

Development Management - Planning Committee
 Report of Head of Planning, Engineering and Transportation, Economy and
 Environment Directorate on 6th September 2018

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Economy and Environment, Development Management**Planning Committee**

Report of Head of Planning, Engineering and Transportation on 06-Sep-2018

Plans List Item Number: 1.

Reason for bringing to committee: Significant Major Development

Location: SITE OF FORMER ARGYLE WORKS, WILLIAM HOUSE AND GREATREX HOUSE, CORNER OF NAVIGATION STREET AND MARSH STREET, WALSALL, WS2 9LT AND BROOK STREET CAR PARK, WALSALL

Proposal: DEMOLITION OF EXISTING BUILDINGS AND RESIDENTIAL DEVELOPMENT OF 236 ONE AND TWO BEDROOM APARTMENTS. ON-SITE CAR PARKING AND SOLE USE OF EXISTING OFF-SITE CAR PARK AT BROOK STREET FOR INTENDED OCCUPIERS OF THE DEVELOPMENT ALONG WITH ASSOCIATED WORKS

Application Number: 17/1573
Applicant: Total Homes and Developments
Agent: Steve Faizey
Application Type: Full Application: Major Use Class C3 (Dwellinghouses)

Case Officer: Mike Brereton
Ward: St Matthews
Expired Date: 24-Oct-2018
Time Extension Expiry:

Recommendation Summary: Late Paper- Report to follow:

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Economy and Environment, Development Management**Planning Committee**

Report of Head of Planning, Engineering and Transportation on 06-Sep-2018

Plans List Item Number: 2.

Reason for bringing to committee: Major application.

Location: COPPICE FARM WAY, WILLENHALL, WV12 5YH

Proposal: PROPOSED DEMOLITION OF EXISTING CLASS A1 RETAIL STORE. ERECTION OF NEW CLASS A1 RETAIL STORE WITH ASSOCIATED AMENDMENTS TO ACCESS, CAR PARKING, SERVICING, LANDSCAPING. IMPROVEMENT WORKS TO THE EXISTING SMALL RETAIL UNITS.

Application Number: 18/0438

Applicant: Aldi Stores Limited

Agent: Keeble Brown

Application Type: Full Application: Major Use Class A1 (Shops)

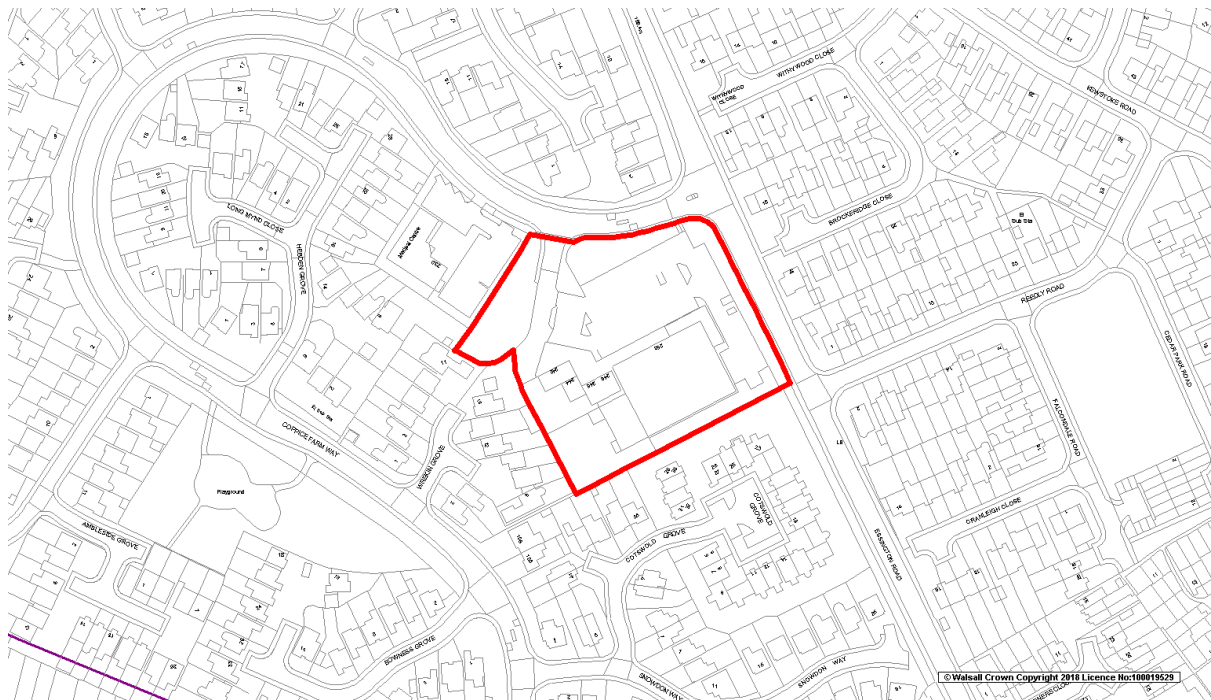
Case Officer: Stuart Crossen

Ward: Willenhall North

Expired Date: 23-Jul-2018

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Proposal

Proposed demolition of existing class A1 retail store with 87 car parking spaces. Erection of new class A1 retail store with associated amendments to access, 114 space car park, servicing and landscaping. Improvement works to the existing small retail units adjacent to the larger store.

The existing building is 10.7m high, the proposed building would be 7.8 metres high. The existing A1 retail store is approximately 1651sqm ground floor area (GFA) and the new A1 retail store is approximately 1839sqm GFA (+ 188 sqm GFA).

The existing access would be used and the existing 4 retail units would remain. The loading bay and plant equipment would be on the West facing elevation. Additional car parking spaces are proposed near to the north boundary next to the access road.

A timber knee rail fence is proposed along Essington Road and Coppice Farm Way.

The landscaping scheme proposes the removal of existing trees, predominantly on the Southern boundary with new trees planted elsewhere. There would be a net loss of 11 trees and the inclusion of a new hedge along the East boundary to Essington Road.

A **Bat Roost Assessment** and Bat Survey have been provided which recommends *that an activity survey is undertaken and that suitable replacement trees are provided and that lighting is kept to a minimum.*

The planning application is accompanied by a **Coal Mining Risk Assessment Report** (10 July 2017, prepared by Webb Yates Engineers). Based on a review of appropriate sources of coal mining and geological information, the submitted report identifies that past shallow coal mining activity poses a low to moderate risk to the proposed development.

The **Design and Access Statement** summaries that the design of the development has been prepared taking into account government planning guidance, relevant policy in the development plan, and their experience in designing attractive schemes for challenging sites. The constraints of this site demand a carefully detailed scheme which respects its sensitive location, adjacent residential areas, and provides a quality site frontage, with diverse landscaping to enhance the views into the site and beyond. The proposed development will provide a much needed new local food retail store for the residential areas surrounding the site which currently have limited provision. The ALDI food store provides an amenity to the local area which is currently lacking, along with the creation of local jobs.

A Geo Environmental Assessment has been provided which makes the following relevant findings:

The property is in a surface area that could be affected by underground mining.

The property is not within a surface area that could be affected by present underground mining.

There are no known coal mine entries within, or within 20 metres of, the boundary of the property.

The Coal Authority is not aware of any damage due to geological faults or other lines of weakness that have been affected by coal mining.

The property is not within the boundary of an opencast site from which coal has been removed by opencast methods.

A Noise Survey has been submitted which concludes that *the noise impact from proposed external plant was predicted to be acceptable and in line with the provisions of national policy on noise.*

A Planning Statement has been provided which makes the following conclusions:

The application site is located within an existing Local Centre

The application site is within a highly sustainable location in relation to public transport provision, and is accessible for those wishing to travel to the site on foot and by car.

The proposal will deliver a high quality development and design that will deliver a significantly improved retail store of a similar footprint to the existing store.

The proposed scheme has the potential to generate a number of full and part time jobs, and further jobs during construction.

There are no technical or environmental constraints that would restrict development on the application site

A Statement of Community Involvement has been submitted with the following details:

A community newsletter was sent to 1,996 households and businesses surrounding the site to provide them with detailed information about the proposal. A postage-paid feedback card was included so that residents could return their comments free of charge. The project was further publicised by a press release, which was issued to local media outlets.

Over 98% of all pre-application feedback received supporting the scheme in principle.

Aldi received 409 responses from local people, with 19 responses via the website, 381 via postage-paid feedback cards, and 9 via the project email address.

The document provides a chronological account of the pre-application consultation undertaken, and a review of the feedback received.

A Transport Assessment has been submitted which concludes that *The site is accessible by a choice of travel modes and will reduce reliance on the private car consistent with national and local planning policy.*

The proposed development will be subject to a Travel Plan to promote non-car travel.

The provision of improved convenience discount shopping facilities in northern Willenhall will increase containment and reduce the tendency for trips further afield, resulting in shorter trip lengths.

The proposed development is well conceived in terms of its access arrangements, composition and layout.

The proposed car and cycle parking provision are compliant with local standards. It has been demonstrated that the service facilities will be able to accommodate delivery traffic.

The traffic assessment included in this report demonstrates the development effects will be acceptable.

There are no highway safety issues which have a negative bearing on the acceptability of the proposals.

A Full Travel Plan has been prepared and submitted *for the proposed discount foodstore, due to its size. The Travel Plan will be updated once the measures have been implemented and the necessary staff surveys have been completed.*

1.4.2 Staff surveys will be carried out six months after the store is occupied. A period of three months will then be allowed to complete the survey response analysis and draft the Full Travel Plan. At this time a copy of the Full Travel Plan will be submitted to the Local Authority.

Site and Surroundings

The application site is on the edge of a modern housing development and the site is a former supermarket. The existing four shop units which share an access to the site would be retained.

The access to the site is from Coppice Farm Way to the North. Essington road runs along the East boundary.

51 metres from houses along Wrekin Grove separated by a and 11 metres (1.5m closer than existing) from the nearest maisonette on Cotswold Grove to the South and which is separated by a 2m boundary wall to be retained and renovated.

Relevant Planning History

BC20536P - Erection of Retail Store with 4 No Adjoining Shop Units. Grant Subject to Conditions 16th December 1987.

BC48910P - Construction of site access stairway. Grant Subject to Conditions 13th November 1997.

BC53954P - Refurbishment & rear extension including new refrigeration plant. Grant Subject to Conditions 4th June 1999.

04/0769/AD/W3 - 1 double sided free standing advertising display unit. Refuse 9th July, 2004

04/2527/AD/W3 - 2 No Somerfield Signs To Replace Existing, 2 No Car Park Directional Signage And 1 No. Totem Sign. Grant approve advert consent 20th January, 2005

04/2528/FL/W3 - Refurbishment Of Existing Supermarket, Additional Plant. Grant Subject to Conditions 20th January 2005.

05/0290/AD/H5 - 2 No Somerfield Signs to replace existing and 2 No Car Park Directional Signs. Grant approve advert consent 1st April, 2005

05/0289/AD/H5 - One Somerfield sign mounted onto facing brick wall. Individual letters internally illuminated. Grant approve advert consent 1st April, 2005

10/0666/AD - 2 x fascia signs, 1 x post mounted directional sign and 6 x informative sign – GSC 6th July 2010

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

sustainable development”.

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- CSP5: Transport Strategy
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy

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- ENV8: Air Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV40: Conservation, Protection and use of Water Resources
- S2: The Hierarchy of Centres
- S5: The Local Centres
- S6: Meeting Local Needs
- T4 - The Highway Network
- T5 - Highway Improvements
- T6 - Traffic Calming
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General

Supplementary Planning Document

Designing Walsall

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

Air Quality SPD

- ***Section 5 – Mitigation and Compensation:***
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites

- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

Emerging Policy

Site Allocation Document

- Policy SLC1: Local Centres
- Policy SLC2: Local Centres Development Opportunities

Consultation Replies

Environmental Health – No objections

Flood Risk Officer – No objections subject to flood mitigation conditions

Highways – No objections subject to conditions to ensure the satisfactory implementation of works prior to use, the improvement works to dropped kerbs serving the site, the submission of an acceptable construction methodology and a condition confirming the implementation of the travel plan.

Highways Agency – No objections

Flood Risk Officer – No objections subject to the recommendations of the Flood Risk Assessment being implemented.

Pollution Control – No comments received – Indications from previous pre-application comments and dialogue between officers indicate that conditions will be required for noise mitigation, air quality impact, conditions to control working hours and measures for controlling noise, dust, flying debris and drag-out from engineering and construction activities at the site.

Representations

There have been 192 representations. Of these there are 183 representations fully supporting the proposals and 9 representations raising objections in addition to support. These are summarised as follows:

Support

Support the opening of the store as soon as possible

Asset to community

Regeneration opportunities

Much needed

Council should support existing and proposed business

Welcome by large majority of residents

New design and landscaping will enhance the area

Modern building design welcomed

Welcomed provided infrastructure well thought out

Welcome provision for the disabled at the store

Support pedestrian access from the main road
Will remove the existing boarded up store which is an eyesore
Improve outlook for immediate neighbours
Closer store more sustainable rather than having to travel to shop
Better for the environment as less use of the car to shop
No bus route to Wednesfield so a local shop welcomed for those without a car
Local shop more convenient for those without transport
Keep people fit walking to the store instead of driving
Sustainability targets should be included such as reduction of plastics, paper bags instead of plastic bags and incorporation of solar panels
Great for local economy
Aldi offers affordable prices for the community
Support Aldi products and prices
Encourage businesses to the other existing stores in the area
Provide opportunities for other businesses on the site
Job opportunities
Welcome job opportunities for older people with life experiences
Query when the store will be completed
Query whether this is a complete demolition and rebuild or renovation and whether three existing shops will stay
Can the post box be put back?
Want to be kept informed on the application

Object

Concern about noise and mess during construction
Concern about the Beer and Wine Store and Chip Shop whose customers drop litter and devalues the area
Demolition and rebuild will take longer
Hope the site offers adequate parking and not cause congestion
Traffic build up at Coppice Farm Way/Essington Road traffic lights should be provided
Possible congestion so need traffic island
Inadequate parking
Concern over traffic turning right from the site to Essington Road which is difficult at peak times
Consider traffic congestion and address any issues

Determining Issues

- Policy and principle
- Protected Bat Species

- Landscaping
- Coal Mining
- Design and Character
- Flood Risk
- Residential Amenity
- Highways
- Crime /Security
- Electric vehicle charging

Assessment of the Proposal

Policy and Principle

The Aldi store is located within a Local Centre and would replace an existing store which although currently closed can be brought back into use without any further planning permission being required, as such the principle of a retail store in this location has been established for some time.

The NPPF's emphasis on "presumption in favour of sustainable development" is relevant to the proposals. Chapter 9 paragraph 110 is addressed through the amendments made to the scheme in accordance with Highway Officer advice and further minor modifications would be sufficient for the development to accord with chapter 9 in the context of what is an existing retail site.

The scheme to replace the existing ALDI store will result in a net increase in floor area of just 188sqm. The existing shops would be retained and collectively the shops respond to a local need which saved UDP policy S6 encourages to continue.

The emerging Site Allocation Document (SAD) policies SLC1 and SLC2 are relevant and support the proposed development. The Site is allocated LC21 in the SAD.

Protected Bat Species

A small number of potential roost features were identified on the outside of the building during the survey including gaps under hip tiles, and potential access into boxed eaves. As some of these features were too high to be fully inspected, the potential presence of bats could not be discounted.

Internally, no access points to the loft voids were identified and the internal loft spaces appeared well sealed. No evidence of bats was recorded inside the building and it was considered unlikely that bats would be able to gain access to the internal areas.

The immediately surrounding landscape was of low suitability for bats as it was dominated by well-lit residential streets and only small gardens. There are better foraging habitats within the wider landscape but connectivity between the site and these areas is limited. Therefore, the main building on site is considered by the report to have low bat roost potential.

Due to the presence of a small number of low value potential roost features on the external areas of the building, the presence of bats could not be ruled out. Should they be present the proposed development would result in the loss of roosting habitat and there would be a risk of harm to individual animals during demolition. A recommendation for activity survey has been made to confirm whether or not bats are present.

In addition to the Roost Assessment a Bat Survey has been submitted which confirms that bats are using the mature hornbeam trees to the south of the site for foraging and commuting. The report requests that these 14 trees should be retained if possible or replacement tree planting included within the landscaping scheme, the application proposes the retention of just three of the trees, however the landscaping scheme does propose new tree planting elsewhere on the site of 21 trees and for a boundary hedge which is considered to accord with the recommendations of the report. Any lighting, either temporary or permanent, along the southern site boundary should be kept to a minimum and directed away from the boundary features to maintain a dark area and corridor.

Landscaping

The application site is not protected by a tree preservation order and no objections have been received from the Tree Officer. Although the scheme results in a net loss of trees the proposed planting scheme is considered acceptable and the re-use of the site would ensure the management and retention of the landscaping.

Coal Mining

The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed by a competent person to properly assess ground conditions and to establish the exact situation regarding coal mining legacy which could pose a risk to the proposed development. The applicant should ensure that the exact form of any intrusive site investigation is agreed with The Coal Authority's Permitting Team as part of their permit application.

The findings of the intrusive site investigations should be interpreted by a competent person and should be used to inform any mitigation measures, such as grouting stabilisation works, foundation solutions and gas protection measures, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development. The support of the Coal Mining

Risk Assessment by the Coal Authority ensures that Coal Mining risks can be appropriately mitigated for.

Design and Character

The proposed design of the new store will be modern to meet the applicant's current operational requirements. The new store will be positioned predominantly over the building footprint of the existing building with the Southern elevation enlarged closer to the site boundary. The design is lower than the previous building and the use of modern materials is considered acceptable to integrate with the modern neighbouring buildings.

The entrance will have a large glazed shopfront and canopy providing focus to the main elevation. The canopy would provide a covered area over the trolley which would provide facilities for the customer. It will give a contemporary appearance to the building allowing natural daylight into the retail space from a high level.

New tree planting is proposed throughout the car park and along the southern boundary and if necessary additional planting can be carried out along the boundary with no 18 Burns Road.

Flood Risk

There is no previous History of flooding at this site, the surface water map shows minor ponding which would be rationalised through development. On this basis the Flood Risk Officer has confirmed that the proposed development will be acceptable if the measure(s) as detailed in the Flood Risk Assessment/Drainage Strategy dated June 2018 and/or other planning documents submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Residential Amenity

The Southern boundary to houses along Cotswold Grove is currently defined by trees which are proposed to be removed, whilst it is accepted that trees cannot prevent noise, amendments have been received which have relocated the plant from this elevation to the side elevation.

Although the proposal as a result of the loss of the Southern boundary trees would be more visible to residents of Cotswold Grove, the new building would be significantly lower and the existing trees are not protected.

The proposed landscaping would minimise the presence of the new store and is considered to enhance the development.

Construction noise and disruption would be temporary and not a reason to refuse planning permission. Unacceptable noise impacts can be mitigation through separate noise legislation.

There are no policies which would require the reduction of plastics or use of paper bags instead of plastic bags or for the incorporation of solar panels.

In view of the above the proposed scale and design of the new store is considered acceptable.

Highways

Additional transport related information has submitted to clarify and address the Highway Authority's previous concerns regarding the parking area, potential congestion and any necessary mitigation required. The original traffic assessment was based upon a predicted percentage of vehicle trips to the store being associated linked trips to other nearby stores. The Highway Authority could not support this assumption on the basis that there are no nearby larger stores and so the predicted trip analysis has been revised to be based upon no linked trips.

A Picady assessment has been undertaken of the main site entrance on Coppice Farm Way and the Coppice Farm Way/Essington Road priority junction. The assessment shows that the junction operates within capacity to 2023+ development.

In addition the Highways Officer has requested minor amendments to the layout to improve pedestrian permeability prior to a decision being issued which the agent has indicated is acceptable.

Crime /Security

The applicant is already fully aware of the security benefits that can be achieved on this site through adopting the principles of Secure by Design. As such a safeguarding condition requiring Secure by Design measures to be implemented condition is considered to meet the 6 tests for imposing conditions.

The measures required will be secured by condition.

Electric Vehicle Charging

In accordance with the recently adopted air quality SPD electric vehicle charging points may be required to be provided within this development. Further guidance will be sought from Pollution Control Officers which may require the provision of electric charging points or infrastructure to be implemented prior to use.

Other Issues Raised Through Consultation

The following issues raised are not determining issues of this planning application

Demolition and rebuild will take longer

Concern about the Beer and Wine Store and Chip Shop whose customers drop litter and devalues the area

Support the opening of the store as soon as possible

Much needed

Council should support existing and proposed business

Welcome by large majority of residents

Aldi offers affordable prices for the community

Support Aldi products and prices

Welcome job opportunities for older people with life experiences

Query when the store will be completed

Query whether this is a complete demolition and rebuild or renovation and whether three existing shops will stay

Can the post box be put back?

Concern about the Beer and Wine Store and Chip Shop whose customers drop litter and devalues the area (relates to the existing buildings not subject to this application)

Conclusions and Reasons for Decision

The principle of a shop is already established, the site is within a local centre and the scheme is considered to accord with the NPPF, BCCS policy CEN6, the saved UDP policies S2 and S5 and in accordance with the emerging SAD policies SLC1 and SLC2.

The existing trees are not protected, taking account of the loss of trees further bat survey work can be undertaken and controlled through conditioned in accordance with the submitted bat survey report, also conditions can be attached to ensure lighting for the site does not impact on bat roosts in accordance with saved UDP policy ENV23 and ENV18.

The Coal Authority have recommended conditions to ensure the satisfactory mitigation for any unrecorded past Coal mining activities which can be attached to permission in accordance with saved UDP policy ENV14.

Taking into account the present store could come back into use as an Aldi with all associated traffic, it is considered the relatively modest increase in GFA will not have

a severe traffic impact and is acceptable in accordance with NPPF 2018 paragraph 109.

The recommendations of the Police Architectural Officer can be included as a condition to ensure secure by design is achieved in accordance with saved UDP policy ENV32

Taking into account the above factors it is considered that the application should be approved.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the transport assessment and location of plant equipment, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation Grant Permission Subject to Conditions

Conditions and Reasons

1: This development must be begun not later than 3 years after the date of this decision.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended.

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

Site Location Plan (D16A71-P001) received 04/04/18
Existing Site plan (D16A71-P002) received 04/04/18
Amended Proposed Site plan (D16A71-P003 revA) received 15/06/18
Proposed Drainage Plan (D16A71-P004) received 04/04/18
Proposed Landscaping Plan (D16A71-P005) received 04/04/18
Proposed Site Plan (D16A71-P006) (sections only – site plan superseded by D16A71-P003 revA) received 04/04/18
Amended Proposed Floor Plan received 15/06/18
Amended Proposed Elevations (D16A71-P201 RevA) received 15/06/18
Elevations Retail Units (D16A71-P202) received 04/04/18
Travel Plan Submitted 10/08/18
Transport Assessment submitted 05/04/18
Coal Mining Risk Assessment Report submitted 05/04/18
Geo-Environmental Assessment Report submitted 05/04/18
Nocturnal Emergence Bat Survey dated May 2018
Preliminary Bat Roost Assessment dated April 2018

Design and Access Statement submitted 04/04/18
Plant Noise Impact Assessment submitted 04/04/18

Planning Statement submitted 04/04/18
Preliminary Ecological Appraisal submitted 04/04/18

Statement of Community Involvement submitted 04/04/18
250 Coppice Farm Way, Willenhall, Walsall, Drainage Strategy dated June 2018
received 02/07/18

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

3a: Prior to the commencement of the development a scheme of intrusive site investigations shall be undertaken which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;

3b: The submission of a report of findings arising from the intrusive site investigations, the results of any gas monitoring and a scheme of proposed remedial works shall be submitted to and approved in writing by the Local Planning Authority

3c: The approved remedial works shall be fully implemented.

Reason: To safeguard the amenities of the area and to comply with UDP policy ENV14

4a: The development hereby granted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA)/Drainage Strategy dated June 2018 and the following mitigation measures detailed within the FRA:

4b: Surface water run-off generated by the site shall be limited so that it will not exceed 5l/s and not increase the risk of flooding off-site.

4c: The provision of an appropriate calculated volume of attenuation flood storage on the site to a 100year + climate change standard.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to comply with UDP policy ENV40.

5a: Prior to the commencement of the development, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

5b: 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 store first coming into use, the modified car park, pedestrian access ways, signing and lining together with the clear demarcation of all parking bays and vehicle circulation markings, shall be fully implemented and brought into use.

6b: 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.

7: Prior to the store first coming into use, the existing pedestrian dropped kerb crossing point across the main site entrance on Coppice Farm Way, shall be upgraded to include tactile paving, in accordance with Walsall Council Specification drawing SD11/11.

Reason: To improve accessibility to the site and the likely intensification of the access as a result of the development, in accordance with UDP Policy GP2, T5, DfT Inclusive Mobility guidance and the NPPF 2018.

8: Upon first occupation of the development, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained with the Connect Consultants Travel Plan dated August 2018 shall be fully developed and implemented, monitored and reviewed for the lifetime of the development, in accordance with the approved Plan.

Reason: To encourage sustainable travel modes, in accordance with BCCS policy TRAN2 and UDP Policy T10 and the NPPF 2018.

9: External lighting along the Southern boundary shall be kept to a minimum directed away from the boundary features using directional lighting and deflectors where necessary in order to direct the light into the site and away from the remaining trees, and maintain dark corridors for bats and other nocturnal / crepuscular wildlife,

Reason: In the interests of protected species and to comply with UDP policy ENV23.

10a: Prior to the new store first being opened to the public the following Secure by Design measures shall have been fully installed:

- Glass frontage to protected with PAS 68/69 bollards to prevent accidental/hostile vehicle penetration.
- cash handling - minimum in each till

- staff only areas fitted with an access control system
- CCTV shall not be obscured by signage or planting
- CCTV shall be a separate CCTV viewing/recording room and a facility to store data off site
- CCTV: cameras will cover entrances/exits, and till areas
- Installation of covert CCTV camera linked to the main recording system at the entrance door as offenders
- Cameras shall alert backroom staff
- Recording equipment shall be stored away in a locked cabinet
- Panic alarms shall be placed at till counters
- spyhole viewers shall be included in service doors
- Park Mark accreditation of the car park shall be attained.
- service yard shall benefit from vehicle mitigation measures supplemented by CCTV
- Fire exits shall be linked to CCTV and alarm system
- Fit PAS 24:2012 doors on the entrance doors. Where euro profile cylinder locks are proposed in doors, shutters etc. they shall achieve a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification shall be used. Where thumb turn locks are to be installed they shall not be 'by passed' (such as the ASB Thumb turn 3 star cylinders or the Ultion Locks).

10b: The measures shall thereafter be retained and maintained.

Reason: To ensure the safety of future occupants.

11a. Prior to the development first coming into use, full details of the proposed covered and illuminated cycle shelters near to the new entrance, shall be submitted to and approved in writing by the Local Planning Authority and the facilities shall be fully implemented in accordance with the approved details.

11b. The agreed cycle shelter facilities shall thereafter be retained and used for no other purpose.

Reason: To encourage sustainable modes of travel and in accordance with UDP policy T13 and Black Country Core Strategy TRAN4.

Notes for 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 obtain the necessary Road Opening Permit from the Highway Authority for the upgrading of the existing pedestrian dropped crossing within the public highway. For further advice please contact Highway Development Control Team on 01922 655927.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Sep-2018

Plans List Item Number: 3.

Reason for bringing to committee: Major Application

Location: LAND NORTH OF, NEWFIELD CLOSE, WALSALL

Proposal: DISTRIBUTION WAREHOUSE (B8) WITH ASSOCIATED ACCESS, SERVICING, LANDSCAPING AND ASSOCIATED WORKS

Application Number: 17/1489

Applicant: Lidl UK GmbH

Agent:

Application Type: Full Application: Major Use Class B8 (Storage or Distribution)

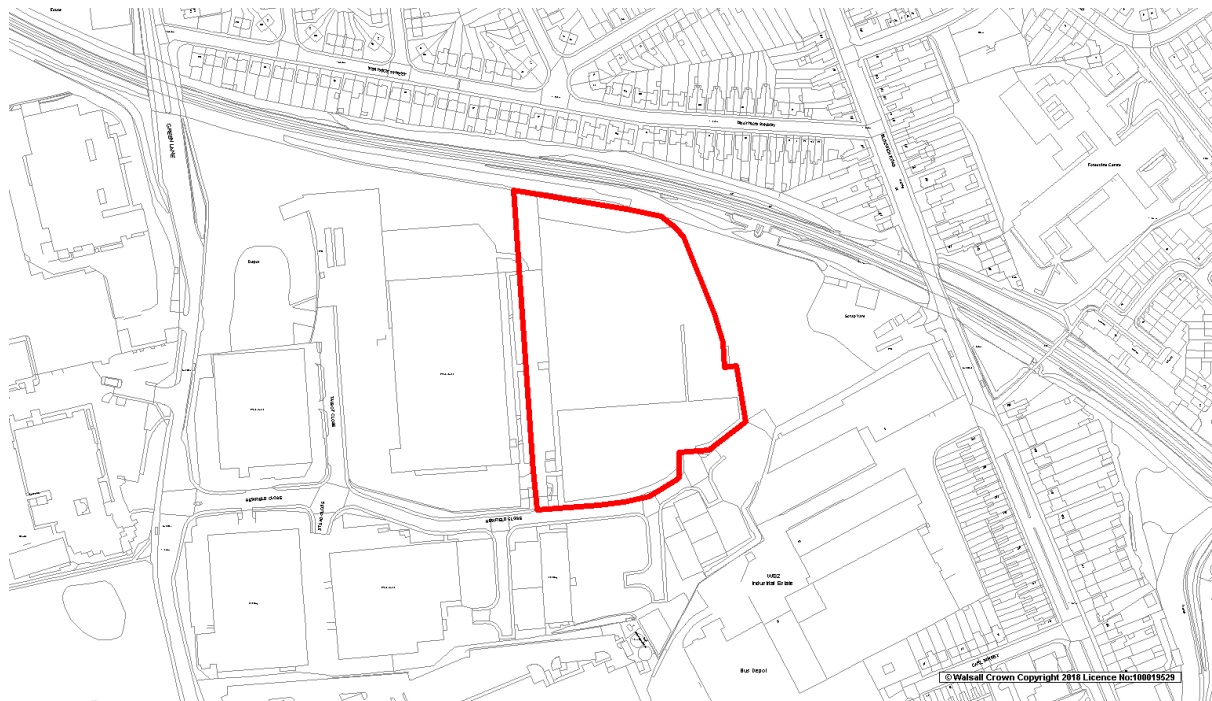
Case Officer: Mike Brereton

Ward: Birchills Leamore

Expired Date: 06-Feb-2018

Time Extension Expiry: 31-Oct-2018

Recommendation Summary: Grant Permission Subject to Conditions



Proposal

This application proposes a storage and distribution warehouse (B8 use) with associated access, servicing, landscaping and other works.

The warehouse would measure 92m wide, 109m deep and 11m high with three pitched roof sections (5.9m to eaves) with a gross external area of 10,291m². The external materials would include:

- Roof - Corrugated sheet steel cladding colour RAL: 9002 Grey White.
- Walls - Corrugated sheet steel cladding colour RAL: 9002 Grey White.
- Roller Shutters and Doors – colour RAL: 7016 Anthracite.

The applicant, Lidl, explains the proposed warehouse will be used in conjunction with an existing adjoining warehouse at Newfield Close for the storage of non-perishable goods to serve a short-term business requirement for up to 6 years.

Supporting documents:

- **Reptile Survey** – concludes no reptiles were identified on-site and recommends caution during works.
- **Ground Conditions Assessment Report** – provides a detailed assessment of ground conditions.
- **Design and Access Statement** – sets out the proposal and its context.
- **Planning Statement** – sets out the policy considerations.
- **Preliminary Ecological Appraisal** – Sets out a number of recommendations for additional survey work, mitigation and enhancement measures.
- **Coal Mining Risk Assessment** – Sets out initial ground test results.
- **Flood Risk Assessment and Drainage Strategy** – concludes the development is suitable within Flood Zone 1 and proposes drainage to existing network along with flow control device and under-ground tanks to accommodate a 1:100 year flood event plus climate change.
- **Transport Statement** – concludes the proposal would not result in severe transport impacts.
- **Interim Travel Plan** – sets out sustainable staff travel options.
- **Arboricultural Survey** – recommends protection of protected group of trees to the north during works.

This proposal has been screened under the Environmental Impact Assessment Regulations (2017) and found not to require an Environmental Statement as part of this planning application.

Site and Surroundings

The application site is an area of vacant land (2.4ha) to the north of Newfield Close and south of the railway line and falls within a Core Employment Area. The application site is surrounded predominantly by industrial uses along with a scrap yard to east. Nearest residential properties to the north (Beatrice Street) are 37m away across the railway line to north and 150m to the south-east (Bloxwich Road).

Relevant Planning History

17/1265 - Screening Opinion as to whether an environmental statement is required for redevelopment of the site for a 10,291 sq.m B8 distribution warehouse. EIA Not Required 11/10/2017.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

NPPF 2 – Achieving sustainable development

- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF 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.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

CSP1: The Growth Network

- CSP3: Environmental Infrastructure
- CSP4: Place Making
- EMP1: Providing for Economic Growth
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality

Saved Unitary Development Plan

GP2: Environmental Protection

- ENV10: Pollution
- ENV11: Light Pollution
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- JP5: Core Employment Areas
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Emerging Site Allocation Document

Policy IND2 (Potential High Quality Industry) - allocates and safeguards the site as part of vacant potential high quality site reference IN27.2 (North of Newfield Close). The policy states that the provisions of BCCS Policy EMP2 will apply. Non high quality industrial uses will be discouraged except where they can be shown not to impinge adversely on the overall quality of the area.

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 Walsal

DW1 Sustainability

- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points

Consultation Replies (*Officer Comments in Italics*)

Ecology Consultant – No objection subject to conditions regarding a Construction Ecological Management Plan and additional compensation details for loss of an area of Open Mosaic Habitats of Previously Developed Land.

Coal Authority – No objection subject to condition to require remedial works, gas protection and foundation details.

Wildlife Trust – No objection and recommends limited lighting to wildlife corridor to north and additional planting for habitat enhancement.

Pollution Control – No objection subject to conditions regarding electric vehicle charging points and ground contamination.

Network Rail – No objection subject to piling details, secure boundary fence along the railway, surface water directed away from railway and Asset Protection Agreement (*these matters would be added as conditions / notes to applicant*).

Fire Authority – Recommends sufficient access and water supplies for firefighting (*these matters can be dealt with by condition and notes to applicant*).

Severn Trent Water – No objection subject to drainage condition.

Local Highway Authority – No objection subject to conditions regarding laying out of parking and manoeuvring areas, Construction Methodology Statement and Travel Plan.

Lead Local Flood Authority – No objection subject to condition regarding flood mitigation measures.

Community Protection – Recommends PIR lighting, CCTV, improved boundary security (*these matters can be dealt with by condition*).

Natural England – No comments to make.

Police – Recommends intruder alarm, secure by design and park mark measures.

Friends of the Earth – No comments received.

Regeneration & Development - No comments received.

Tree Officer – No comments received.

Public Lighting – No comments received.

Economic Regeneration – No comments received.

Environmental Health - No comments received.

Planning Policy – No objection.

Representations (*Officer Comments in Italics*)

3 x objections received from neighbours’:

- Noise during night time;
- Loss of outlook;
- Loss of house value (*this is not a material planning consideration*);
- Unclear of proposed height (*submitted plans are to scale and can be measured from*);
- Light spillage;
- Impacts on local wildlife;
- Increased vehicle trips; and
- Increased pollution.

Determining Issues

- Principle of Development
- Design and Appearance
- Amenity
- Natural Environment
 - *Ecology*
 - *Trees*
 - *Flooding*
 - *Ground Contamination*
- Highways

Assessment of the Proposal

Principle of Development

The proposed B8 warehouse is consistent with employment uses in the vicinity and within the Core Employment Area.

The site, and wider area is also allocated as a potential high quality employment area in the emerging Site Allocation Document. This carries substantive weight in the decision making process.

The submitted documents explain that this development is to serve a short-term storage purpose, and that the applicant may remove the proposed warehouse building from site after 6 years. The principle of a large B8 storage warehouse in this location is considered acceptable and would not prejudice the emerging allocation.

As such, it is considered unnecessary to issue a temporary approval. Removal of the building at a later date would be at the applicant’s discretion and would require an application for prior approval for demolition of the building, although it is considered the scale and format of the proposed warehouse may be suitable for other industrial

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related operators in future. Clearly, this will be a matter for the applicant to consider at that time and is not a material planning consideration.

Overall, the principle of development is considered acceptable subject to the conditions set out above and all other matters set out in this report.

Design and Appearance

The overall scale, mass, height and design is considered reflects the surrounding industrial area and is acceptable subject to a condition to require use of the proposed exterior materials to ensure the satisfactory appearance of development.

The overall layout is considered acceptable, and retains large areas of landscaping and trees to the north and east boundaries which helps to soften the appearance of the large warehouse building and helps integrate the building into its surroundings.

The submitted landscape plan explains that the existing 2.4m high palisade boundary fence is to be retained. Whilst welded mesh fencing is considered to offer improved security, associated ground works to replace fencing in close proximity to trees along the north and east boundaries has the potential to result in harm to existing habitats and protected trees.

On balance the existing 2.4m high fence is considered sufficient to secure the site, and to prevent trespass onto the railway. Conditions would be included on any permission to secure the use of lighting, CCTV, and on-going maintenance of the existing boundary fence in line with the recommendations of the Community Protection Team.

There are no material planning grounds to refuse this application in terms of design and appearance.

Amenity

The applicant's explain that the proposed warehouse would operate 24 hours a day in connection with their existing on-site 24 hour operations and would not result in significant additional vehicle trips as the proposal is to provide improved efficiencies for storage of goods within the existing wider site.

The proposed layout would position the loading bay and yard area to the south of the application site which is considered would direct any potential additional noise, pollution and disturbance away from nearest residential properties to the north.

Furthermore, the combination of a group of existing mature protected trees and the separation between the site and residential properties across the railway to the north, and segregation of the site and residential properties to the east by existing

industrial units, is considered further helps to minimise any potential additional impacts on neighbours' amenity regarding outlook, light spillage and pollution.

On balance, it is considered this proposal would not result in any significant additional impacts on neighbours' amenity over and above any already arising from operators in this core employment area.

Neighbours' objected on the grounds this proposal would result in additional noise, loss of outlook, light spillage from vehicles and pollution. These matters have been assessed above and found to be acceptable.

There are no material planning grounds to refuse this application in terms of the impact on amenity.

Natural Environment

Ecology

The submitted ecological surveys conclude the proposal is acceptable subject to caution during works along with mitigation and enhancement measures for local wildlife. This would be secured by condition.

An external lighting plan has been submitted which demonstrates that illumination of the north and east elevations would be limited through use of low-level wall mounted directional LED lighting. This is considered helps to maintain dark wildlife corridors, particularly important for foraging or roosting bats, and is acceptable subject to condition to ensure lighting is installed and maintained in accordance with the submitted details.

Compensation for the loss of an existing area of Open Mosaic Habitats of Previously Developed Land can be accommodated within the areas of landscaping to north and east of the proposed warehouse, including additional habitat planting. This would be secured by condition in line with the recommendations of the Ecology consultant and Wildlife Trust.

Neighbours' objected on the grounds this proposal would result in impacts on local wildlife. These matters have been assessed above and found to be acceptable.

Trees

The proposed warehouse is located 38m away from protected trees to the north and the submitted Arboricultural report recommends protection measures to these trees during works. This is considered acceptable to safeguard these trees and would be secured by condition.

Flooding

The submitted Flood Risk Assessment (FRA) sets out a number of recommended measures to control the discharge of surface water within the application site. However, Severn Trent Water (STW) explain that as further soakaway testing is required as set out in the submitted FRA, they cannot consider a drainage scheme for the site at this stage. A condition would be included to require submission of soakaway test results and drainage details prior to commencement in line with the STW recommendations.

The submitted drainage strategy explains that no welfare facilities are proposed within the warehouse, as existing welfare facilities within the wider site would be used by employees, and that a foul water connection is not required. The drainage condition would not require foul water details on this basis.

Conditions would be attached to ensure the suggested flood mitigation measures are carried out in line with the recommendations of the Lead Local Flood Risk Team.

Ground Contamination

According to Council records, the application site formed part of a former heavy product manufacture (rolling and drawing of iron, steel and ferroalloys). Such activities are likely to have resulted in localised ground contamination and conditions would be included to require the undertaking of appropriate investigation to assess the extent of ground contamination and inform any necessary remedial measures. This is in line with the recommendations of Pollution Control.

Overall, this application is considered would not result in any significant adverse impacts on the natural environment and is acceptable subject to the conditions set out above. There are no material planning grounds to refuse this application in terms of the impact on the natural environment.

Highways

As a stand alone building the warehouse would be predicted to generate 15 vehicle trips in the am peak period and 11 trips in the pm peak period, which is not considered significant in highway capacity terms. However as the building is to be used to store existing stock within the wider site, it is not anticipated to generate any additional vehicle trips over and above those relating to the existing operations.

80 x staff are employed at the site and a Travel Plan is to be developed and implemented to encourage sustainable modes of travel. This would be secured by condition.

50 x parking spaces are available within the red line boundary together with motorcycle and cycle facilities and a similar number of parking spaces are available within the wider site, falling within the applicant's ownership.

This proposal does not seek to create any new parking areas, and does not anticipate an increase in vehicle trips. Therefore, it is considered unnecessary or reasonable in this instance to require the installation of electric vehicle charging points, or to require demarcation of parking spaces as requested by the Local Highway Authority and Pollution Control. This would not meet the government's tests and guidance on planning conditions.

Overall, the proposal is considered would not result in severe transportation impacts and is acceptable subject to the conditions set out above.

Neighbours' objected on the grounds of increased vehicle trips. These matters have been assessed above and found to be acceptable.

There are no material planning grounds to refuse this application on highway grounds.

Conclusions and Reasons for Decision

In taking into account neighbour and consultee comments and local and national planning policy and guidance, this application is considered would not result in any significant additional harm to the character or appearance of the area, to neighbours amenity, to the natural environment or result in severe transport impacts.

Whilst the applicant explains this development is to serve a short-term storage purpose, the principle of a large B8 storage warehouse in this location is considered acceptable and it is not considered necessary to issue a temporary approval in this instance.

Neighbour objections around impacts on amenity have been considered as set out in the report. The proposed layout would direct most of the associated noise and disturbance away from nearest residential properties and provides sufficient separation between the application unit and nearby residential properties. On balance, the proposal is considered would not result in significant additional amenity impacts.

Notwithstanding the submitted drainage details, further soakaway testing is required prior to considering a drainage scheme and this would be secured by condition. As no welfare facilities are proposed within the warehouse the drainage condition will not require foul water connection details despite being requested by STW.

The installation of electric vehicle charging points and demarcation of parking spaces as requested by the Local Highway Authority and Pollution Control are not considered necessary as this proposal does not seek to create any new parking areas, and does not anticipate an increase in vehicle trips. This would not meet the government's tests and guidance on planning conditions.

This application is considered represents sustainable development in an appropriate core employment area, accords with the policies set out in this report and is acceptable subject to the conditions as set out in this report. The recommended conditions are considered to meet the government's 6 tests and guidance on planning conditions.

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

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding ecology and land stability, additional supporting information has been submitted which enables full support to be given to the scheme.

Grant Permission Subject to Conditions

Conditions and Reasons

1. This development must be begun not later than 3 years after the date of this decision.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended.

2. This development shall not be carried out other than in conformity with the following approved documents and plans: -

- Application Form. Deposited 07/11/2017
- Design and Access Statement. Deposited 07/11/2017
- Interim Travel Plan. Deposited 07/11/2017
- Arboricultural Survey & Protection Plan. Deposited 07/11/2017
- Coal Mining Risk Assessment (October 2017). Deposited 07/11/2017
- Planning Statement. Deposited 07/11/2017
- Preliminary Ecological Survey (November 2017). Deposited 07/11/2017

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- Ground Conditions Assessment Report (April 2018). Deposited 02/07/2018
- Reptile Survey (May 2018). Deposited 13/06/2018
- Transport Statement (November 2017). Deposited 07/11/2017
- Flood Risk Assessment and Drainage Strategy (October 2017). Deposited 07/11/2017
- Lighting Plan (D31143/PY/A). Deposited 13/06/2018
- Proposed Site Plan (2463-PL203 Rev C). Deposited 07/11/2017
- Proposed Roof Plan (2463-PL205 Rev B). Deposited 07/11/2017
- Proposed Elevations (2463-PL206 Rev A). Deposited 07/11/2017
- Proposed Sections (2463-PL207 Rev A). Deposited 07/11/2017
- Site Location Plan (2463-PL200 Rev A). Deposited 07/11/2017
- Planning Boundary (2463-PL201 Rev A). Deposited 07/11/2017
- Landscape Details (R/2029/1A). Deposited 07/11/2017
- Proposed Floor Plan (2463-PL204 Rev C). Amended, deposited 30/11/2017

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

3a. Prior to commencement of the hereby approved development, a Construction Methodology Statement shall be submitted to and approved in writing by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

3b. The development shall not be carried out, other than in accordance with the approved details and retained during construction.

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.

4a. Prior to commencement of the hereby approved development, results of on-site soakaway testing shall be submitted to and approved in writing by the Local Planning Authority along with a detailed drainage strategy to deal with the disposal of surface water flows.

4b. The scheme shall not be implemented, other than in accordance with the approved details prior to the development first coming into use and retained for the life 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.

5a. Prior to commencement of the hereby approved development, a scheme of remedial works to include a remediation strategy for mine entry 400300-043, including any necessary gas protection measures and foundation designs shall be submitted to and approved in writing by the Local Planning Authority.

5b. The development shall not be carried out, other than in accordance with the approved details.

Reason: To safeguard the structural integrity of the new building and to accord with NPPF15.

6a. Prior to commencement of the hereby approved development, a ground contamination survey having regard to current best practice shall be undertaken. (see Note for Applicant CL1).

6b. Prior to commencement of the hereby approved development, a copy of the findings of the ground contamination survey, together with an assessment of identified and/or potential hazards arising from any land contamination shall be submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL2).

6c. Prior to commencement of the hereby approved development, a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination on the site and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. (see Note for Applicant CL2).

6d. The development shall not be carried out, other than in accordance with the agreed remedial measures as set out in the 'Remediation Statement'.

6e. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation is encountered, development shall immediately cease until the

'Remediation Statement' has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

6f. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and agreed in writing by the Local Planning Authority prior to the development first being brought into use. (see Note for Applicant CL3).

Reason: To ensure safe development of the site and to protect human health and the environment and to accord with NPPF8 and saved UDP Policy ENV10.

7a. Prior to commencement of the hereby approved development, a Construction Ecological Management Plan shall be submitted to and approved in writing by the Local Planning Authority detailing:

- i. How impacts upon the Chase Line Railway PSI and the priority habitat Lowland Mixed Deciduous Woodland it contains, and other trees, will be avoided during construction;
- ii. Measures to avoid negative impacts upon nesting birds, reptiles, and terrestrial mammals during construction; and
- iii. Measures to prevent the spread of cotoneaster during construction.

7b. The development shall not be carried out, other than in accordance with the approved details and retained during construction.

7c. Prior to commencement of the hereby approved development, details shall be submitted to and approved in writing by the Local Planning Authority of compensatory planting and habitat features within the landscaped areas to north and east of the proposed warehouse as shown on 'Landscape Details (R/2029/1A)' plan deposited 07/11/2017.

7d. The approved details shall be carried out prior to the development first being brought into use and thereafter retained for the life of the development.

Reason: To safeguard ecological assets and important / protected species, to provide compensatory measures to offset the loss of Open Mosaic Habitats of Previously Developed Land and to accord with NPPF2, NPPF15, BCCS Policy ENV1, Saved UDP Policy ENV23 and NE2 to NE6 of the Natural Environment SPD.

8. Prior to commencement of the hereby approved development, the tree protection details as set out in the submitted 'Arboricultural Survey & Protection Plan' deposited 07/11/2017, and as shown on the Tree Protection Plan contained within it, shall be carried out and retained during construction works.

Reason: To safeguard protected trees and to accord with NPPF15, BCCS Policy ENV1, Saved UDP Policy ENV23 and NE2 to NE6 of the Natural Environment SPD.

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9a. Prior to the hereby approved warehouse first coming into use, all vehicle manoeuvring areas shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain.

9b. These areas shall thereafter be retained for the life of the development and used for no other purpose.

Reason: To ensure the safe and satisfactory operation of the development and in accordance with NPPF9 and saved UDP Policies GP2, T7 and T13.

10. Prior to the hereby approved warehouse first coming into use, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained within the hereby approved 'Interim Travel Plan' deposited 07/11/2017 shall be fully developed into a full Travel Plan and implemented, monitored and reviewed for the lifetime of the development, in accordance with the approved plan.

Reason: To encourage sustainable travel modes, in accordance with NPPF9, BCCS policy TRAN2 and saved UDP Policy T10.

11. The hereby approved development shall not be carried out, other than in accordance with the submitted 'Flood Risk Assessment and Drainage Strategy' deposited 07/11/2017 and the following mitigation measures detailed within the FRA:

- i. Limiting the surface water run-off generated by the building to greenfield rates and giving a 40% reduction in run off rates from the proposed hardstanding areas and shall not increase the risk of flooding off-site.
- ii. Provision of an appropriate calculated volume of attenuation flood storage on the site to a 100yr + CC standard.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to accord with NPPF14 and BCCS Policy ENV5.

12a. The hereby approved development shall not be carried out, other than in accordance with the following external materials:

- i. Elevations - Corrugated Sheet Steel Cladding RAL 9002 Grey White
- ii. Fire Doors – RAL 7016 Anthracite
- iii. Roof - Corrugated Sheet Steel Roofing RAL 9002 Grey White
- iv. Roller Shutters – RAL 7016 Anthracite
- v. Loading Bay Surrounds – RAL 7000 Alaska Grey

12b. The development shall be retained as such for the life of the development.

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Reason: To ensure satisfactory appearance of the development and to accord with NPPF12, BCCS Policies ENV2 & ENV3, saved UDP Policies ENV32

13. At no time shall any external lighting be installed within the application site, other than those shown on the hereby approved 'Lighting Plan (D31143/PY/A)' deposited 13/06/2018. The approved external lighting shall be maintained in accordance with the manufacturers recommendations for the life of the development.

Reason: To safeguard ecological assets and important / protected species, to safeguard neighbours' amenity to accord with NPPF2, NPPF12, NPPF15, BCCS Policy ENV1, Saved UDP Policies ENV23 & GP2 and NE2 to NE6 of the Natural Environment SPD.

14. At no time shall surface water be directed to the railway. Soakaways shall not be constructed within 20 metres of the railway boundary.

Reason: To safeguard the continued operation of the railway and to ensure appropriate surface water drainage, to accord with NPPF14 and BCCS Policy ENV5.

15. The development shall not be constructed, otherwise than in accordance with the following minimum security measures and thereafter retained as such for the life of the development;

- i. CCTV and lighting scheme covering all entrances to the site. Cameras to be situated to cover the exteriors and interiors of all the entrances to allow for identification of any offenders entering the buildings to provide images of evidential quality. All images should be recorded onto a secured hard drive.
- ii. The boundary fence shall be maintained at all times to ensure no means of access is possible through it.

Reason: To ensure the safety and security of the development and its occupiers and to accord with NPPF2.

Notes for Applicant

Pollution Control

CL1

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 +A1:2013 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential

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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.

Highways

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.

Fire Authority

Access to 50% of the warehouse perimeter should be provided allowing access for a pump appliance, with the hard standing capable of supporting 15 tonnes.

Any dead end greater than 20 m in length should have an appropriate turning facility for a pump appliance

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

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

Network Rail

If the developer is proposing to undertake piling works on site or any excavation / earthworks within 10m of the railway boundary then they will need to submit details directly to Network Rail for review and agreement (as this is based not just on distance but on the type of soil in the area).

Email: AssetProtectionLNWSouth@networkrail.co.uk

In view of the nature of the development, i.e. industrial/commercial, the developer should provide (at their own expense) and thereafter maintain a substantial, trespass proof steel palisade fence along the railway boundary to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land or air-space. The fencing and all foundations must be constructed wholly within the applicant's land ownership footprint without over-sailing or encroaching onto the railway boundary.

Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

As the proposal includes works which may impact the existing operational railway and in order to facilitate the above, a **BAPA** (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail. The developer will be liable for all costs incurred by Network Rail in facilitating this proposal, including any railway site safety costs, possession costs, asset protection costs / presence, site visits, review and agreement of proposal documents and any buried services searches. The BAPA will be in addition to any planning consent.

The applicant / developer should liaise directly with Asset Protection to set up the BAPA.

AssetProtectionLNWSouth@networkrail.co.uk



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Sep-2018

Plans List Item Number: 4.

Reason for bringing to committee: Major Application

Location: LAND SOUTH EAST OF BIRCH LANE, ALDRIDGE

Proposal: CHANGE OF USE OF LAND FROM AGRICULTURAL TO EQUESTRIAN USE, CHANGE OF USE OF AGRICULTURAL GENERAL PURPOSE BUILDING TO 9 STABLES AND THE FORMATION OF A 20 X 60M MENAGE WITH FENCED ENCLOSURE.

Application Number: 18/0707

Applicant: A Saunders

Agent: ADC Ltd

Application Type: Full Application: Major
Use Class Sui Generis

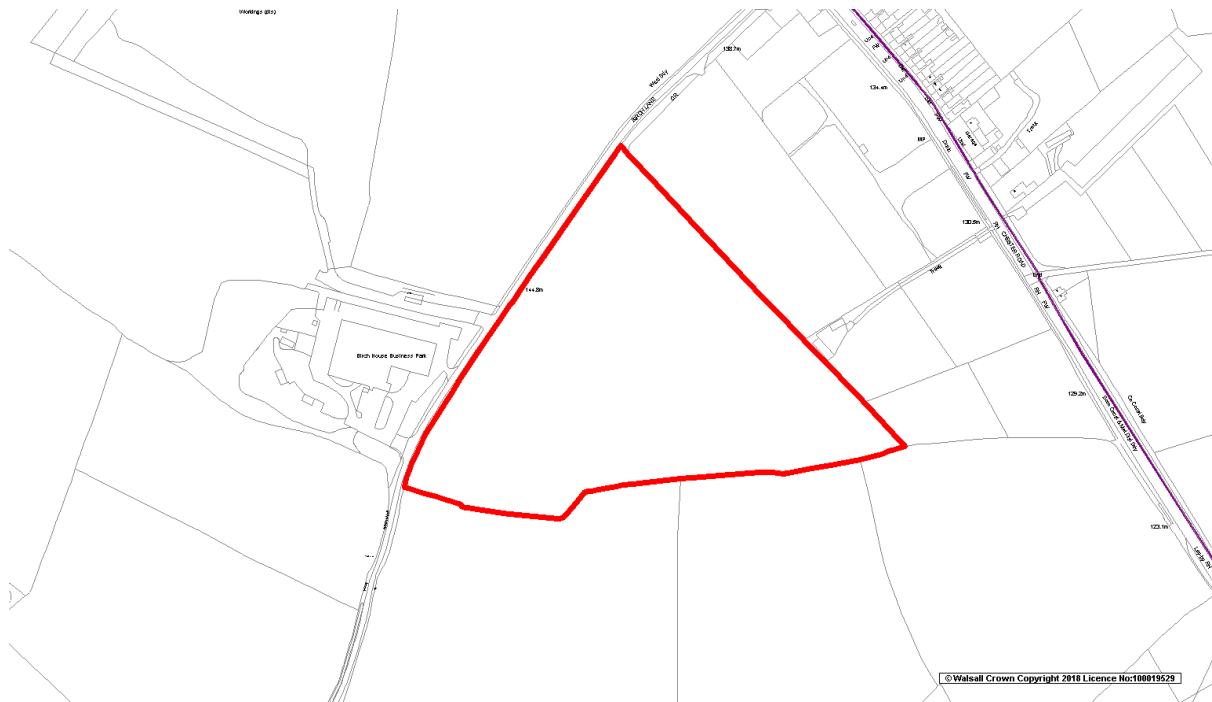
Case Officer: Stuart Crossen

Ward: Aldridge Central And South

Expired Date: 13-Sep-2018

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Proposal

The application proposes to change the use of a parcel of agricultural land and the recently erected building within it to Equestrian use.

The building would be converted into 9 stables and there would be a 20 x 60m ménage which would be levelled. Where the ménage would be the ground level drops up to 1 metre. The ménage would be enclosed with a 1.25m high fence.

The previous permission approved the erection of a general purpose agricultural building in the north eastern corner of the field adjacent to the eastern boundary of the field, approximately 80m from a new access was approved by a previous planning permission. The site is 6.6 hectares.

The stables measure 25m x 12.5m, with 4m eaves height and pitched roof maximum height 5.6m, with large entrance on each gable end. The building is a portal frame construction of profile metal sheeting above a 1m high concrete panel with the profile sheeting coloured dark green. The pitched roof is corrugated fibre cement with translucent sheets to act as roof lights. No external changes are proposed.

The building was approved for the storage of equipment and machinery, seeds, fertilizer etc in association with the current lawful agricultural use of the land.

The previous permission included a stone access track from the new access and details of the layout of the new access, including a new access gate and fencing 2m in height. No changes are proposed in this respect.

Site and Surroundings

The site is on the eastern side of Birch Lane and comprises a 6.6 hectare agricultural field with a frontage to Birch Lane of approx 350m in length. Birch Lane has no footpaths, but has verges down each side of the road with hedging forming the boundary to the fields. The site sits within the Green Belt, with open fields surrounding with industrial premises and a former quarry to the west on the opposite side of Birch Lane. Residential properties are situated to the east (two fields away) on the opposite side of Chester Road (approx. 230m away).

A new vehicle access to the field was granted consent in April 2017

Relevant Planning History

17/0995 - Land south east of Birch Lane- Erection of general purpose agricultural building, access track and associated works – GSC 16/10/17

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 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF says:

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection

- ENV2: Control of Development in the Green Belt
- ENV3: Detailed Evaluation of Proposals within the Green Belt
- ENV5: Stabling and Riding of Horses and Ponies
- ENV6: Protection and Encouragement of Agriculture
- ENV7: Countryside Character
- ENV18: Existing Woodland, trees and hedgerows
- ENV32: Design and Development Proposals.
- ENV33: Landscape Design

Supplementary Planning Document

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

Consultation Replies

Environment Agency – No objections

Pollution Control – No objections

Natural England – No objections

Transportation – No objections subject to conditions to ensure satisfactory visibility and consolidated surface.

Representations

1 objection received on the following grounds.

On the basis what has been built has never been used, the validity of the original application is called into question.

The building is too large.

The entrance is not adequate for traffic generated by the proposed riding stables.

Determining Issues

- **Principle of Development and Impact on the Green Belt**
- **Design and Character of the Area**
- **Access and Parking**

Assessment of the Proposal

Principle of Development and Impact on the Green Belt

The site is situated within the Green Belt and the proposal is for a material change of use of land for outdoor recreation. The NPPF (para 146) indicates that the proposed use is not inappropriate development within the Green Belt.

The application proposes 9 stables, policy ENV5 requires a grazing area of 0.6 hectares per horse and the proposed site is sufficient in size to accommodate up to 10 horses.

The original application was assessed on its own merits and the owner's intentions for the building are not a material consideration of a planning application.

Design and Character of the Area

The proposed ménage fence would be small in scale and similar to other boundary treatment which could be expected in a rural setting. It is recognised that the use will likely result in more trips than the previous agricultural use, the comings and goings and presence of vehicles would have some impact on the character of the area, however this is not considered sufficient to warrant refusal on these grounds.

The size of the building (312.5sqm) fell below the threshold of 465sqm for buildings that could be constructed under Part 6, Schedule 2 of the Town & Country Planning (GPD) Order 2015. Planning permission was only previously required for the access track which formed part of the development.

Impact on Surrounding Occupiers

Given the degree of separation between the proposed building and the closest residential properties on Chester Road it is considered that the development would not cause unacceptable harm to the amenities of the surrounding occupiers.

Access and Parking

The access was approved under 16/1846 and has been installed. The access can provide visibility in both directions being 2.4m x 124m in a northerly direction and 2.4m x 131m in a southerly direction.

There are no specific parking standards in the UDP for this type of use, however the main building is set some way back from the highway and there is sufficient hard standing to accommodate multiple parked vehicles.

Conclusions and Reasons for Decision

The proposed use is acceptable in the green belt as indicated in paragraph 146 of the NPPF and the site area is sufficient to accommodate 9 stabled horses which can be conditioned in accordance with UDP policy ENV5.

The change of use would not have a significant impact on the character of the area and is acceptable to accord with UDP policy ENV32.

The location is considered acceptable in relation to the nearest houses along Chester Road and should not result in any significant impact on amenity in accordance with UDP policy GP2.

The Highway Authority considers the development will not have severe transportation implications, conditions to ensure the visibility and the compacted surface is retained are acceptable in accordance with NPPF para 109.

Taking into account the above factors it is considered that the application should be approved.

Positive and Proactive Working with the Applicant

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

Recommendation Grant Permission Subject to Conditions

Conditions and Reasons

1. The development must be begun not later than 3 years after the date of this decision.

Reason; Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.

2. This development shall not be carried out other than in conformity with the following plans and documents: -

Location Plan (1096/06) received 30/05/18

Block Plan (1096/01) received 30/05/18

Existing Floor Plans and Elevation (1096/02) received 30/05/18

Proposed Site Plan (1096/03) received 30/05/18

Proposed Floor Plans and Elevations (1096/04) received 30/05/18
Menage enclosure detail (1096/05) received 30/05/18

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

3. Notwithstanding the submitted details there shall be no more than 9 horses stabled and grazing at the site at any time.

Reason: To ensure satisfactory grazing land in accordance with saved UDP policy ENV5 and to define the permission.

4. Notwithstanding the submitted details the ménage hereby approved shall only be used for horses stabled or grazing at the site.

Reason: To ensure the maintenance of the openness of the Green Belt and in the interests of highway safety.

5. Visibility splays at the new access point, measuring 2.4m x 124m in a northerly direction and 2.4m x 131m in a southerly direction, shall be provided at all times being kept free of structures and vegetation within an envelope of between 600mm and 2000mm above carriageway level.

Reason: In the interests of highway safety.

6. The surface material on the hard standing area between the proposed gates and the public highway shall at all times be kept fully compacted condition.

Reason: To ensure loose bound surface material is not dragged onto the public highway by accessing /egressing vehicles, in the interests of highway safety.

Notes for 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.

Economy and Environment, Development Management**Planning Committee**

Report of Head of Planning, Engineering and Transportation on 06-Sep-2018

Plans List Item Number: 5.

Reason for bringing to committee: Significant Community Interest

Location: LEIGHSWOOD INFANT SCHOOL, BROAD MEADOW, ALDRIDGE, WALSALL, WS9 8HZ

Proposal: PROVISION OF TEMPORARY CLASSROOM ACCOMMODATION

Application Number: 18/0810

Applicant: Walsall MBC

Agent: Mr Jaspal Mond

Application Type: Regulation 3: Minor Application (SI 1992/1492)

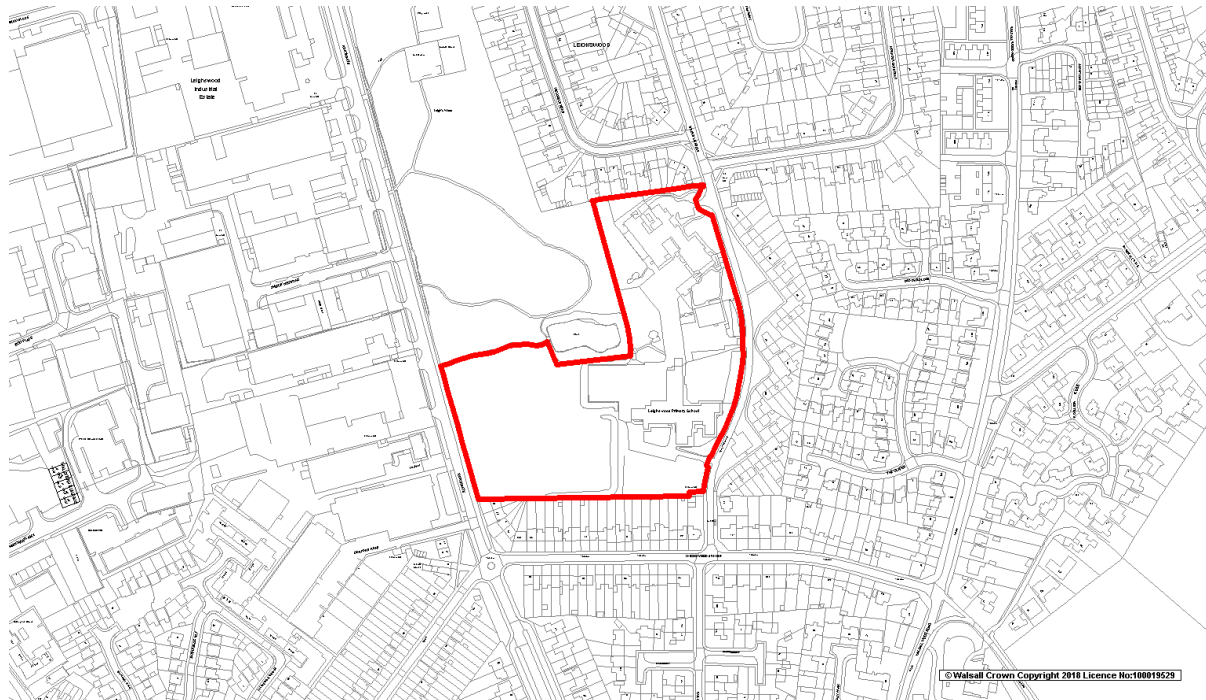
Case Officer: Stuart Crossen

Ward: Aldridge Central And South

Expired Date: 26-Aug-2018

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Proposal

The application proposes a temporary building to provide additional teaching space a store room, toilets and a lobby.

The temporary accommodation would be delivered and assembled on site and is pre-finished, panelised external cladding. Windows would be PVC-U. Roof would be flat. The external colour would be 'Honesty' plastisol which is a cream colour.

The agent has confirmed that the scheme will not result in any increase in pupil capacity.

The agent has clarified that the applications for both Rosedale Infant School (18/0850) and Leighswood Primary School (18/0810) for the provision of temporary classrooms, are proposals which are to address existing pupil and staff numbers at each school.

A Design and Access Statement has been provided which makes the following relevant statements:

The school currently caters for pupils between the ages of 2 to 11 and is a two form entry, with current capacity of approximately 615 pupils.

The local authority has reviewed and identified the specific need to develop necessary local and area-wide places to satisfy demand and thereby allow the local authority to meet its statutory duties.

The basic need for the expansion is relative to a temporary classroom, being installed on the site adjacent to the school playground.

The construction of the temporary accommodation will enable Leighswood School to provide much needed teaching space for the additional pupil places.

Additional accommodation will also include a 61sq m teaching classroom, lobby, WCs and a store room.

Site and Surroundings

Leighswood School is located on the western side of Broad Meadow. The infant part of the school is located to the north of the school site with the junior part located towards the south of the school site.

Relevant Planning History

BC56397P Leighswood JMI School. Extensions to Form Main Entrance Lobby & New Classroom & IT Room. GSC 1998.

BC59811P Leighswood JMI School. Extension to form new classroom and covered walkway between existing classroom and mobile classroom. GSC 1999.

04/0609/FL/E5 Leighswood Primary School. Single storey extensions to nursery classroom. GSC 2004

08/1671/FL- Alteration and extension to entrance area and addition of two number new classrooms at Key Stage 2 building and demolition of temporary mobile classrooms. GSC 2009

16/0861 - Nursery Extension & Canopy. GSC 2016

Relevant Policies

National Planning Policy Framework (NPPF)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728643/Revised NPPF 2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728643/Revised_NPPF_2018.pdf)

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 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF says:

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- HOU5: Education and Health Care Facilities
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV1: The Boundary of the Green Belt
- ENV2: Control of Development in the Green Belt
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV40: Conservation, Protection and Use of Water Resources
- T4: The Highway Network
- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis
- LC8: Local Community Facilities

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- 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

Transportation – No objections

Fire Officer – No objections

Pollution Control – No objections

Police – Recommends that no IT equipment is in plain view and that the existing school security measures cover the building.

Public Rights of Way – No objection

Representations

3 objections have been received on the following grounds:

There is not enough parking to serve the school currently which leads to conflicts between residents and neighbours.

Because of on street parking cars, emergency services and buses have difficulty travelling down Broad Meadow.

Even if temporary the scheme should include additional parking.

Should have been applied for more quickly.

How temporary is the classroom?

Should have been a community consultation

The school is planning to increase pupil numbers over the next 7 years.

Determining Issues

- **Design and Character of the Area**
- **Parking**
- **Security**

Assessment of the Proposal

Design and Character of the Area

The design is small in scale and would have a flat roof the same as the main building, the proposed colour is acceptable and the location within the school grounds minimises any potential impact on the character of the area.

Parking

Existing parking issues have been raised as have concerns about additional parking requirements to serve the additional classroom. The agent has confirmed that there is to be no increase in pupils as a result of this scheme and on this basis there are no objections from Transportation Officers.

Security

The Police consider that the proposed classroom is not suitable for storing any IT products inside. It is also recommended that IT equipment is removed and locked

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away in the main building daily. The Police also recommend that the existing CCTV security system covers the building which can be conditioned.

If this is not feasible the Police recommend the developer ensures the windows should be fitted to standard BS EN 356 grade P1A and the doors are PAS 24:2016 standard.

Other Issues Raised Through Consultation

There is no right to a view which most development would impact on and is not a reason to refuse a planning application.

Conclusions and Reasons for Decision

The design would match the existing building and neighbouring building having little impact on the character of the area which complies with UDP policy ENV32

The Highway Authority have no objections to the development so on this basis would have no severe transportation implications, there is no proposed increase in pupil numbers and the scheme is acceptable in accordance with the NPPF in this respect.

To ensure the satisfactory security of the temporary building a condition can be attached to planning permission ensuring the building is covered by existing CCTV in accordance with UDP policy ENV32.

Taking into account the above factors it is considered that the application should be approved.

Positive and Proactive Working with the Applicant

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

Recommendation Grant Permission Subject to Conditions

Conditions and Reasons

1) The development must be begun not later than 3 years after the date of this decision.

Reason; Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.

2) This development shall not be carried out other than in conformity with the following plans and documents: -

Amended Location Plan (LS 001 RevA) received 02/07/18

Block Plan (LS 002) received 22/06/18

Elevation Plans (HD/9254/03) received 22/06/18

Design and Access Statement received 22/06/18

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

3) Notwithstanding the submitted details and prior to the use of the temporary classroom hereby approved, the temporary classroom shall be covered by the Schools CCTV security system.

Reason: To safeguard the amenities of the area and to comply with UDP policy ENV32.

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.

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Sep-2018

Plans List Item Number: 6.

Reason for bringing to committee: Significant community interest

Location: MCDONALDS, CRESCENT ROAD, WILLENHALL, WV13 2RB

Proposal: SECTION 73 APPLICATION REMOVING CONDITION 3 OF PLANNING APPROVAL 14/1162/FL - OPENING HOURS TO ENABLE THE RESTAURANT TO TRADE 24 HOURS PER DAY, 7 DAYS A WEEK.

Application Number: 18/0862

Applicant: McDonald's Restaurants Ltd

Agent: Mr Brad Weseman

Application Type: Full Application: Minor
Use Class A5 (Hot Food Takeaways)

Case Officer: Devinder Matharu

Ward: Willenhall South

Expired Date: 29-Aug-2018

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Proposal

Section 73 application removing condition 3 of planning approval 14/1162/FL, to vary the opening hours to enable the restaurant to trade 24 hours per day, 7 days a week. The condition has previously been varied as noted in the planning history.

The agent has submitted the following supporting information:

- There are no proposed changes to the delivery hours of the restaurant
- Cross roads and adjacent roads carry a high volume of traffic from early morning to late evening
- Background noise levels are already high
- Proposed extension to the opening hours will not trigger any perceptible impact upon the amenity afforded to neighbouring land uses
- Closest residential properties in line sight of the restaurant are 60m to the south separated by a busy road junction, high level of noise between these properties and the site
- Customers who visit during the late evening hours are emergency service staff of taxi drivers and these customers do not trigger issues relating to amenity or anti-social behaviour
- Proposal will allow the creation of 20 jobs
- Not aware of any new disturbance or formal complaints
- Consultation undertaken with ward members, environmental health and the police.
- As part of the 2012 permission, a litter management plan was adopted requiring litter to be collected from a minimum radius of 150m in all directions, including parts of Shepwell Green, The Crescent, Wolverhampton Road West, Crescent Road and Walsall Road and the whole of Fletchers Lane. The plan remains in place and will continue to be enforced by the restaurant.

The agent has submitted further supporting information:

- The store has a strict litter collection protocol which includes dedicated litter patrols around the restaurant and car park. Currently one comprehensive litter pick is completed first thing in the morning, including Fletchers Lane, with two further litter picks are completed in the afternoon and evening covering different areas. Fletchers Lane will now be included on all 3 litter picks. The staff will not collect litter from gardens unless it was in reach of the path. Should McDonald's have resident's permission to do so, litter picks could be extended to include local private property. McDonald's staff ensure that they pick up all litter in the local area, not just food and drink packaging that has been created by the restaurant.
- Three bins are also to be placed off-site for litter collection. These will be emptied regularly by McDonald's staff.

- The litter patrol route will be regularly reviewed to ensure any changes to behaviour are accounted for and litter is effectively managed.
- McDonald's is a founding member of the 'Love Where You Live' anti-littering campaign which aims to encourage everyone to take action to help reduce the amount of litter in their local area, and across the UK by 2020.



- Access to the site is via two separate points off the A462, to the north and south of the site. The southern entrance is access only, and the northern entrance is for access and egress. The site provides 36 parking bays, 2 of which are disabled access bays. These will remain in use at all time when the restaurant is open.
-
- The southern entrance is closed regularly to ensure a smoother flow of traffic around the site. When this access point is closed all parking bays remain accessible, and access and egress is from the northern entrance.
- McDonald's have an agreement with the adjacent temple to park up to six staff vehicles on the adjoining carpark at peak times. These vehicle access the temple car park from Bilston Lane, and will moved back onto the McDonald's car park after peak hours at around 22:00.
- The restaurant has now installed the McDonald's specific StaffSafe system at the premises. This is an audio visual system which will be linked to the full CCTV system and to a remote monitoring station.
- It will assist in managing any incidents relating to anti-social behaviour and where necessary, it has the ability to contact the police. The system is designed to reduce anti-social behaviour and other crime and disorder issues affecting both staff and customers. The StaffSafe system has the potential to reduce any anti-social behaviour issues in most restaurants by over 80%.

Site and Surroundings

McDonalds is located on Crescent Road in Willenhall in close proximity to the junction with Shipwell Green and Wolverhampton Road West to the south and

Walsall Road to the north. Access into the premises is via an in only access point from Shepwell Green and an in and an out access point from Crescent Road.

The original planning permission showed barriers to both entrance and exit points on Shepwell Green and Crescent Road.

To the north of the site is a secondary car park, (former vehicle hire) for the Gurdwara on Walsall Road, to the southwest the temple building and hall with car park adjacent the entrance to the restaurant off Shepwell Green. This car park to the temple also has a vehicular access into Fletchers Lane.

On the opposite corner at the junction of Wolverhampton Road West and The Crescent are allotments and at the junction of Wolverhampton Road West and Crescent Road, opposite McDonalds is a parcel of open space and beyond that the car park and Gurdwara Temple.

The nearest residential property to the entrance of McDonalds is 84 Shepwell Green located 18m away on the opposite side of the in access from Shepwell Green. The flats, numbers 2 to 18 Shepwell Green are located 30m to the west of the in access to the premises. The temple and hall on the eastern side of Fletchers Lane forms the boundaries with McDonald's with the western side of Fletchers Lane being residential in nature.

The area is mixed in nature with residential and commercial properties and uses surrounding McDonalds.

BC47210P - McDonalds Restaurant, Crescent Road, Walsall - Erection of A3 restaurant with drive thru facility. GSC 1997.

Condition 3 states:

The premises shall not be open for trading outside the hours of 7.30am to 11.30pm on any day.

09/0280/FL - McDonalds Restaurant, Crescent Road, Walsall - Refurbishment of restaurant and new patio area and external alterations GSC 2009.

09/0281/AD- McDonalds Restaurant, Crescent Road, Walsall - Replacement and new signage relating to existing restaurant and drive-thru with new banner signs and additional store signage as part of the refurbishment of the restaurant and drive-thru. GAC 2009.

12/1575/FL- McDonalds Restaurant, Crescent Road, Walsall - Variation of Condition 3 of planning application BC47210P to allow opening hours of 6am to 11pm seven days a week. GSC Jan 2013.

14/1086/FL - Reconfiguration of the site egress, car park and drive thru lane to provide a side-by-side order point, incorporating a new island for signage and reconfigured kerb lines and associated works to the site. Reconfiguration of existing corral (bin store), with the construction of a new remote corral (bin store) with 2.2m high close board timber fence surround. The installation of 2 no Customer Order Displays (COD) and associated canopies. Up grading of car park lighting to LED lights and removal of cage store and external alterations. GSC Sept 2014.

14/1087/AD - 2no (new) illuminated rotating single triple unit signs. 2no (retained) illuminated rotating single triple unit signs. 1no (relocated) illuminated rotating single triple unit signs. 2no (relocated) illuminated double triple unit signs. 1no (new) non illuminated any lane sign. 2no (retained) illuminated welcome signs. 2no (retained) non illuminated post mounted banner signs. 1no (relocated) illuminated height restrictor signs. GAC Sept 2014.

14/1162/FL- Variation of Planning Condition 3 of Planning Permission 12/1575/FL to allow opening hours between 06.00 and 0.00. GSC 06-Oct-2014.

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 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**

On **planning conditions** the NPPF says:

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

to all parties involved. 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.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- S10: Hot Food Take-Aways, Restaurants and Other A3 (Food and Drink) Outlets
- S11: Drive-Through Facilities
- T4 - The Highway Network
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW3 Character

Consultation Replies

Environmental health – No objection

Highways- No objection to the extended opening hours as they are outside peak traffic periods and will not have a perceptible impact on the traffic flows and congestion. If the Shepwell Green access during the proposed extended opening hours at night is closed, it is unlikely to have any perceptible impact on the operation of the highway.

Police- No objection, as the restaurant is not directly next to any residential houses and they do not feel that this will have any adverse effects to any local residents.

Pollution Control – No comments to consult Environmental Health

Representations

Three letters from neighbouring occupiers have been received objecting to the proposal on the following grounds:

- Enough hot food take-away's in the area
- McDonalds and franchisee do not need the money
- Exacerbate existing crime including car break in's, drug dealing on and within the vicinity of the premises
- Anti-social behaviour
- Existing litter problems with litter from hot food take-away dumped in neighbouring gardens
- Increase pollution
- Parking and access issues including: increased traffic through the night, Bilston Lane blocked by barriers forcing people into the temple car park on Fletchers Lane and a rat run for vehicles avoiding the traffic lights, traffic increased, cars mounting pavements and going through red lights, safety concern of pedestrians crossing the road

Determining Issues

- Principle of development
- Impact on neighbouring amenities
- Parking and access

Assessment of the Proposal

Principle of development

The McDonalds restaurant was granted planning permission in 1997, so the restaurant has a long-standing use as an out of centre location restaurant and drive through facility.

Neighbouring occupiers have raised objections to the number of hot food take-away's in the area. The adopted Development Plan does not regulate or stipulate the number of take-aways, each application in an out of centre location is determined on its own merits. In this case, the principle of the restaurant and drive through facility has been established for the last 21 years.

Planning condition 3 of planning permission BC47210P allowed the premises to trade from 7.30 am to 11.30pm with no restrictions on Sundays, bank and public holidays. Subsequent applications in 2012 and 2014 have allowed the premises to open from 6am until midnight. The proposal now seeks to open and trade 24 hours a day seven days a week. The site being located in a mixed residential/commercial area at a busy road junction would be considered acceptable, in principle.

Neighbouring occupiers have stated that the company and franchisee do not need the money but this is not a material planning consideration and, the application is determined on the planning merits of the case.

Impact on neighbouring amenities

The nearest residential property is located 18m on the opposite side of Shepwell Green and the nearest flats are located 30m away to the west of the entrance point to McDonalds on Shepwell Green.

The site is located at the cross roads where nearby residents along Shepwell Green already have a reduced level of amenity and the four roads surrounding the site, Shepwell Green, The Crescent, Wolverhampton Road West and Crescent Road carry a high volume of traffic from early morning to late evening.

Neighbouring objectors have also raised comments that the proposal to open the restaurant will result in increase in pollution. There is no clear steer as to what pollution is being referred to. In terms of cooking odours, the premises is already fitted with adequate odour control. With regards to noise, the proposal is unlikely to increase vehicle movements around the site to cause a significant level of noise and disturbance to local residents. The agent has stated that from a survey undertaken customers who visit during evening hours are emergency staff or taxi drivers, and these customers would not trigger issues relating to amenity or anti-social behaviour.

Both the Police and Environmental Health have no objections to the proposal, as the restaurant is not directly next to any residential houses and they do not feel that this will have any adverse effects to any local residents.

Neighbouring objectors have raised concerns that the proposal would exacerbate existing crime and anti-social behaviour in the area. They also advise drug dealing takes place on and within the vicinity of the premises. The Police advise the site is situated on the Willenhall South Neighbourhood Policing Team and has experienced

over 5043 police reported incidents over the last 12 with only 1703 being recorded crimes. The Police also state that the area suffers a high proportion of violent crimes and anti-social behaviour, however, the restaurant itself has had 38 calls to it in last year however only 20 actually related to the store itself and CCTV and a staff safe system to assist with any ASB at the premises have been undertaken. On this basis, there is no evidence to suggest that the proposed 24 hours opening of the restaurant and drive through facility will exacerbate any existing crime issues. Furthermore, whilst the restaurant has a staff safe system, any issues regarding anti-social behaviour is a matter for the Police to enforce.

The agent has confirmed that the previous litter management plan submitted under planning reference 12/1575/FL which indicated litter is collected from a 150m radius including the adjacent parts of Shepwell Green, The Crescent, Wolverhampton Road West, Crescent Road and Walsall Road would remain in place. Whilst neighbours state they experience litter from the premises, the restaurant will be reminded of its commitment to collect litter as stated within this document. Furthermore, any issues with litter can be dealt with through Environmental Health legislation.

Parking and access

The Highway Officer has no objection to the extended opening hours as they are outside peak traffic periods and will not have a perceptible impact on the traffic flows and congestion in the surrounding area around the application site.

Neighbouring objectors have raised concerns over the increase in traffic. The supporting statement states that customers who visit the premises during the late evening hours are emergency staff or taxi drivers. There is no evidence to suggest the later opening hours would attract an influx of customers to raise issues of highway safety.

Neighbouring objectors also state that the closure of the Shepwell Green access forces people into the adjacent car park and into Fletchers Lane. The supporting documents also state that the barrier on Shepwell Green is closed to assist with traffic movement and traffic flows around the site. The Highway Officer has advised if the Shepwell Green access during the proposed extended opening hours at night is closed, it is unlikely to have any perceptible impact on the operation of the highway.

Neighbouring occupiers also raised concerns over the behaviour of drivers driving on pavements and zooming through red lights causing a concern for pedestrians on the public footpath. These issues are for the Police to enforce.

Planning conditions

Condition 1 regarding the time limit to remain. Condition 2 relating to waste storage to remain. Condition 3 to be deleted to allow 24 hour opening. Condition 4 relating to deliveries to remain unchanged. Condition 5 ensuring the building remains as a single building to remain. Condition 6 ensuring no outdoor seating to remain.

Conclusions and Reasons for Decision

The McDonalds restaurant was granted planning permission in 1997, so the restaurant has a long standing use as an out of centre location restaurant and drive through facility. The principle of the restaurant and drive through facility has been established for the last 21 years.

The nearest residential property is located 18m on the opposite side of Shepwell Green and the nearest flats are located 30m away to the west of the entrance point to McDonalds on Shepwell Green.

The site is located at the cross roads where nearby residents along Shepwell Green already have a reduced level of amenity and the four roads surrounding the site, Shepwell Green, The Crescent, Wolverhampton Road West and Crescent Road carry a high volume of traffic from early morning to late evening.

In terms of cooking odours, the premises is already fitted with adequate odour control. With regards to noise, it is likely that people visiting the premises during these late night hours would be doing so on their planned journey to their destination, the proposal is unlikely to increase vehicle movements around the site to cause a significant level of noise and disturbance to local residents.

Both the Police and Environmental Health have no objections to the proposal, as the restaurant is not directly next to any residential houses and they do not feel that this will have any adverse effects to any local residents.

There is no evidence to suggest that the proposed 24 hours opening of the restaurant and drive through facility will exacerbate any existing crime issues.

The restaurant has a commitment to collect litter.. Furthermore, any issues with litter can be dealt with through Environmental Health legislation.

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation Grant Permission Subject to Conditions

Conditions and Reasons

1. This development must be begun not later than 3 years after the date of this decision.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended.

2. No materials, goods or refuse shall be stored or deposited in the open on any part of the site other than in the corral shown on the approved plans under planning reference BC47210p granted 6th August 1997 or the revised scheme approved under Planning Permission: 14/1086/F granted on 17 September 2014.

Reason: To ensure the satisfactory provision of off street parking and to ensure the satisfactory appearance of the development.

3. Deliveries shall only take place between the hours of 6am and 6pm daily.

Reason: To protect the amenities of surrounding residential occupiers.

4. The site and buildings shall remain in single occupation and shall not be subdivided to form two or more units in separate occupation.

Reason: To ensure satisfactory provision of off street parking.

5. Notwithstanding the notation on plan number P.09-02 submitted under planning reference BC47210P granted 6th August 1997 there shall be no seats, chairs, tables or similar furniture shall be sited on the patio areas.

Reason: To safeguard the amenities of the area.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 06-Sep-2018

Plans List Item Number: 7.

Reason for bringing to committee: Significant Community Interest

Location: 70 , FORDBROOK LANE, PELSALL, WS3 4BN

Proposal: PROPOSED TWO STOREY SIDE AND SINGLE STOREY REAR EXTENSION.

Application Number: 18/0683

Applicant: Mr Matthew Butcher

Agent: Central Building Consultancy Limited

Application Type: Full Application:
Householder

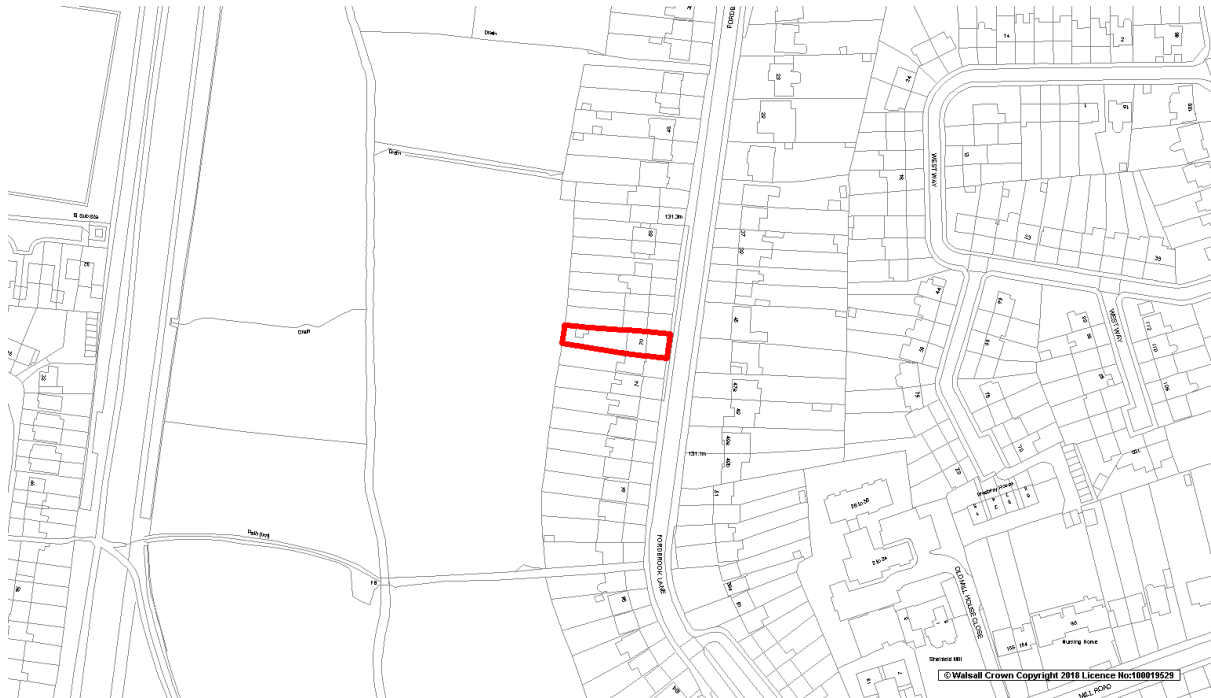
Case Officer: Jenny Townsend

Ward: Pelsall

Expired Date: 01-Aug-2018

Time Extension Expiry: 10-Sep-2018

Recommendation Summary: Grant permission subject to conditions



Proposal

The application is for a two storey side and single storey rear extension.

Two Storey Side Extension

3m wide (2.6m wide towards rear where existing house steps out)

8.5m in long at ground floor

7.9m long at first floor incorporating 0.6m set back

Garage, utility and passageway with en-suite bedroom above

Hipped roof above with flat roof section

Single Storey Rear Extension

5.6m deep projecting from the original rear elevation

7.6m wide

3.0m high flat roof with central roof lantern 3.7m high

Concertina doors facing rear garden

Creates a dining/living area plus WC

The proposals have been amended since original submission to reduce the length of the rear extension (from 6m to 5.6m) and to amend the two storey roof design from a parapet gutter to matching eaves design by reducing the width of the two storey extension from 3.2m to 3.0m wide so that it falls entirely within the applicant's boundary.

Site and Surroundings

The property is a detached dwelling in a residential street of detached and semi-detached two storey houses that follow a regular building line. There are varied examples of properties that have extended at first floor to the side. To the rear are open fields.

The house has a two-storey bay window with hipped roof over and hipped roof to the main dwelling plus flat roof garage to the side. The side elevation has a step in it adjacent to no. 72. No. 72 has an existing first floor extension to the side granted in August 1990. This is set back from the first floor elevation and draws level with the original rear elevation and has a window only in the rear elevation facing the garden. There is a narrow non-habitable window (landing) in the side elevation of the original dwelling at no.72. There are also single storey rear extensions at no.72 that provide a utility nearest the boundary with the application site and lounge that projects further into the garden than the utility. The lounge has windows facing the rear and side, the side window is just over 4m away from the boundary of no.70. No. 68 has a kitchen patio door facing the rear garden within the single storey extension nearest the

boundary with the application site.

Relevant Planning History

None.

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 12 – Achieving well-designed places**

On **planning conditions** the NPPF says:

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

DW3 Character

Consultation Replies

None.

Representations

Five letters from four households objecting to the proposals as summarised below:

- Drawings do not show the adjacent properties
- Extension proposed on Party Wall with no.72 that supports the gutter for no.70 and 72
- Roof of garage at no.72 would need to be cut back and gutter removed leaving no drainage facility
- Two extensions would abut each other giving the impression of semi-detached houses instead of detached
- No gap for maintenance and could cause damp
- No details of down spouts for drainage behind parapet
- Potential blockage of drains by leaf litter that could overspill and cause damp
- Loss of light to landing and hallway at no.72
- No details of groundworks required
- No details of finish
- Length and height of single storey extension affects outlook from lounge and bedroom at no.72
- Difference in ground levels at rear means the proposal would appear taller (approx. 500mm difference in levels)
- Length of rear extension out of keeping
- No details of drainage and waste water
- Loss of outlook and light from kitchen at no.68
- Blocks view from garden, kitchen and lounge of no.68
- Loss of view from conservatory at no. 74
- Rear extension out of keeping with surroundings

A further letter of objection has been received following publicity on the amended plans. This confirms their objections remain.

Determining Issues

- Design & Character
- Impact on neighbour's amenity
- Parking

Assessment of the Proposal

Design & Character

The proposals have been amended so that they have a matching eaves design and side extensions narrowed to enable the proposals to remain within the curtilage of the applicant's property. The first floor extension is set back to maintain a design break between the old and new and has a lower roof height to ensure the extension is subservient to the main dwelling. Although there is an element of flat roof this will not be visible within the street scene and does not harm the character of the area.

There are many examples of two storey side extensions within the vicinity of the application site so this closing of the gap is part of the emerging character of the street scene. There would remain a minimal gap between properties but this does not result in the two houses being adjoined as a semi-detached house.

A condition is recommended to ensure the facing materials match those of the original dwelling in the interests of the amenity of the area.

The single storey extension is not visible within the street scene so does not harm the character of the area from public vantage points.

On the basis of the above the proposals will not have a significant impact on the character of the dwelling or its appearance within the street scene and is acceptable in accordance with BCCS policy ENV3 and saved UDP policies GP2 and ENV32.

Impact upon neighbour's amenity

The proposed two-storey side extensions do not project beyond the two storey elevations of the original dwelling and given there are no habitable room facing windows in the gable elevation of the neighbouring house no. 72 there is no harm to amenity in this respect. Neighbours are concerned about loss of light to the hallway and landing but as the side-facing window at no.72 serves a non-habitable landing no protection is afforded to this window. Whilst there would be first floor windows in the front and rear elevations of the proposed extension these would allow no greater overlooking than the mutual overlooking that currently exists between properties. The two-storey extension is not visible from no.68 so does not harm their outlook, privacy or daylight.

The proposed single storey rear extension projects 5.6m from the rear of the original dwelling. This is 3.5m beyond the rear of the existing single storey extension at the rear of no.68. This neighbour has concerns that the proposals will affect daylight and outlook from their kitchen, lounge and garden. Although the proposal extends beyond the 45 degree line drawn from the centre point of the kitchen patio doors at no.68, the extension complies with the 45 degree code which specifies “*extensions, which would breach the 45 degree code, will not normally be allowed, except for single-storey extensions where the length of the extension would not exceed 3.5 metres in length as measured from the nearest window in the adjoining dwelling.*”

The neighbour at no.72 has a utility extension at the ground floor nearest to the proposed single storey extension at no.70. As a utility is a non-habitable room no protection can be afforded to this room in terms of assessing impacts on light and outlook. The lounge extension at no.72 is further away from the proposed single storey extension and has a main outlook from patio doors facing down the garden. There is a secondary lounge window in the side elevation that is approximately 5.4m away from the side elevation of the proposed single storey extension at no.70. Given that the proposed single storey extension is set away from the boundary, has a flat roof and is positioned to the north of the neighbour’s lounge window it is considered that this will have minimal impact on the outlook, daylight and privacy of this neighbour. There is existing 2m high boundary fencing interrupting views from no.72 side-facing lounge window and there is only a narrow WC window in the side elevation of the proposed extension that is recommended to be conditioned as obscurely glazed and to prevent insertion of further windows in either side elevation.

In terms of the impact the proposed single storey extension has on the outlook from the bedroom window at no.72 this would not obscure the outlook which would be across its roof. A difference in levels at the rear would not make a significant change to the impact on the outlook from no.72.

Objectors consider the length of the rear extension is not in keeping with the surrounding area and will be obtrusive when viewed from neighbouring properties, including the conservatory at no.74, two doors away. The impact an extension has on a distant view is not a material planning consideration. The rear gardens are not visible from the street scene and as they have mature landscaping that screens wider views so will have minimal impact on the character of the area.

Whilst groundworks to accommodate the proposals will be required as the rear garden drops down to a lower ground level the overall height of the proposal from neighbouring properties will remain the same as shown on the drawings. Any further extension to a patio area, if altering levels greater than 300mm, will require a further permission. The applicant has confirmed that they do not intend to extend the patio.

On the basis of the above the proposals do not have a significant impact on neighbour's amenity in terms of daylight, outlook or privacy and comply with saved UDP policies GP2 and ENV32 and SPD Designing Walsall.

Parking

The proposal incorporates provision of a fourth bedroom. The existing driveway provides two off-street spaces and the replacement garage provides a third space. The proposal therefore provides 3 off-street parking spaces in accordance with saved UDP policy T13.

Other Matters raised through consultation

The objections relating to building on a Party Wall and issues in relation to guttering, damage to neighbouring property, maintenance and potential for damp are not material planning considerations. Nevertheless the amended drawings no longer propose building on the Party Wall.

Drainage matters are not material planning considerations as these are dealt with under Building Regulations legislation.

The supplied block plan drawing indicates the proposed extensions in relation to the adjacent properties

Conclusions and Reasons for Decision

The design of the extensions are considered to be in keeping with the original dwelling and will not have a significant impact on the character of the dwelling or its appearance within the street scene and is acceptable in accordance with BCCS policy ENV3 and saved UDP policies GP2 and ENV32.

The proposed two-storey side extensions do not harm the outlook, privacy or daylight of the adjacent dwelling no.72 and are not visible from the neighbour at no.68. The proposed single storey rear extension complies with the 45 degree code in respect of the adjacent neighbour at no.68 and has minimal impact on the secondary lounge window at no.72 but not to such an extent as to seriously harm the outlook, daylight or privacy of this neighbour.

Loss of distant view and appearance of the single storey extension that is not visible within the street scene is not given significant weight in the assessment of the proposals.

The proposals do not have a significant impact on neighbour's amenity in terms of daylight, outlook or privacy and comply with saved UDP policies GP2 and ENV32 and SPD Designing Walsall.

There is sufficient off-street parking to comply with saved UDP policy T13.

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

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding the original eaves design of the two-storey extension and length of the single storey extension amended plans have been submitted which enable full support to be given to the scheme.

Recommendation Grant permission subject to conditions.

Conditions and Reasons

1: This development must be begun not later than 3 years after the date of this decision.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended.

2. This development shall not be carried out other than in conformity with the following plans and documents: -

- Location Plan, Block Plan, Existing Plans, Elevations and Section (2113-003-01 Rev B) received 09/08/18
- Proposed Plans and Elevations (2113-003-02 Rev B) received 09/08/18

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.

3: The walls and roof of the extension shall comprise facing materials that match, in size, colour and texture those which are used in the existing building, and shall be retained as such after completion of the extension.

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

4: Notwithstanding the details submitted the proposed side facing window in the rear extension serving the WC as shown on drawing 2113-003-02 Rev B must be obscure glazed to Pilkington (or equivalent) privacy level 4 and any opening parts to be more than 1.7m higher than the floor level of the rooms they serve and must be retained as such.

Reason: To safeguard the amenities of neighbours and to comply with saved policy GP2 of Walsall's Unitary Development Plan.

5: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policy GP2 of Walsall's Unitary Development Plan.

Notes for Applicant

Low risk coal