

### **Air Quality SPD**

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

## **Consultation Replies**

### **Coal Authority**

- Development in Low Risk Area- no requirement for a Coal Mining Risk Assessment to be submitted.

### **Cadent Gas**

- Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area (low or medium pressure gas pipes and associated equipment), the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works. Notes to applicant will be included on any approval.

### **Local Highways Authority**

- Support application subject to conditions regarding access ways, parking and vehicle manoeuvring, full details of cycle shelter, a construction methodology statement and the upgrade of the existing bellmouth access.

### **Natural England**

- No comment to make.

### **Network Rail**

- No comment to make.

## **Pollution Control**

-No objections. Recommend conditions relating to management plan, desk-study and site reconnaissance and an acoustic survey. Consideration needs to be given to an odour abatement system, use of silencers and acoustic enclosures on abatement equipment machinery and an oil/grease trap in the kitchen.

## **Severn Trent Water**

- No objections subject to the inclusion of a condition regarding a drainage scheme for the disposal of foul and surface water flows.

## **Strategic Planning Policy**

- Support

## **Tree Preservation Officer**

- No comments received

**West Midlands Fire Service-** No objection. Notes to applicant recommended regarding firefighting and Part B of the Building regulations.

**West Midlands Police-** No objections; recommend secure by design principles.

## **Representations**

Two representations were received which can be summarised as follows:

- Proposed build will overlook gardens on Lichfield Road.
- View from property will be changed from gardens to a two storey property
- Impact views and privacy of the gardens on Lichfield Road.
- Current building is only single storey.
- Lack of car parking resulting in parking issues on an already busy main road.

## **Determining Issues**

- Principle of Development
- Design, Layout and Character
- Impact upon neighbouring and proposed residential occupiers
- Highways
- Flood Risk / Drainage
- Trees / Protected Trees
- Ecology
- Ground Conditions and Environment



## **Assessment of the Proposal**

### **Principle of Development**

The site lies immediately outside the boundary of Streets Corner Local Centre but has no site-specific allocation in the development plan.

The planning statement submitted with the application provides a good summary of relevant planning policies. The location of the site means that the proposed use can be supported by SAD policy HC3 b) and c).

The draft Black Country Plan, which has been published for consultation, proposes several sites in the vicinity as potential housing sites. This is likely to place increased demands on services such as health which means that locations for additional GPs and other services may need to be found. Such locations should be in or adjacent to centres. SAD Policy HC3 b) states that specialist housing will be encouraged in and close to centres, provided the sites are not required for centre uses. However, the BCP has no weight at present and there are no confirmed proposals that indicate this site would be required for such a use.

The application can therefore be supported on strategic planning policy grounds.

### **Design, Layout and Character**

The proposal is to erect a two storey building with a hipped roof and gable features and constructed of a mixed palette of materials including red brick, render and tiles.

The surrounding area is characterised by one and two storey red brick buildings in traditional domestic styles, however it should be noted there are commercial units nearby which have introduced more contemporary materials such as render.

The proposed building would fit within the surrounding area, given its two storey height. The scale of the building would reflect and respect the surrounding area and would not look at odds.

The building sits well within the site and considered it would not appear cramped. There is landscaping proposed on the site which will further enhance the appearance of the proposed care home.

### **Impact upon neighbouring and proposed residential occupiers**

There are residential properties surrounding the site in each direction with the nearest residential property to the site being 8 Brownhills Road being approximately 8m from the site. It should be noted that the care home is set in from the site boundary, providing approximately 23m between the neighbouring dwelling and building itself.

Ivy house is sited approximately 2m from the site boundary and 13m from the nearest point of the building itself. The rear gardens of properties along the Lichfield Road are adjacent to the site with the distance between the proposed building and nearest residential occupier (99 Lichfield Road) being 23m. There are also properties on Old

Acre Gardens and Quantock Close sited in close proximity to the site boundary. 9 Old Acre Gardens being 13m and 42 Quantock Close being 2m from the boundary, being 27m and 11.6m from the building itself.

The site currently accommodates a single storey building. There has been concern from neighbouring residents that the care home would result in overlooking and privacy issues. The building is set in from the boundary at each elevation. It is considered the building would not be overbearing to neighbouring properties and respects the scale of development in the area.

In terms of overlooking and privacy issues, whilst it is noted there are bedrooms at ground and first floor, this is a commercial property and there are no separation distances to comply with regarding distances from these bedrooms to rooms of neighbouring occupiers. Despite this it should be noted that the bedrooms facing towards Ivy House would have a separation distance of 32m, bedrooms facing the gardens of Quantock Close would be at a distance of 23m. The bedrooms facing Lichfield Road would be at a distance of 14m to the private amenity space of these neighbouring occupiers and approximately 39m to the dwellings themselves. There would be 17m from the private amenity space of 8 Brownhills Road and 22m to the dwelling itself and 25m from the private amenity space of 9 Old Acre Gardens and 28m from the dwelling itself. Further the site will benefit from various boundary treatments which are to include a 2m timber close boarded fence with 300mm trellis plus landscaping. As such it is considered, the combination of the proposed separation distances, landscaping and boundary treatment would overlooking concerns between the future occupiers of the development and existing neighbouring properties.

Noise from early morning construction workers and the dust and dirt from the construction work can be mitigated through the requirement of a construction management plan and any issues regarding light pollution would be addressed through a lighting condition, to protect the amenities of existing residential occupiers surrounding the site.

It is considered the proposed bedrooms are all of an adequate size and are each served by a moderately sized window to allow light into the room. The care home will have an array of amenities and community facilities such as dining rooms, lounge rooms and quiet areas. The landscaping plan indicates that there will be a main terrace, benches and a residential smoking shelter is proposed. As such, it is considered future occupiers of this specialist care home will be provided with acceptable facilities for the purpose of the care home.

## Highways

The proposed plans show parking for 16 cars which accords with T13 parking policy for a Residential Care Home.

The proposed Brownhills Road access utilises an existing one, which benefits from Keep Clear road markings.

The development will employ 45 to 50 members of staff during the day, including ancillary staff. The shift patterns for care working staff will be split over two 12 hour shifts, from 8am to 8pm and from 8pm to 8am. The majority of the staff will therefore arrive between 7.30am and 8am for the day shift and between 7.30pm and 8pm for the night shift.

Trips			
Time Period	Arrivals	Departures	Total
0800 – 0900	2	2	4
1700 - 1800	1	2	3

The proposed development is forecast to generate a total of only 4 two-way trips (arrivals and departures) during a weekday morning highway network peak

hour and 3 two-way-trips during a weekday evening highway network peak hour. This level of trip generation equates, on average, to one vehicle trip every 15 to 20 minutes.

The additional number of trips generated by the proposed development will have a negligible traffic impact on the wider highway network during the peak hours.

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

## Pollution Control

No information regarding ground conditions of the site was supplied in support of the application regarding land contamination or ground gas issues on the site. As a minimum, the Applicant will be required to undertake a desk-study and site reconnaissance prior to the development commencing to determine whether intrusive investigations are required.

Pollution Control are not certain about the noise environment at this location. The A461 Lichfield Road is busy with road traffic and Brownhills Road, whilst less busy, will still generate some road traffic noise. Additionally, the buildings on Lichfield Road

will provide some shielding from road traffic noise. Due to the uncertainty, the Applicant is recommended to undertake an acoustic survey.

The acoustic survey needs to consider the existing noise climate and any mitigation measures needed. The survey will also need to consider noise from any external machinery that may impact on nearby residential premises and also future residents located within the care home. Internal noises within the proposed care home should be addressed by Health Technical Memorandum 08-01: Acoustics, which considers the acoustic design criteria essential for healthcare premises – covers noise levels in rooms, external noise levels, sound insulation between rooms, impact sound insulation, acoustically-absorbent material, audio systems, audiology facilities, and vibration caused by medical equipment. External noises from plant/machinery, HVAC systems need to consider British Standard BS 4142: 2014 *'Methods for rating and assessing industrial and commercial sound'*.

The kitchens for most care homes tend to be of a commercial size; therefore, they have the potential to give rise to both noise and odour emissions. This could have an impact to the occupiers within the Care Home and to off-site adjacent residential dwellings. Consideration of an odour abatement system, use of silencers and acoustic enclosures on abatement equipment machinery, and an oil/grease trap in their kitchen is warranted. It is appropriate that the Applicant have reference to *EMAQ (2018) 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems'*.

Land contamination investigation, plus noise assessments and matters to address potential odours can all be sought via safeguarding conditions that meet the 6 tests

### **Flood Risk/Drainage**

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

Severn Trent have been consulted and recommend a condition regarding a drainage scheme for the disposal of foul and surface water flows; this will be a condition of any approval.

### **Trees/Landscaping**

An Arboricultural Report prepared by JCA Limited supports this application. Two smaller Category C trees located centrally in the site would be removed to facilitate the proposed development. The majority of trees can be retained on site and new landscaping can be provided in the form of a Landscaping masterplan which is considered to be acceptable. It should be noted that there are no mature or protected trees within or adjacent to the site.

## Ecology

A Preliminary Ecological Appraisal (PEA) prepared by JCA Limited was submitted to support this planning application. The PEA concludes that mitigation measures for invertebrates, bats and birds will be required on the site, as well as further surveys with regard to birds and bats on the site prior to construction and landscaping works.

## Conclusions and Reasons for Decision

It has been demonstrated that the proposed development is of an acceptable overall appearance, would not result in harm to the natural or built environment, to the amenity of nearby occupiers, or to the safety or operation of the highway network subject to the conditions as set out. The recommended planning conditions are considered necessary to make the application acceptable, and to meet the governments tests contained within the National Planning Policy Framework.

On the above basis, the proposal is considered to meet the requirements of the Development Plan, and the National Planning Policy Framework and it is therefore 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 boundary treatments to the site amended plans have been submitted which enable full support to be given to the scheme.

## Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and;

- subject to the amendment and finalising of conditions
- securing final comments from tree officers

## Conditions and Reasons

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

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

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

- Site Location plan- PL-001 received on 12.07.2021
- Existing site plan- PL-011 received on 12.07.2021

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- Proposed Elevations- PL-202 received on 12.07.2021
- Proposed Floor Plans- PL-100 received on 12.07.2021
- Proposed Site Sections- PL-203 received on 12.07.2021
- Arboricultural report prepared by JCA Ltd received on 12.07.2021
- Design and Access Statement received on 12.07.2021
- Landscape Masterplan received on 12.07.2021
- Planning Statement received on 12.07.2021
- Preliminary Ecological Appraisal received on 12.07.2021
- Proposed drainage strategy received on 12.07.2021
- Transport statement received on 12.07.2021
- Proposed site plan- PL-021 REV P1 received 28.10.2021

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

3a. Prior to the commencement of development hereby permitted including any site clearance/preparation and demolition until a pre-demolition asbestos survey shall be undertaken in accordance with HSG264 and the report submitted in writing to and agreed in writing by the Local Planning Authority. The scheme shall;

- a. be written by a suitably qualified person
- b. demonstrably identify potential sources of asbestos contamination, and
- c. detail recommendation for removal.

3: b) Prior to commencement of any demolition activities of the development hereby permitted a written validation report shall be submitted in writing to and agreed in writing by the Local Planning Authority that demonstrates all identified asbestos containing material has been removed from the application site by a licensed waste carrier to a facility that is licensed to accept it.

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

4a. Prior to the commencement of the development, including site clearance, demolition and construction until design details of the Brownhills Road existing bellmouth access can be upgraded to incorporate a tactile pedestrian crossing has been submitted in writing to and approved in writing by Local Planning Authority.

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To improve pedestrian accessibility to the site and passing pedestrians as a result of the intensification of the access and in the interests of highway safety.

5: a) Prior to the commencement of any demolition of the development hereby permitted a Demolition Management Plan shall be submitted in writing to and approved in writing by the Local Planning Authority. The Demolition Management Plan shall include:

- i) How the works will be undertaken
- ii) Construction working hours (see note no. 3)
- iii) Parking and turning facilities for vehicles of site operatives and visitors
- iv) Loading and unloading of materials
- v) Storage of plant and materials used in demolition
- vi) A scheme for recycling/disposing of waste resulting from construction works
- vii) Welfare facilities for site operatives
- viii) Site security arrangements including hoardings
- ix) Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- xi) Measures to prevent flying debris
- xii). Dust mitigation measures
- xiii) Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xiv) Noise and vibration mitigation measures

5: b) The demolition hereby permitted shall not be carried out otherwise than in accordance with the approved Demolition Management Plan and the approved Demolition Management Plan 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.



6a. Prior to the commencement of demolition, construction or engineering works 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:

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. A scheme for recycling/disposing of waste resulting from construction works
6. Site security arrangements including hoardings
7. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
8. Measures to prevent flying debris
9. Dust mitigation measures
10. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

6b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

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

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

7b. Prior to the commencement of construction for the development hereby permitted a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of identified and/or potential hazards arising from any land contamination and/or ground gas shall be submitted in writing to and approved in writing by the Local Planning Authority. (see Note for Applicant CL2)



7c. Prior to the commencement of construction for the development hereby permitted a 'Remediation Statement' setting out details of remedial measures, methodologies, and materials to be used to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site shall be submitted in writing to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

7d. The remedial measures as set out in the 'Remediation Statement' required by part iii) of this condition shall be implemented. i) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part iii) of this condition has been amended to address any additional remedial or mitigation works required shall be submitted in writing to and agreed in writing by the Local Planning Authority. ii) Prior to the occupation of the development hereby permitted a Validation Report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted in writing to and approved in writing by the Local Planning Authority. (see Note for Applicant CL3)

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

8a. Prior to the commencement of the development hereby permitted until drainage plans for the disposal of foul and surface water flows have been submitted in writing to and approved in writing by the Local Planning Authority

8b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

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

9a. Prior to the commencement of the development hereby permitted an Air Quality Low Emission Scheme to install electric-vehicle charging points and Ultra-Low NOx boilers shall be submitted in writing to and approved in writing by the Local Planning Authority.

9b. The development shall not be constructed otherwise than in accordance with the agreed Air Quality Low Emissions and thereafter retained for the life of the development.

9c. Prior to the occupation of the development hereby permitted a Low Emission Scheme Validation Statement shall be submitted in writing to and approved in writing by the Local Planning Authority that demonstrates the scheme has been installed for that care home as agreed.

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

10a. Prior to the commencement of the development hereby approved, a bat roost assessment and any necessary mitigation measures shall be submitted in writing to and approved in writing by the Local Planning Authority.

10b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

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

10. Prior to the occupation of the development hereby permitted, all access ways, parking and vehicle manoeuvring areas shall be consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the public highway or into any public highway drain, together with the clear demarcation of all parking bays. These areas shall thereafter be retained and used for no other purpose.

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

11 a. Prior to the occupation of the development hereby permitted, details of a covered and illuminated cycle shelter for the use by staff and visitors, shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

13a: Prior to the occupation of the development hereby permitted shall not be carried out otherwise than in accordance with the approved Landscape Masterplan as shown on drawing R/2457/1 dated APR 2021 and received on 12/07/2021 has been implemented and shall thereafter be maintained and managed in accordance with the approved details.

13b: If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

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

14a: The development hereby permitted shall not be carried out otherwise than in accordance with the approved external materials as shown on the submitted plans and the facing materials shall thereafter be retained for the lifetime of the development.

14b: Prior to the occupation of the development hereby permitted, the boundary treatments as shown on ' Proposed Site Plan- PL-021 REV P1, received on 28.10.2021, shall not be carried out otherwise than in accordance with the approved plans and thereafter retained for the lifetime of the development.

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.

15a. Prior to the installation of any external lighting is installed on the site until 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.

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

Reason: In the interests of the visual amenities of the area in accordance with saved policies GP2, ENV11 and ENV32 of Walsall's Unitary Development Plan.

16a. Notwithstanding the details as submitted the development hereby permitted shall not be carried out otherwise than in accordance with acoustic glazing with a minimum sound reduction property of Rw 38 dB being installed to all habitable rooms with a facade facing onto Brownhills Road.

16b. Notwithstanding the details as submitted the development hereby permitted shall not be carried out otherwise than in accordance with acoustic ventilation with a minimum sound reduction property of Rw 38 dB in the open position shall be installed to all habitable rooms with a facade onto Lichfield Road.

16c. Prior to the occupation of the development hereby permitted until a validation report has been submitted in writing to and approved in writing by the Local Planning Authority that demonstrates the agreed glazing and ventilation has been installed .

Reason: In order to protect the amenities of the future occupiers of the premises in compliance with Policies GP2 and ENV32 of the UDP.

17. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Arboricultural report to BS 5837:2012, by JCA Ltd, received on 12.07.2021.

Reason: To mitigate harm to the natural environment in accordance with saved UDP policies GP2 and ENV18.

18. The development hereby permitted shall not be carried out otherwise than in accordance with the approved ecological protection and mitigation measures as set out in Chapter 6 of the Preliminary Ecological Appraisal (PEA) prepared by JCA Limited received on 12/07/2021 and the ecological mitigation measures shall thereafter be retained for the lifetime of the development.

Reason: To mitigate harm to the natural environment in accordance with saved UDP policies GP2 and ENV23.

19a. The development hereby permitted shall not be carried out otherwise than in accordance to avoid the risk to nesting birds, no trees/hedgerows/scrub/vegetation shall be disturbed or removed until an inspection has been carried out by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy confirming that there are no nesting birds.

19b. If nesting birds are discovered at any point during the construction period then works shall cease until a report prepared by the supervising ecologist has been submitted in writing to and approved in writing by the Local Planning Authority.

19c. Works shall not continue otherwise than in accordance with the measures in the approved ecologist report.

Reason: To protect local bird populations and to comply with NPPF 15, policy ENV1 of the Black Country Core Strategy, policy EN1 of the Walsall Site Allocation Document and saved policies ENV18 and ENV23 of the Walsall Unitary Development Plan and Conserving Walsall's Natural Environment SPD.

### **Notes for Applicant**

#### **Cadent Gas- Notes for the Applicant:**

#### **BEFORE carrying out any work you must:**

- Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or

- wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>.
- In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

### **Highway Authority - Notes for the Applicant:**

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to enter into an agreement under S278 of the Highways Act 1980 or obtain a Road Opening Permit with the Highway Authority for the access works within the existing public highway. For further advice please contact Highway Development Control Team at [Stephen.Pittaway@Walsall.gov.uk](mailto:Stephen.Pittaway@Walsall.gov.uk)

### **Pollution Control- Notes for the Applicant:**

No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday\*, and such works shall only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

### **Contaminated Land- Notes for the Applicant:**

#### **CL1**

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

## CL4

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

1. The Applicant shall agree arrangements for kitchen air extraction, odour control, and discharge to atmosphere from cooking operations, including details of any external ducting and flues, in writing with the Local Planning Authority.
2. The equipment shall thereafter be maintained in accordance with the manufacturer's guidelines, such guidelines having previously being agreed in writing by the Local Planning Authority

3. An assessment of the noise from the proposed odour extraction plant shall be undertaken and a report detailing the findings, together with any recommended mitigation measures shall be forwarded to and agreed in writing with the Local Planning Authority.

4. The Applicant shall agree and details of a suitable grease trap in writing with the Local Planning Authority to prevent entry into the public sewerage of matter likely to interfere with the free flow of the sewer contents, or which would prejudicially affect the treatment and disposal of such contents. Thereafter, the agreed grease trap shall be installed and maintained in accordance with manufacturers and/or the Local Planning Authority recommendations.

**West Midlands Fire Service- Notes for Applicant**

1. Support Water supplies for firefighting should be in accordance with "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK:  
<https://www.dropbox.com/s/5s5i45fxr3m3hrt/national-guidance-document-on-water-for-ffg-final.pdf?dl=0>
2. For further information please contact the WMFS Water Office at the address given above or by email on [Water.Officer@wmfs.net](mailto:Water.Officer@wmfs.net).
3. The approval of Building Control will be required with regard to Part B of the Building Regulations 2010.

**END OF OFFICERS REPORT**