



Planning Committee

Report of Head of Planning and Building Control on 10 March 2022

Plans List Item Number: 2

Reason for bringing to committee

Major Application
Significant Community Interest

Application Details

Location: MALI JENKINS HOUSE, THE CRESCENT, WALSALL, WS1 2DE

Proposal: ERECTION OF 3 STOREY 18 NO. AFFORDABLE ONE AND TWO BEDROOM APARTMENTS WITH ASSOCIATED PARKING AND LANDSCAPING.

Application Number: 21/1240

Case Officer: Leah Wright

Applicant: Habinteg Housing Association

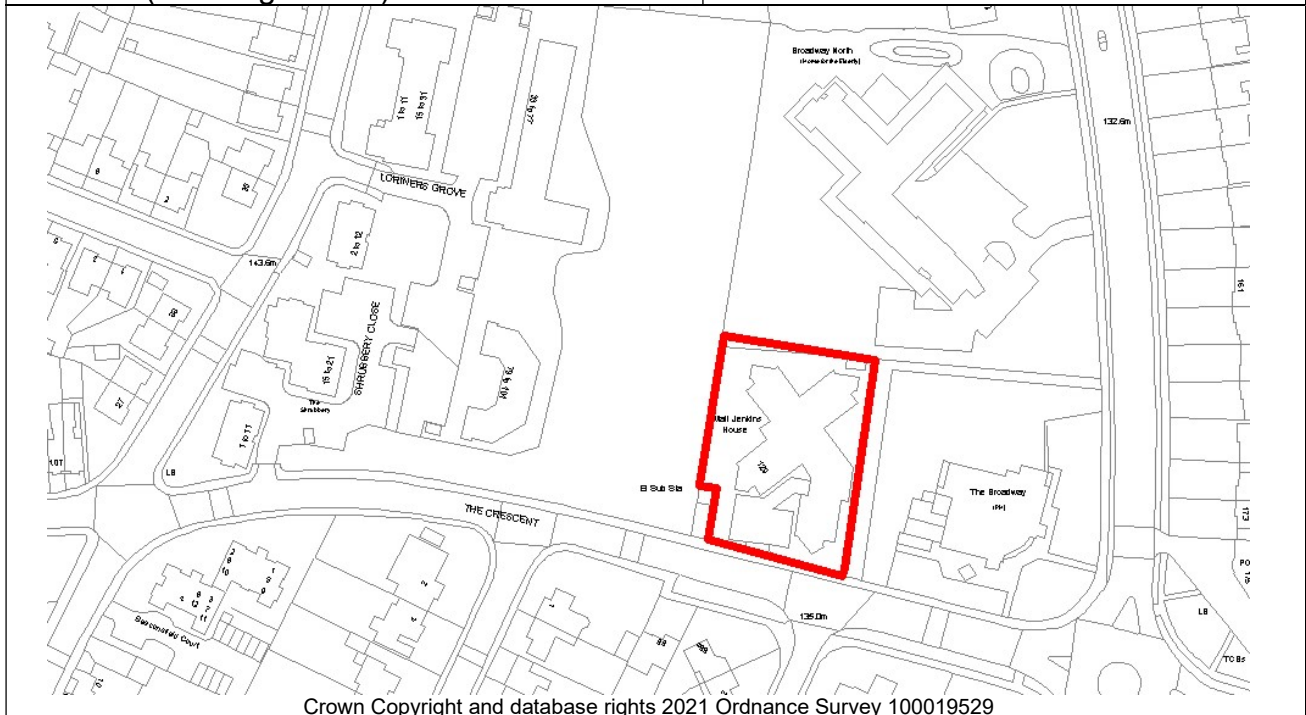
Ward: Paddock

Agent: Acanthus

Expired Date: 18-Nov-2021

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

Time Extension Expiry:



Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to conditions, the signing of a s106 to secure 25% affordable homes with affordable rent tenure and subject to:

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

Proposal

This proposal is a full application for the erection of 3 storey 18 no. affordable one and two bedroom apartments with associated parking and landscaping.

The proposed building would measure 11.12m in maximum height with a dual pitch roof with eaves of 8.2m. The building would measure 33m in width and 18.48m in maximum depth. It would be constructed from FL quality brick, coloured Red Multi and through coloured render coloured white. The doors would be a powder coated aluminium automatic door system, coloured anthracite RAL 7016 (grey) with aluminium curtain wall, UPVC window and glazed floor system all coloured anthracite RAL 7016. The roof tiles would be constructed from concrete and coloured dark grey. The proposed balconies would have a stainless steel baluster and handrail with a toughened glass panel infill. To the front elevation there would be Photo voltaic panels that would measure 3.3m in width, 0.18m in depth and 1.48m in length.

The front and rear elevations are characterised by doors at ground floor, windows at ground, first and second floor of a similar style and balconies at first and second floor. There would be a large glazed entrance to the front elevation. To the west and east elevation there are 2no side facing windows serving the internal hallway.

The apartment block is set back from the highway by approximately 27m and there are 27no unallocated parking spaces (equivalent to 1.5 spaces per dwelling) to the front of the building. There is a general and recyclable refuse store sited adjacent to the parking area to and a metal resident and visitor cycle enclosure to the front of the building. It is noted that the site will utilise the existing site access and drop kerb.

The proposed site plan shows an area for maintenance access surrounding the site and defensive planting. To the rear of the site there is an area of shared amenity space.

The site is surrounded by paving which will be Marshall or similar 600x 900 x50mm concrete flags and paths which will be gravel with weed suppressant membrane.

The site will be enclosed by a 2.0m high close boarded timber fence with a lockable timber gate to the side and rear and a 1.0m high close boarded timber fence towards the front of the site. There would be 1.1m high galvanised mild steel railings with powder coated finish (colour black) to the front elevation of the building.

Internally the schedule of accommodation includes 2no 1 bed 2 person apartments and 4no 2 bed 3 person apartments at ground floor, 4no 1 bed 2 apartments and 8 no 2 bed 3 person apartments spread across the first and second floor resulting in 18 units. The approximate density of the site is 78.2 units per hectare.

In terms of documents to support the application, the following have been submitted:

- Gas membrane datasheet
- Typical edge detail- suspended slab drawing.
- Geoenvironmental appraisal
- Noise Survey
- Financial Viability Assessment
- Tree report and AIA
- Topographical Survey
- Preliminary Ecological Appraisal
- Design and Access Statement
- Bat Emergence Survey
- Drainage Strategy Report with drainage layout plan
- Flood Exceedance routing plan
- Impermeable area plan

Site and Surroundings

The existing site is currently occupied by a now vacant former residential care home (C2 use) which has prior approval consent for its demolition under application 21/0917.

The site is relatively level with the western and northern boundaries the ground rising between 0.5-1.5m up to the boundary.

The surrounding area is characterised by predominately two and three storey brick/render houses and apartments.

To the east of the site is a Toby Carvery restaurant which comprises two storey buildings of painted brick and a large steep roof.

Beyond Broadway North there is a small convenience store and post office.

To the north of the site a residential development has been approved for 14 dwellings (application 21/0006).

The Crescent lies to the south and residential properties opposite, and to the west is a small woodland area containing mature trees with a three storey apartment development

beyond.

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

Relevant Planning History

BC54803P- Extension to provide new entrance to Mental Health Wing- GSC- 22/06/1998

19/1340- Prior Notification for demolition of Broadway North Resource Centre- prior approval not required- 19/11/2019

21/0006- Erection of 14 no. dwellings, alterations to existing access and associated works- GSC 21.07.2021

21/0917- Prior Approval: Demolition of Mali Jenkins building(s) and site to be cleared and left with a secure fence and bund- Prior approval granted- 04/08/2021

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **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 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making.

Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an

advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- H1: Renewal of Existing Residential Areas
- T7: Car Parking
- T8: Walking
- T9: Cycling
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC3: Affordable Housing and Housing for People with Special Needs

OS1: Open Space, Sport and Recreation

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk

T4: The Highway Network

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW9(a) Planning Obligations and Qualifying development
- DW10 Well Designed Sustainable Buildings

Open space, sport and recreation

- OS1: Qualifying Development
- OS2: Planning Obligations
- OS3: Scale of Contribution
- OS4: Local Standards for New Homes
- OS5: Use of Contributions
- OS6: Quality and Value
- OS7: Minimum Specifications
- OS8: Phasing of On-site Provision for Children and Young People

Affordable Housing

- AH1: Quality of Affordable Housing
- AH2: Tenure Type and Size
- AH3: Abnormal Development Costs
- AH4: Provision Location

- AH5: Off Site Provision

Air Quality SPD

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

Consultation Replies

Clean and Green

Support; Site will require 1x 1100ltr and 1x 660ltr for general waste and 2x 1100ltr bins for recycling.

Community safety team

Support.

Housing Standards Officer

Concern regarding bathroom and kitchen areas not having a window. Flats on second floor- escape route from living/dining room area is through the kitchen which is a high fire risk.

Housing Standards

It is noted that the proposal is for 100% affordable housing. This is welcome, however the development plan policy in Black Country Core Strategy policy HOU3 can only require 25% of the units to be affordable. The affordable contribution should consist of 1 First Home, 1 Shared Ownership and 2 social rent. Alternatively, if a housing association isn't prepared to take this mix, then a commuted sum would be required from the owner to the value of £175,219. This requirement will be further reduced by vacant building credit, through deducting the floor space of the existing building from that of the proposal.

Local Highways Authority

Support subject to conditions regarding implementation of car parking, details of cycle shelter and a construction methodology statement.

Pollution Control

The Applicant needs to undertake further contaminated land and ground gas investigation, install acoustic glazing and acoustic ventilation, agree and implement measures to install an electric-vehicle charging point, and implement a Construction Management Plan.

Severn Trent Water

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

Strategic Planning Policy

Redevelopment for residential use is strongly supported. Requirement for 25% affordable housing and a contribution towards off-site open space.

Tree Preservation Officer

Recommendation for consent subject to conditions regarding that the recommendation and guidelines as detailed in the Arboricultural report and AIA should be implemented and adhered to, submission of tree protective fencing and a detailed landscaping scheme.

Walsall MBC

Support.

West Midlands Police

Recommend principles of secure by design; no objection.

West Midlands Fire Service

Note to applicant regarding access and facilities for the fire service B5.

Representations

Cllr Singh Sohal has objected to the application and forwarded comments from residents.

The WS1 action group have submitted a residents petition to refuse the application (signed by 186 residents) on the basis that local residents and community groups believe the development will have a detrimental effect on the area. They are Concerned about the size and appearance of the building, the impact on the protected wildlife and trees, concerns about the infrastructure, demands on community services, as well as additional noise and traffic disturbances.

Further there have been approximately 63 representations received objecting to this application which are summarised below (Officer's comments are in italics):

- Out of character with the area- *See design section of this report.*
- Overdevelopment of the site- *As above.*
- Appearance and height of structure- *As above.*
- Only a few houses in Boscobel Road have been informed of the plans- *A 21 day statutory consultation was undertaken and adjacent properties were informed of the proposal.*
- D+A states that the development will be for vulnerable people but isn't explained- bear risk of different categories and levels of vulnerable people- *Not a material planning Consideration.*

- Loss of privacy, light and issues of overlooking- *Impact is considered to be acceptable as discussed in the neighbouring amenity section of this report.*
- Increased noise and disturbance- *A construction management plan will be a condition of any approval to mitigate against disturbance.*
- Detrimental impact on our daily life.
- Proposal will cause disruption.
- Trees to be planted to protect assets and not undermine sale of plots of new Broadway development- *Not a material planning consideration.*
- Children from Mayfield Independent and Walsall Grammar School may be at risk from vulnerable people as they walk past- *As above.*
- Fear of Crime- *See security section of this report.*
- Disposal facilities are not sufficient- *Walsall Council's Clean and Green have no objection to the proposal.*
- Unsuitable near a school- *The proposal will not impact on the school.*
- Removal of trees will leave properties exposed.
- Proposal will have too many people and cars- *The parking provision is considered acceptable for the development.*
- Adequate space for emergency service access, parking and turning- *No objections from WMFS or highway authority.*
- Lack of local amenities for future residents, the local convenience store will be dangerous for wheelchair users- ... *Not a material planning consideration*
- Please clarify the category of resident- *As above.*
- Is it affordable housing or social housing; are units for sale or rent.
- Problems with parking- *No objection from LHA.*
- Increase in traffic will lead to accidents
- No safe crossing for residents on nearby streets- *Not a material planning consideration.*
- Object due to proposed dwellings being built on the Broadway- Development will not impact on this proposal as discussed in the report.
- Ecology reports are password protected- *This is to protect protected species locations published in documents on the World Wide Web.*
- Hedgehogs in the area and no mention of hedgehog friendly wooded plants or fencing- *Discussed in Ecology section of this report.*
- Concerned disruption caused by construction will negatively impact ecology.
- Impact on Ecology and Wildlife.
- Development will affect tree roots- *No objection from trees.*
- Object due to protected trees- There are no protected trees within the site however it is noted there are TPOs to the west of the site. A TPP and...
- Levels in light and noise will drive wildlife away.
- Planting proposed may be compromised by the hanging of trees of the shrubbery.
- Drainage will not be able to cope with the housing- *No objection from STW.*
- Amendments do not fundamentally change the first application.
- If planning application is approved we will submit an appeal to the planning inspectorate- *Once a planning application is approved the decision cannot be appealed by a member of the public.*
- Previous centre could have been used as a health care centre or essential needs- *The LPA must determine the planning application before them.*
- Why isn't current development extended- *The previous building has consent to be*

demolished.

- Will proposal have a negative impact on surrounding property prices- *Not a material planning consideration.*
- Proposals submitted by an organisation subject to a regulatory judgement with regards to its governance arrangements in terms of continued compliance with regulatory requirements- *Not a material planning consideration.*
- Lack of reference to particular planning policies- *Discussed in this report.*
- Lack of infrastructure to support proposal.
- Impact on locality due to socially deprived characters, rubbish, drugs and noise- *Not a material planning consideration.*
- Don't want social housing near property- *Not a material planning consideration.*

Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Flood Risk / Drainage
- Trees / Protected Trees
- Ground Conditions and Environment
- Planning Obligations
- Local Finance Considerations
- Any Other Matters

Assessment of the Proposal

Principle of development

The National Planning Policy Framework sets out a clear presumption in favour of sustainable development. It notes that, for decision takers, this means approving development proposals that accord with the development plan. Walsall's Unitary Development Plan reconfirms the guidance as contained in the National Planning Policy Framework on sustainable development.

The site has no allocation in the development plan, however the site was formerly in residential use (albeit as a C2 use rather than C3) so redevelopment for this use is strongly supported on planning policy grounds. Further, it is located in a predominantly residential location and in a sustainable location with good links to public transport and access to services and facilities.

BCCS Policy HOU2 states that all developments will aim to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness as defined in Policy ENV2. The approximate density of the site is 78.2 units per hectare and is considered to be very high. The BCCS states that this is only appropriate within a strategic centre or town centre. The site is

located approximately 1 mile from Walsall Town Centre and is in a sustainable location with links to public transport and is accessible to employment areas, health, fresh food and education. It's noted that the housing is not for a family and the indicative proportion of flats is 50% plus in accordance with Table 8 of policy HOU2. As such the density is considered to be acceptable.

The proposal would also bring previously developed land back into a positive use which is encouraged by local and national planning policies and guidance.

Design, Layout and Character

Walsall's Unitary Development Plan states that development should be of a high quality design that respects local distinctiveness, enhancing the character and appearance of the area. It states that within settlement limits proposals will be supported where they do not have a negative impact on the character and appearance of the surrounding locality. Walsall's Unitary Development Plan states all proposals should maintain or enhance the character of the surrounding area and should respect the scale and density of surrounding development.

The surrounding area consists of mostly 2 storey buildings whilst to the west there are three storey apartment blocks. It is considered at three storeys that the apartment building would be in keeping with the scale surrounding area and would not be at odds. In terms of layout, the building will be sited where the previous Mali Jenkins care home was once sited and would not come forward of the building line along The Crescent. It has been positioned to minimise impact on the existing trees and would avoid overlooking onto the existing restaurant and car park to the east of the site.

It is considered that the building provides natural surveillance to the car park area and communal landscape gardens as habitable rooms would look onto these areas. Whilst there is some surveillance of the car park, the design of the flats does not provide adequate natural surveillance of the whole site. The development utilises the existing site entrance to the highway.

In terms of the buildings appearance it is a simple yet modern building, built purpose. It has a dual pitch roof and would be constructed from a mixture of red brick and white render. There are large windows to the front and rear allowing for natural light to enter the building. In terms of the surrounding area it is constructed from a mixture of materials with varying property styles and as such the LPA consider that the proposal would not be at odds with the surrounding area and would be of a high quality design which would enhance the locality. Conditions would be included on any permission to secure the use of appropriate external materials.

Amenity of Neighbours

The proposed building is sited to the north of the crescent. Immediately to the east there is a Toby Carvery Restaurant whilst further to the east there is a small shop and residential properties. To the North there is a new housing development (currently under construction) and to the west and south there are residential properties.

Appendix D of the Designing Walsall SPD states that privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area.

To the rear of the building is the newly approved housing development by Cameron Homes (application 21/0006). There are balconies and rear habitable windows proposed to the rear of this proposal which would face onto this development at a distance of 13.056m. Although the proposal would look onto this development, it should be noted that it would be looking onto the side elevation of one of the approved dwellings where there is only a small window opening at first floor serving a bathroom (a non-habitable room) and two openings at ground floor serving a dining room (habitable room) and a door to access the utility (non-habitable room). The separation distances as stipulated in Appendix D of the Designing Walsall SPD state that there should be 24m between habitable windows in two storeys and above and 13m separation between habitable windows and blank walls exceeding 3m in height. In this instance the development would be acceptable given that the proposed development would face onto a first floor bathroom window which is not habitable and the only habitable room is at ground floor and as such the distances would not apply. Where the development would face onto a blank wall there would be a sufficient distance of 13m to also meet this standard. As such there would be no detriment through overlooking to the development to the north.

The nearest residential property to the south of the site is 88a The Crescent which is sited at a distance of 53.8m, to the west is the apartment block at a distance of 55m and to the east are properties along Broadway North at a distance of 105m. As such the proposal would not be a detriment in terms of overlooking to nearby neighbours.

The building is situated in a large plot and well contained within the site. There are no residential properties immediately adjacent to the site and as above the proposal meets the separation distances. As such it is considered the building would not be overbearing nor would it lead to a loss of light.

Amenity of Future Occupiers

The apartment block is made up of 4 different apartment types. The ground floor consists of 6No. M4 (3) fully wheelchair accessible apartments whilst the 12No. upper floor apartments have been designed to meet M4 (2)- accessible and adaptable dwellings. All the apartments are easily accessible with a level steep free approach and benefit from generous circulation zones, storage and wet floor shower rooms. The generous kitchens will incorporate rise and fall worktops to support independent living and a lift will also

serve the upper floors.

It is intended that the development will home vulnerable people and adopt higher than current building regulating standards.

Apartment types A and B will be 1 bed, 2 person units and would measure 51 and 57sqm thus meeting the minimum GIA of 50sqm as stipulated for a 1 bed, 2 person unit over one storey in the National Space Standards. Apartment types C and D are 2 bed 3 person units and measure 65 and 72 sqm and also meet the minimum GIA of 61sqm as stipulated for a 2 bed 3 person dwelling over one storey in the National Space Standards. All bedrooms will also meet the minimum GIA.

The bedrooms of the apartments would all be single aspect and whilst it would be preferred for them to be dual aspect they would allow for an adequate amount of light and unobstructed views either onto the communal garden or onto the front elevation where the car park is sited.

In terms of private amenity space, Appendix D of the Designing Walsall SPD requires that where communal provision is provided there should be 20sqm of useable space per dwelling. To the rear of the property there is an area of communal amenity space which measures approximately 385.4sqm. Apartment A and C at first and second floor are served by balconies measuring 6.25 and 8.64sqm whilst apartments B and D are served by smaller balconies of 2.5 and 3.7sqm. Whilst it is noted that this is an under provision the apartments are large and spacious, thus future occupiers would have a good level of amenity and further there are areas of open space in close proximity to the proposed scheme; notably Walsall Arboretum which is 0.3 miles from the site (a 6 minute walk) provides 80 acres of park land which includes open gardens, lakes, a children's play area, an outdoor gym and other sports facilities. As such it is considered that despite the fact that each apartment does not have 20sqm of private amenity space the shortfall is justified.

Highways

The development looks to construct a block of 18, one and two bedroom affordable flats. 27 parking spaces are provided (150%) which accords with T13 parking policy.

The proposal looks to utilise the existing dropped kerb access point onto The Crescent which is acceptable.

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.

The Highway Authority therefore support the application subject to conditions related to the implementation of the car park, details of the proposed cycle shelter and the submission of a construction methodology statement.

Ecology

A bat emergence survey and Preliminary Ecological Appraisal were submitted to support the application.

It should be noted that the bat emergence survey was submitted with the prior approval demolition application (21/0917) and a condition was implemented on the decision notice stating that prior to demolition of any of the existing buildings on site, bat surveys shall be undertaken.

The bat emergence/re-entry surveys revealed a small number of common pipistrelle to be present foraging in the adjacent woodland area. It can be definitively concluded that there are no bat roosts associated with the section of building surveyed. The building was further inspected both internally and externally and this confirmed that the gaps into the building were as a result of recent vandalism and fire damage, therefore making the presence of bat roosts much less likely.

As there were no bats emergent from the section of building affected, it can be reasonably concluded that there are no roosts associated with this section of the building. There is no obstacle or limitations to demolition of the building, providing this takes place within 12 months of the survey. If for any reason, the demolition is delayed longer than this, a repeat bat emergence survey is recommended.

The Preliminary Ecological Appraisal considered that statutory and non-statutory designated sites within 2 km of the Site will not be directly impacted as a result of the proposed development. This is due to the distance between the designated sites and the Site, the absence of potential pollution pathways and as statutory and non-statutory sites are primarily of interest due to the habitats they support, rather than species which may have the potential to use the Site. 4.2.2 As a result, no mitigation, compensation or enhancement measures are considered necessary in relation to the SSSI, LNRs, SINCs or SLINCs located within 2 km of the Site.

The PEA stated that there will be the loss of amenity grassland, poor semi-improved grass land, ephemeral short perennial, shrub and scrub and scattered trees however they are commonly occurring habitats and species which are common and widespread. Mitigation measures such as soft landscaping proposals and replacement planting are recommended.

The PEA has also recommended mitigation measures to protect species such as the common frog and toad, wild birds, their nests and eggs, hedgehogs. It states that given the small size of the site, location within an urban area and limited habitat connectivity within the local area, the likelihood of reptile presence within the site is considered to be low, however it has recommended advice if one should be present.

The building has been assessed as displaying moderate suitability for roosting bats. As demolition of the building is proposed, it is recommended that nocturnal bat survey work is undertaken to determine the presence or likely absence of roosting bats within the building in advance of demolition. A condition requiring a bat survey was implemented on the prior approval demolition application and as such it does not need to be replicated on this permission.

The woodland adjacent the Site will not be lost as a result of the development however any bats which may use this feature may be impacted from increased light levels at the Site. This may impact bats at up to the local level due to the connectivity provided by the woodland. A sensitive lighting scheme is recommended to be developed by a lighting engineer in collaboration with an ecologist to minimise the impact upon foraging and commuting bats. Sensitive lighting should include where possible, low sodium bulbs, lighting directional/downward facing and no higher than eaves height. Light spill should onto the adjacent woodland should be avoided.

It is considered that the proposal will not unduly harm Ecology subject to appropriately worded conditions and as such the proposal is considered to comply with policies CSP3 of the BCCS, ENV23 & ENV24 of the UDP and EN1 of the emerging SAD plus SPD Conserving Walsall's Natural Environment

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.

Severn Trent Water have expressed their support for the scheme subject to a condition regarding the submission of drainage plans for the disposal of foul and surface water flows.

As such it is considered that the proposal is acceptable from a flood risk/drainage point of view, subject to the appropriately worded conditions.

Trees/Protected Trees

12 trees would need to be removed to facilitate the proposed development of the site. However, they are category 'C' trees (using BS 5837 categorisation) which are trees of low arboricultural quality. Category 'C' trees would not normally be a constraint to development and their removal could be mitigated for with a landscape scheme for the site which includes replacement tree planting for which there appears to be adequate space.

In addition, the proposal would necessitate the pruning of 2 trees on the east boundary. The pruning works are minor and if done in accordance with best practice as detailed in BS 3998: 2010 should have little or no long term detrimental effect on the 2 trees. There is a woodland outside of and adjacent the west boundary (within Shrubbery Close and Loriners Grove). This woodland is protected by a woodland classification TPO title no. 3/2002. The proposal is likely to encroach into the root protection area (RPA) of 4 of these TPO trees labelled T24 to T28 on the tree survey. However, the incursion is relatively minor and provided care is undertaken then little or no lasting detrimental impact should occur to these trees. In addition, the proposal extends into the RPA of trees on the east boundary, however, the area is already existing hard standing and there is unlikely to be any significant root development in this area.

If consent is given to the application and in order to ensure the protection of the retained trees, a condition is recommended requiring an 'Arboricultural Method Statement' be submitted prior to the commencement of development on site detailing location and specification of tree protective fencing and any construction methodology to be implemented within the RPAs of the retained trees. It would also be desirable to condition a Landscape Plan including details of replacement tree planting in mitigation for the ones lost to accommodate the development.

Ground Conditions and Environment

The Applicant has undertaken a noise survey, which has identified that acoustic glazing and ventilation is required for habitable rooms with facades towards The Crescent and the Public House, with glazing that has a reduced acoustic specification on other facades. This requirement can be addressed via planning conditions, requiring the Applicant to firstly confirm the specification of glazing and ventilation before installation with the Local Planning Authority and then installing the agreed glazing/ventilation and subsequently demonstrating that the agreed glazing/ventilation has been installed.

The contaminated land investigation has not identified any significant contamination within sample boreholes that were within accessible areas and the consultant has risked the potential for ground gas concerns away. The consultant is recommending that further testing of inaccessible areas e.g. underneath the building is undertaken following demolition and stockpiling. Pollution Control agree that the additional testing will confirm whether the inaccessible areas have a similar ground chemistry to the other parts of the site i.e., of no significant concern.

Although, Pollution Control accept the reported chemical testing findings and have no significant concerns, the neighbouring site, which is also in the process of being re-developed, have encountered ground gas that has resulted in the site being upgraded to CS2. Therefore, during the additional testing regime, Pollution Control require that the Applicant/Consultant to undertake ground gas testing. Planning conditions for the additional testing have been provided.

The Applicant has indicated that there will be 27 unallocated car parking spaces. Section 5.6 of the Black Country Air Quality SPD requires for at least 1 electric vehicle charging point per 10 spaces. Therefore the applicant will need to install at least 3 charging points, in accordance with the SPD; this will be conditioned.

Given the size of the development, the Applicant needs to control local environmental impacts (noise, dust, debris, site drag-out) during the construction phase.

Security

The development will follow the principles of secure by design with site boundaries being 2m high at the rear and restricted access to communal areas. All entrance areas will be secure and well-lit with good natural surveillance.

The standard of all windows and doors will be subject to approved Document Part Q of Building Regulations. All external door sets, internal door sets to apartments and all ground floor and other early accessible windows will be manufactured to a design that has been shown by test to meet the security requirements of British Standards publication PAS 24:2012. Dusk till dawn lights are to be provided to all access point and all fittings, including the wiring, will be located in inaccessible positions to deter criminal attack. These measures can be secured via condition. Further, the communal car park shall have adequate lighting.

Sustainability

Work has been undertaken with an energy consultant to develop a strategy that is considered both sustainable in terms of energy usage and sustainable for future residents. The development does not rely on gas boilers and instead will benefit from heat pumps to provide hot water and heating. The increased electricity costs will be offset by PV panels fed into each apartment ensuring running costs remain lower than traditional combi boiler system running costs. The building fabric, including between the apartments, will benefit from high levels of thermal insulation and good quality detailing to limit thermal cold bridging.

Planning Obligations

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the 3 following statutory tests to make the development acceptable in planning terms:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

These tests are set out in The Community Infrastructure Levy Regulations 2010 (as amended) Regulation 122 and National Planning Policy Framework paragraph 56.

Black Country Core Strategy policy HOU3 states that 25% of the units should be affordable, although this requirement would be offset by vacant building credit through deducting the floor space of the existing building from that of the proposal. In addition based on the proposed development and the Council's ready reckoner, the urban open space contribution required is £29,010.00. The nearest Urban Open Space is Walsall Arboretum Park.

A full financial viability assessment was provided to support the application and has been independently assessed by Lambert Smith Hampton. Whilst viability states that contributions for affordable housing and public open space cannot be provided there is nothing preventing the applicant entering into a S106 to secure 25% policy compliant affordable homes with affordable rent tenure.

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 18 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.

Any Other Matters

There have been a number of objections from neighbouring residents. Many of these objections are non-material or if they are material it has been discussed in the report why the proposal is acceptable otherwise.

It should be noted that housing strategy commented on the internal layout of the dwellings however this is not a material consideration.

Conclusions and Reasons for Decision

FOR Grant

The proposal is strongly supported on policy grounds and is considered to be acceptable

in terms of highways, trees, ecology, ground conditions, flood risk, security and sustainability.

The proposal would assimilate well with the surrounding area and would not be considered to be at odds and the scale and layout is acceptable. A good level of amenity would be achieved for future occupiers and there would not be any detriment to neighbouring occupiers.

No S106 has been signed as it has been proven that the scheme is not viable for planning obligations in regard to affordable housing and open space.

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and 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, the signing of a s106 to secure 25% affordable homes with affordable rent tenure and subject to:

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

Conditions and Reasons

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

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

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

- 1655-23-AWSM-A1-ZZ-DR-A-111- 1 bedroom 2 person plan REV P1 received on 14/09/2021.
- 1655-23-AWSM-A1-ZZ-DR-A-110- 1 bedroom 2 person REV P1 received on 14/09/2021.
- 1655-23-AWSM-A1-ZZ-DR-A-113- 2 bedroom 3 person REV P1 received on 14/09/2021.

- 1655-23-AWSM-A1-ZZ-DR-A-112- 2 bedroom 3 person REV P1 received on 14/09/2021.
- 1655-23-AWSM-XX-XX-DR-A-102-P1- Boundary treatments received on 14/09/2021.
- MHJW-GOO-01-00-DR-C-0501 Drainage Layout Plan REV P01 received on 14/09/2021.
- Drainage Strategy report received on 14/09/2021.
- MHJW-GOO-01-00-DR-C-0502 Flood Exceedance Routing Plan REV P01 received on 14/09/2021.
- MHJW-GOO-01-00-DR-C-0501 Impermeable area plan REV P01 received on 14/09/2021.
- 1655-23-AWSM-XX-XX-DR-A-101-P1- Location Plan received on 14/09/2021.
- 1655-23-AWSM-A1-RR-DR-A-108-P2- Roof Plan received on 14/09/2021.
- 1655-23-AWSM-XX-ZZ-DR-A-101-PL Site Sections received on 14/09/2021.
- 1622-23-AWSM-XX-DR-A-585- Assembly details (sheets 1-4) received on 26.01.2022
- 1655-23-AWSM-A1-ZZ-DR-A-109 REV P4- Elevations, received on 26/01/2022
- 1655-23-AWSM-A1-01-DR-A-106 REV P3- first floor plans, received on 26/01/2022
- 1655-23-AWSM-A1-GF-DR-A-105 REV P3 Ground floor plan, received on 26/01/2022.
- 1655-23-AWSM-A1-02-DR-A-107 REV P3 second floor plan, received on 26/01/2022.
- 1655-23-AWSM-XX-XX-DR-A-100-G Site Layout Plan, received on 26/01/2022.
- Appendix D Exploratory Hole Records by Dunelm received on 07/10/2021
- Gas Membrane datasheet by Visqueen received on 10/01/2022.
- Geoenvironmental Appraisal report M941 by Dunelm received on 07/10/2021
- Noise Survey by NOVA acoustics received on 07/10/2021
- Typical Edge detail suspended slab by Visqueen received on 10/01/2022
- Financial Viability Assessment by Grimshaw Consulting Ltd received on 03/02/2022.
- Bat Emergence Survey
- Design and Access Statement by Acanthus WSM architects received on 14/09/2021
- Preliminary Ecological Appraisal
- Topographical Survey by Terra received on 14/09/2021
- Tree Report and AIA by AWA tree consultants received on 14/09/2021
-

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).

3a) Upon demolition of the existing building and site clearance, a ground contamination survey and assessment of ground gas, having regard to current best practice, shall be undertaken. (see Note for Applicant CL1)

3b) Prior to built development commencing 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 forwarded to the Local Planning Authority. (see Note for Applicant CL2)

3c) Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted in writing to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

3d) The remedial measures as set out in the 'Remediation Statement' required by part iii) of this condition shall be implemented in accordance with the agreed timetable.

3e) If during the undertaking of the approved remedial works or during the construction of the approved development unexpected ground contamination not identified by the site investigation required by part 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 and has been submitted in writing to and agreed in writing by the Local Planning Authority.

3f) A validation report setting out and confirming the details of the remedial measures implemented, cross referencing those measures with the approved Remediation Statement, together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted in writing to and agreed in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

3g) The development shall not be carried out otherwise than in accordance with the approved Remediation Statement.

Reason: To ensure safe development of the site and to protect human health and the environment. In addition, to meet the requirements of the National Planning Policy Framework (2019) 170 and 178.

4a) Prior to the commencement of development hereby approved, an Arboricultural method statement, detailing the location and specification of tree protective fencing and any construction methodology to be implemented within the RPAs of the retained trees shall be submitted to and approved in writing by the LPA.

4b) The development shall not be carried out otherwise than in accordance with the approved Arboricultural Method Statement.

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.

5. a) Prior to the commencement of the development, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing;
i) where the parking and turning facilities for site operatives and construction deliveries will be located,

ii) full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

b) This provision shall be retained during construction in accordance with the approved details.

Reason: In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety.

6a. Prior to the commencement of 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:

- 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. Site security arrangements including hoardings
- vii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- viii. Measures to prevent flying debris
- ix. Dust mitigation measures
- x. 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.

7: Prior to the commencement of development details of the size and locations of bird nesting boxes shall be submitted to and approved in writing by the LPA.

7b. Prior to the occupation of the development hereby permitted, the bird nesting boxes shall be installed in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To safeguard and enhance local wildlife and to comply with BCCS Policy ENV1, saved UDP Policy ENV23, NE1 to NE6 of the Natural Environment SPD and the NPPF

8a. Prior to the commencement of the development hereby permitted an Air Quality Low Emission Scheme shall be submitted in writing to and approved in writing by the Local Planning Authority, to install 3 electric-vehicle charging points in the parking bays and Ultra-Low NOx boilers inside the properties.

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

8c. Prior to the first 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. The Low Emission Scheme Validation Statement shall demonstrate that the agreed Air Quality Low Emission Scheme has been installed and is operational.

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.

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

9b. The scheme shall be implemented in accordance with the approved details before first occupation of the development.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution.

10a. Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks, including details of replacement tree planting in mitigation for the ones lost to accommodate the development, shall be submitted in writing to and approved in writing by the Local Planning Authority.

10b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

10c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

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

11 a) Prior to occupation of the development hereby permitted, the car park shall be implemented, consolidated, hard surfaced and drained so that surface water run-off from the area does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays.

11b) The parking area shall thereafter be retained and used for no other purpose.

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

12 a) Prior to occupation of the development hereby permitted, details of the proposed cycle shelter including its proposed location, 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.

12b) The cycle shelter facility shall thereafter be retained and used for no other purpose for the lifetime of the development.

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, a written Validation Report shall be submitted in writing to and approved in writing by the Local Planning Authority to demonstrate the following measures have been installed and complied with:

i. Habitable rooms with facades onto The Crescent and the Public House shall have acoustic glazing with a minimum sound reduction property, R_w , of 38 dB.

ii. Habitable rooms with a facade onto The Crescent and the Public House shall have acoustic ventilation, with a minimum sound reduction property, R_w , of 38 dB in the open position.

13b. 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 safeguard the amenity of intended occupiers and to accord with Saved UDP policy GP2.

14. The development hereby permitted shall not be carried out otherwise than in accordance with the agreed mitigation measures as detailed in the Preliminary Ecological Appraisal by Ecus Ltd dated April 2021 and such measures shall thereafter be retained for the lifetime of the development.

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

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

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

16: No external lighting shall be installed on the site

Reason: In the interests of the visual amenities of the area, to conserve local bat populations and in accordance with saved policies GP2, ENV11, ENV23 and ENV32 of Walsall's Unitary Development Plan, BCCS Policy ENV1, NE1 to NE6 of the Natural Environment SPD and the NPPF.

17: The development hereby permitted shall not be carried out otherwise than in accordance with the approved external materials as shown on the submitted plans. The facing materials shall thereafter be 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.

18: The development hereby permitted shall not be carried out otherwise than in accordance with the recommendation and guidelines in the approved Arboricultural report and AIA and these recommendations and guidelines shall be implemented for the lifetime of the development.

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

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

-All external doors to individual dwellings to be PAS24; 2016

-All shared external doors shall have a door entry phone system and electronic lock

release linked to each flat

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

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

-Dusk until dawn lights (white light source) to be installed adjacent to each external door

-Recycling and refuse areas to be secured at the rear of the properties in a lockable storage facility

-1.8m high closed board fencing with 0.3m trellis topper to be erected around the perimeter (inside of the boundary hedging) of each dwelling.

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

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

-All the dwellings shall be suitably with an intruder alarm by a registered SSAIB or NSI engineer to British Standard (BS EN 50131 Grade 2)

-Mail boxes shall be constructed of a minimum 1.5 metre steel construction, being lockable individual letter boxes, secure anti-theft proof and wall mounted located at the primary entrance/exit lobby point of the building, covered by CCTV

-lighting within internal communal areas shall be PIR activated

-All energy meters shall be placed at the front of the dwellings

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

Notes for Applicant

Highways

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.

Severn Trent Water

1. 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.

2. 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.

Notes for Applicant – Contaminated Land

CL1

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2018; British Standard BS10175: 2011 +A2:2017 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gases to buildings (Revised)' (CIRIA C665); Land contamination risk management (LCRM) or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2

When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

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

prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

Note to Applicant Air Quality SPD

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

The electric vehicle charging point parking provision for 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

West Midlands Fire Service

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)).

Sprinklers

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

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:

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).

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

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

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

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

West Midlands Police

The current standard doors and windows for houses and apartments is PAS 24:2016. Please see further details and recommendations including combined fire and security door-sets below.

Fencing should be located to the front building line to prevent easy access to the sides and rear.

Alcoves to be avoided as they provide hidden areas where trespassers can hide and attempting entry.

Security such as alarms are sometimes forgotten when buildings are built, extended or added.

More easily included during construction.

The applicant may consider the following.

Suitable lighting provides some security.

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

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).

Alarm and cctv installers should be approved by NSI, SSAIB or both please see <https://www.nsi.org.uk/> and <https://ssaib.org/>

I would recommend security using the principles of Secured By Design.

The applicant may wish to consider crime prevention and home security advice contained within SBD New Homes.

Please see :

https://www.securedbydesign.com/images/downloads/HOMES_BROCHURE_2019_NEW_version_2.pdf

2

Dwelling 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 2081 or STS 202.

Consider combined fire and security door-sets.

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

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

END OF OFFICERS REPORT