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Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jan-2020

Plans List Item Number: 1.

Reason for bringing to committee: Major Application

Location: LAND TO THE NORTH ADJACENT THE ROYAL OAK PUBLIC HOUSE, BOSTY LANE, ALDRIDGE, WALSALL

Proposal: CHANGE OF USE OF LAND FROM AGRICULTURAL TO A TWO FIELD SECURE DOG WALKING/EXERCISING FACILITY AND RELOCATION OF ACCESS APPROVED UNDER 17/1149.

Application Number: 19/1136

Applicant: Incept Ltd

Agent:

Application Type: Full Application: Major Use Class Sui Generis

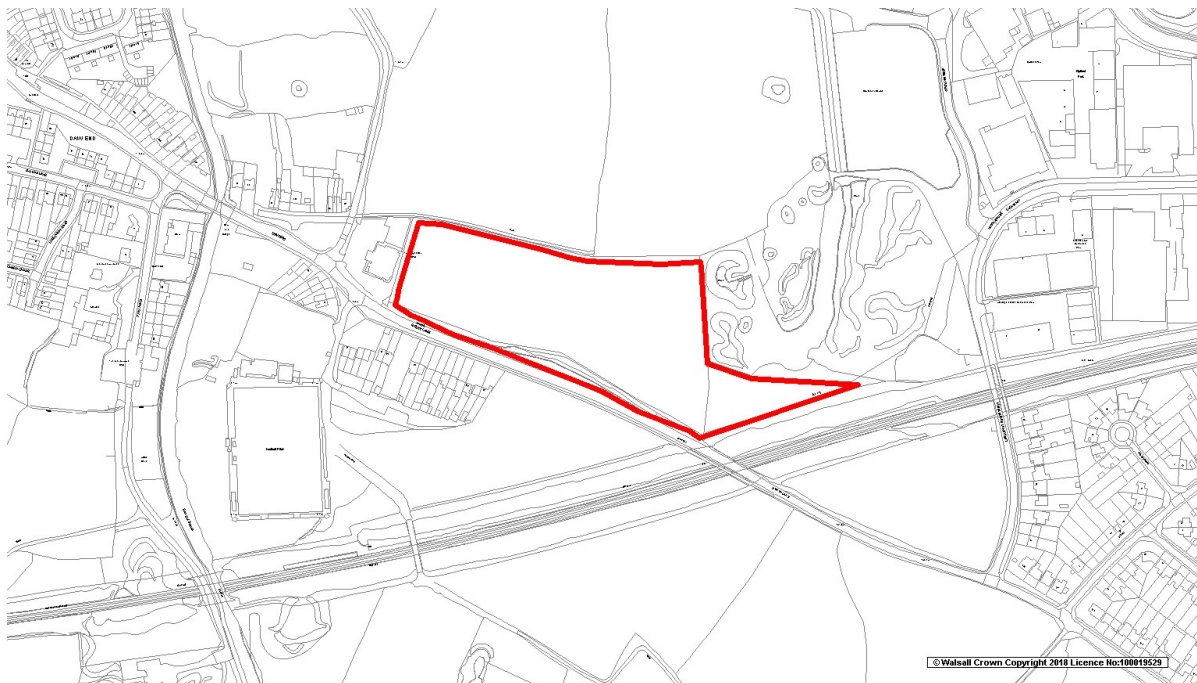
Case Officer: Barbara Toy

Ward: Aldridge Central And South

Expired Date: 18-Dec-2019

Time Extension Expiry: 17-Jan-2020

Recommendation Summary: Grant Planning Permission Subject to Conditions



Proposal

This application proposes the change of use of the land from agricultural to secure dog walking/exercise facility and relocation of vehicle access from that approved under PA 17/1149.

Vehicle access to the site was approved in Jan 2018 approx 15m to the west of the proposed new access, the proposed access would supersede this approval. The new access would be 5m wide and 20m in length from the back of highway and would provide a 2.4m x 109m (to the west) and 110m (to the east) visibility splay.

The proposed use would split the land into two secure fields to walk/exercise/train dogs off the lead. Field 1 would have an area of approx. 3.41 acres and Field 2 approx 3.96 acres. The fields would be secured by 1.8m high stockproof deer fencing which would comprise wooden circular posts and open wire mesh fencing, with a single locked pedestrian access gate to each field. A small parking area would be provided immediately inside the new access gate. The parking area would be a 20m x 20m square of hardstanding, providing parking for up to 4 cars and a manoeuvring area to allow vehicles to enter and leave the site in forward gear.

The site will have no buildings, no WC or lighting, a tap for water for the dogs would however be provided from an existing water supply. The fields would be open during day light hours only and would operate on a booking basis only with the bookings for each field staggered to avoid interaction between the users, their vehicles and their dogs. All bookings and payments would be made on line, with no staff on site, but the site would be checked twice a day.

Waste bins would be provided in each field and emptied on a daily basis and an industrial waste bin at the site would be emptied by a commercial waste management company.

Site and Surroundings

The site is situated on the northern side of Bosty Lane (B4154 district distributor route) to the east of the Royal Oak restaurant and comprises open fields previously used for grazing. The site is situated within the designated Green Belt.

The boundary to Bosty Lane comprises post and rail fencing and mature hedging and trees. There is a natural break in the hedging where the new access is proposed. The boundary also moves away from the back of the highway and the fields sit at a higher level than the road. There is no public footway of the northern side of the road at this point.

To the north are further open fields, to the west woodlands forming part of the Daw End Railway Cutting SSSI, with industrial premises off Middlemore Lane West beyond. To the south on the opposite side of Bosty Lane is a field set behind hedging, with semi-detached houses set back from the road set to the south west. Further to the south west is the access to Rushall Olympic football club.

Relevant Planning History

17/1149, construction of agricultural access, GSC 04-01-18.

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 8 – Promoting healthy and safe communities**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 15 – Conserving and enhancing the natural environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T4: The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation

Walsall Site Allocation Document 2019

GB1: Green Belt Boundary and Control of Development in the Green Belt

EN1: Natural Environment Protection, Management and Enhancement

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character
- DW9 High Quality Public Realm

Consultation Replies

Transportation – No objections subject to conditions to ensure no surface water discharge into the new access or highway, details of new access. Notes to applicant recommended.

Pollution Control – No objections, consult Environmental Health re noise from the site as they would be responsible for any enforcement.

Environmental Health – No objections

Strategic Planning Policy – No objections subject to conditions to restrict buildings and parking on the site. Para 145 of the 2019 NPPF is supportive of changes of use for outdoor sport and recreation which are not considered inappropriate development in the Green Belt.

Structures – No objections (verbal)

Representations

One objection received

Objections

- More traffic in a very congested area
- Increase of chances of fatal accident

Determining Issues

- Principle of the Development and Impact on the Green Belt
- Impact on Surrounding Occupiers
- Access and Parking

Assessment of the Proposal

Principle of the Development and Impact on the Green Belt

The proposals would represent outdoor recreation. The NPPF (2019) Section 13 para 145 now indicates that the provision of appropriate facilities in connection with a change of use for outdoor recreation is not considered inappropriate development as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The proposals include no buildings. The extent of car parking at the site would be minimal given the small area of hardstanding proposed (20m x 20m) and the staggered times/use of the facilities.

Whilst the proposals would require 1.8m high fencing to secure each field, this would be rounded posts and an open mesh fence which allows full views through it, used in rural locations reducing any adverse impact on the visual amenity and openness of the Green Belt.

The proposed access would utilise a natural break in the existing hedging/trees along the Bosty Lane boundary of the site, reducing the impact on nature conservation particularly compared to the previous approved access which involved the loss of hedging.

The use would operate during daylight hours only and would not therefore require any lighting that would impact on the openness and character of the Green Belt.

It is considered that the proposals would have minimal impact on the character, appearance or openness of the Green Belt and as such the proposals would represent appropriate development within the Green Belt.

Impact on the amenities of Surrounding Occupiers

Whilst the use would incorporate 2 fields, the staggered booking/use of the fields would prevent interaction between users and their dogs, reducing any conflict.

It is considered that the use is unlikely to have any adverse impact on the amenities of the surrounding occupiers through noise and any increase in traffic is likely to be low level. It is also considered that the use would have no adverse impact on the surrounding agricultural uses.

Access and Parking

Bosty lane (B4154) is a classified road and a district distributor route. Policy T4 of the UDP seeks to control direct access onto such roads.

The proposals would introduce a new access onto Bosty Lane, as a relocation of an access approved under PA 17/1149. The proposed access could meet the 110m visibility splay in both directions for the speed of 45mph along the road.

A new access to the land, in close proximity has already been approved, albeit for agricultural use, the Highway Authority consider that the proposed development would not have severe transportation implications and is acceptable.

The development would provide a small parking/manoeuvring area immediately within the site, which is considered would meet the needs of the development given the staggered times/use of the two fields.

The staggered times/use of the separate fields should prevent any conflict of vehicles within the access drive.

Conclusions and Reasons for Decision

The proposals would represent appropriate development within the Green Belt under para 145 of the NPPF subject to impact on the openness of the Green Belt.

The use would require no buildings on site, minimal car parking, no lighting due to the daylight hours of use and access created at a natural break in the boundary hedging would minimise the loss of natural habitat and environment. The fencing proposed would be post and open mesh regularly used in rural locations to maintain views and openness, the fencing would sit comfortably within the natural environment and not intrusively impact on the Green Belt in compliance with Policy GB1 of the SAD.

It is considered that the proposed use would have no adverse impact on the amenities of the surrounding occupiers in compliance with policies GP2 and ENV32 of the UDP.

The proposed access and parking arrangements are considered appropriate for the location and the use in compliance with policies GP2 and T7 of the UDP.

It is considered that the proposals would have minimal impact on the character, appearance or openness of the Green Belt and as such the proposals would represent appropriate development within the Green Belt in compliance with the NPPF para 145.

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 subject to conditions

Conditions and Reasons

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

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

2. The works hereby approved shall not be carried out otherwise than in accordance with the following drawings:

Site Layout Proposal Plan submitted 16th December 2019

Site Access Proposal Plan submitted 16th December 2019

Site Access Comparison Plan submitted 16th December 2019

Front and side Views (Sections) Plan submitted 16th December 2019

Hardstanding Elevations Plan submitted 16th December 2019

Design and Access Statement submitted 2nd August 2019.

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 first occupation of the development hereby approved a scheme to ensure appropriate measures to prevent surface water from the car park area from discharging onto the new access and the public highway shall be submitted to and approved in writing by the Local Planning Authority.

3b. The parking area shall not be occupied otherwise than in accordance with the agreed scheme approved under part (a) of this condition and shall be retained and used for no other purpose throughout the life of the development.

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

4. The new access onto Bosty Lane shall not be used otherwise than solely for vehicles associated with Dog Walking/Exercising Facility use hereby approved and shall not, at any time, be used by vehicles associated with any other uses.

Reason: To control the use of the access in accordance with UDP Policy T4, to the free flow traffic along the public highway and to highway safety.

5. The use hereby approved shall not operate other than during daylight hours.

Reason: To define the permission and to ensure no requirement for lighting at the site to protect the Green Belt, in compliance with Policy GB1 of the SAD.

6. No lighting shall be installed at the site at any time.

Reason: To define the permission and ensure no adverse impact on the surrounding Green belt, in compliance with Policy GB1 of the SAD.

Notes for Applicant

Highways

1. Implementation of the agricultural access to the site approved under PA 17/1149 in addition to the access hereby approved would be discouraged on highway safety grounds.

2. 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.

3. The applicant will be required to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the new access onto the highway. For further advice please contact Highway Development Control Team on 01922 655927.

4. At no time shall advertisements be permitted on any part of the public highway.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jan-2020

Plans List Item Number: 2.

Reason for bringing to committee: Major Application

Location: SITE OF FORMER HARVESTIME BAKERY, RALEIGH STREET, WALSALL

Proposal: PROPOSED RESIDENTIAL DEVELOPMENT OF 88 RESIDENTIAL UNITS COMPRISING 18 X 1 BED FLATS, 25 X 2 BEDROOM HOUSES, 41 X 3 BEDROOM HOUSES, 4 X 4 BEDROOM HOUSES WITH ASSOCIATED ACCESS, LANDSCAPING AND 164 CAR PARKING SPACES

Application Number: 19/0945

Applicant: Galliford Try Partnerships

Agent: West Hart Partnership Ltd

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

Case Officer: Helen Smith

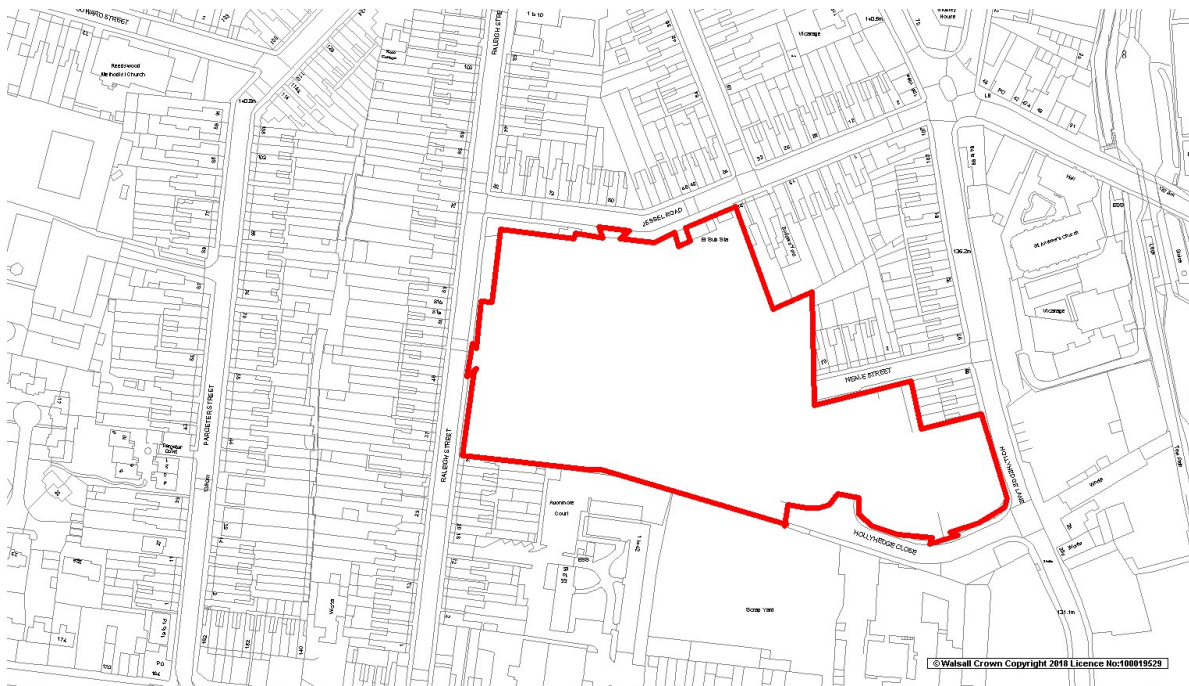
Ward: Pleck

Expired Date: 24-Oct-2019

Time Extension Expiry:

Recommendation Summary: Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant Planning Permission Subject to Conditions and a S106 Agreement to secure contributions towards the provision of Affordable Housing, Urban Open Space, On-site Landscaping Maintenance; Monitoring; and Uplift Clause, and subject to:

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



Proposal

The proposal is for the redevelopment of the former Harvestime Bakery site for residential purposes and proposes 88 new dwellings/apartments comprising as follows;

Apartment Block

- A mix of 2 and 3 storeys arranged in a rectangular block with two outriggers projecting westwards
- 24 parking spaces and landscaping located in a secure compound
- Constructed of red brick with white render elements and a grey tiled gabled roof
- North to south orientation
- 29 metres in length
- 29 metres deep (along the southern elevation)
- 9 metres deep (along the northern elevation)
- 13 metres to the ridge (dropping to 9.1 metres high on lower portion)
- Pitched roof design with rear projecting gables
- 5 no. east facing, 3 no. south facing, 1 no. west facing and 3 no. dual aspect 1 bedroom apartments (18 no. in total)
- Habitable room windows in all exterior elevations
- Three communal entrances facing east (onto Hollyhedge Lane), south (onto Hollyhedge Close) and west (into secure parking)
- Secure private amenity space to the north west of block of 420m² (23.3m² per apartment)
Positioned fronting Hollyhedge Lane and Hollyhedge Close, set back by 2m, with landscaped area and with 1m high railings enclosing building
- 24 parking spaces, to include electric charging provision, equalling 1.3 spaces per apartment

- Storage of cycles located adjacent to western entrance within secure parking area entrance

Houses

- 70 houses (25 no. 2 bed, 41 no. 3 bed and 4 no.4 bed) with a mixture of terraced and semi-detached based around 6 different house types
- 4 no. houses accessed directly off Raleigh Street
- 10 no. houses accessed off Raleigh Street via a private road
- 5 no. houses accessed off directly off Jessel Road
- 21 no. houses accessed off Jessel Road via an adoptable road
- 30 no. houses accessed off Hollyhedge Close via an adoptable road
- Constructed of red brick with grey tiles and elements of white render on key buildings
- A mixture of 1.8m brick boundary walls topped with 0.3m trellis and 1.8m fences topped with 0.3m trellis
- 140 car parking spaces, to include electric charging provision, equalling 2 spaces per dwelling
- Shared cycle route through centre of the site
- Private amenity space in excess of the standards an all houses
- 22.2 metre habitable room window to window separation distance between:
 - nos. 1 – 10 and 15 – 22
 - nos. 11 – 14 and 31 – 34
- 22 metre habitable room window to window separation distance between:
 - nos. 25 – 30 and 41 – 46
- 19 metre habitable room window to window separation distance between nos. 39 and 40 and Block 1 on Land Adjacent to 48, Wolverhampton Road (planning application reference 19/0295)
- Soft landscaping proposed throughout

A small area of the Site, fronting Hollyhedge Close, is currently within the adopted highway. This would have to be stopped up under Section 247 of the Town and County Planning Act 1990.

The development would have a density of 48 dwellings per hectare.

The application is supported by the following documents:

Design and Access Statement

Has been prepared and describes the site and surroundings, site context and evolution of the proposed scheme. Pre-application advice has been received in relation to this scheme and the Design and Access Statement sets out how this advice has been incorporated into the proposed scheme.

Planning Statement

Sets out the relevant planning policy requirements and how the proposed scheme has accommodated these. The Planning Statement confirms that 25% of the proposed dwellings will be affordable in nature and that this can be secured through a suitably worded planning obligation.

Air Quality Assessment

The Air Quality Assessment concludes that the future residents of the scheme will experience acceptable air quality levels, with pollutant concentrations below the air quality objectives. The additional traffic which will be generated by the proposed scheme will have no significant effects at any existing, sensitive receptor. A number of mitigation measures have been included within the final scheme to encourage the uptake of sustainable transport, as well as the incorporation of electric vehicle charging points for every dwelling.

Overall, the air quality effects of the proposed development are considered to be 'not significant'

Arboricultural Impact Assessment

Confirms there are no protected trees within the Site. The proposed scheme would necessitate the removal of 1 Category B1 tree (sycamore T2), 1 category C1 tree (Sycamore T4), 4 groups of Category C2 trees (mixed species) and the partial removal of 1 group of Category C2 trees (mixed species).

The majority of the trees identified for removal were considered to have low retention value and were of low visual amenity value. One tree was judged to have moderate retention value (sycamore T2) but its removal is required to accommodate the proposed layout of the site.

It will also be necessary to prune retained trees to minimise the potential for branch damage to occur during construction.

The Assessment provides mitigation and protection measures and sets out the root protection areas of the retained trees.

Archaeological Desk Based Assessment

Confirms that there are no archaeological designated heritage assets on the site, and the proposed development will have no impact upon the significance of any archaeological designated heritage assets outside of the site. Any potential archaeological interest can be appropriately safeguarded and provided for through an appropriately worded planning condition.

Built Heritage Statement

The site forms a negligible part of the setting of a small number of designated and non-designated built heritage assets but not contribution to understanding or appreciating the significance of these assets. The proposed development will have no impact on these assets and their significance will remain unaffected.

Ecological Appraisal

A desk study, Phase 1 Habitat Survey, and a preliminary protected species assessment were carried out. Recommendations are made to secure precautions to protect wildlife and ecology.

Energy Statement

The Statement confirms that the proposed development is to be constructed in an energy efficient manner with a building fabric that exceeds the minimum requirements of Part L of Building Regulations and makes use of efficient heating systems and on-site renewable energy generation. The proposed development provides a satisfactory response to planning requirements, with 10% of the residual energy demand projected to be met by renewable technology, namely photovoltaics.

Flood Risk Assessment

The Site is within Flood Zone 1 with a low probability of flooding. The drainage strategy incorporates SuDs features and utilises the existing foul drainage system.

Ground Investigation Report

Advises of additional investigation and remediation works which are required as part of the construction process.

Noise Assessment

The proposed development would be of negligible risk to adverse impact from noise and would be subject to satisfactory internal acoustic environments.

Residential Travel Plan

The implementation of measures set out in the Residential Travel Plan and the targets within it will assist in minimising the number of vehicle trips generated by the development.

Site Waste Management Plan & Treatment/Storage of Waste Plan

Provides information as to how site waste will be managed.

Transport Note

The site has a good level of pedestrian and cycle infrastructure and is well connected to good public transport services. The development will be served by three points of access, all of which provide appropriate visibility splays. The vehicle swept path analysis shows that a large refuse vehicle and fire tender can safely access and egress the site. The proposed will provide vehicle and cycle parking in accordance with the locally adopted standards.

The proposed development will generate fewer than one additional vehicle in the morning and evening peak periods. The traffic will be distributed/assigned onto the local highway network via the three site accesses which will disperse traffic safely across the local road network with no detriment to existing road users.

The proposed development will not have a severe impact on the local highway network or create any safety issues.

Site and Surroundings

The site is 1.86 in size and was used until April 2012 as a bakery. It has subsequently been largely cleared with the exception of some elements of existing buildings, a number of retaining walls and areas of hardstanding. The site currently contains a number of trees and scrub planting and is bounded by fencing. There is a substation along the northern boundary of the site. The Site slopes from north to south with approximately a 4 metre drop on this axis.

The site is bounded by Hollyhedge Lane to the east. This leads on to Hollyhedge Close which is part of the adopted highway. The site is bounded to the north by Neale Street, a private road serving a number of dwellings, and Jessel Road which contains terraced houses. To the west is Raleigh Street, also containing terraced dwellings. To the south are the side elevations of houses fronting Jessel Road and the parking of the three storey Avonmore Court apartments. Also, to the south is a recycling plant for which there is a resolution to grant for residential development consisting of apartment blocks (Ref No. 19/0295). There is also a school and car showroom/workshop to the south fronting Wolverhampton Road.

Of note, the proposed scheme to the south, which has a resolution to grant, is accessed off Hollyhedge Close and will provide a pedestrian access. This has a housing density of 40 dwellings per hectare.

Within the wider area the Wolverhampton Road is 100m to the south with the edge of Walsall town centre, as set out within the Area Action Plan, approximately 0.4 kilometres to the east. There are a number of shops and services within the local area with bus stops located on the Wolverhampton Road. The Walsall Canal is located approximately 0.3 kilometres to the east. This forms a conservation area and SINC.

The site is within a Coal Development High Risk Area.

Relevant Planning History

15/0385/OL - Outline planning application for demolition of all buildings at the former Harvestime Bakery site and the erection of up to 80 residential units with all matters reserved except means of access – Refused on highway grounds, over development and lack of amenities 12/6/16

16/1514 - Outline planning application for the demolition of all buildings at the former Harvestime Bakery site and the erection of up to 80 residential units with all matters reserved except means of access (re-submission of 15/0385/OL) – GSC 5/12/16

Adjacent Planning History:

Land adjacent 48, Wolverhampton Road, Walsall

19/0295 Proposed residential development – 71 apartments – Resolution to grant subject to signing of Section 106

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**

- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.6 to 3.8 Environmental Improvement
- 3.9 Derelict Land Reclamation
- 3.11 Forestry and Trees
- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV16: Black Country Urban Forest
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV26: Industrial Archaeology
- ENV27: Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design

- H4: Affordable Housing
- 7.4 Strategic Policy Statement
- T1 - Helping People to Get Around
- T6 - Traffic Calming
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space
- 8.7 to 8.9 Strategic Policy Statement
- LC3: Children’s Play Areas

Black Country Core Strategy

- CSP1: The Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- RC1: The Regeneration Corridors
- HC1: Land allocated for New Housing Development
- HC3: Affordable Housing and Housing for People with Special Needs
- EN1: Natural Environment Protection, Management and Enhancement
- EN3: Flood Risk
- T2: Bus Services
- T4: The Highway Network
- T5: Highway Improvements

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

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

Appendix D: Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. The requirement to design longer rear gardens to reflect an area's character is applicable and the guidelines should not mean to be the maximum achievable distances.

Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above (this standard will be applied more robustly at the rear than across roads at the front), 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20 sq. metres useable space per dwelling where communal provision is provided.

Open space, sport and recreation

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

Affordable Housing

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

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 objection subject to the inclusion of planning conditions requiring the inclusion of a Grampian condition in respect of a new footway on Hollyhedge Close, engineering details, surfacing of parking and vehicle manoeuvring areas, details of the cycle shelter, construction methodology statement, visibility splays, Highway Stopping Up Order, details to prevent parking on shared cycle route, and adherence to travel plan which will provide incentives to promote the developments sustainability credentials upon occupation.

Highways England – No objection

Local Access Forum – Support the shared cycle pedestrian route.

Public Rights of Way – No objection

Archaeology – No objection subject to a condition relating to a programme of archaeological work to be agreed.

Historic England – No objection

West Midlands Fire Service – Raises concern with the apartment building and potential firefighting provision. A rising main will need to be provided and an informative note for the developer is recommended.

Housing Strategy – 25% affordable housing is required on site, equating to 22 units, and should include some of the 4 bed provision, and 2 and 3 bed houses. The tenure of the 25% affordable housing will need to be 75% social rent and 25% shared ownership.

Natural England – No comments to make

Network Rail – No comments to make

Severn Trent Water – No objection subject to condition relating to drainage

West Midlands Police – Comments made relating to first floor windows being included adjacent to parking, restriction of the shared cycle path, fencing to the side of the apartments, railings adjacent to the apartments and secure mail provision for the apartments.

Sport England – No objection

Strategic Planning Policy – Residential development is strongly supported in principle on planning policy terms. Comments relating to the need for contributions towards affordable housing, off-site open space and highway improvements and/or public transport, and for the need to consider adequate links for pedestrians to off-site facilities to minimise the need to drive.

Public Health – No objections and recommended the submission of a Health Impact Assessment

Coal Authority – No objection subject to the imposition of planning conditions requiring the undertaking of intrusive site investigations prior to the commencement of the development if approved.

Canals and Rivers Trust – No objection

Pollution Control – No objections and recommend conditions requiring the implementation of mitigation schemes in respect of the effects of noise and contaminated land along with conditions requiring the incorporation of electric vehicle charging points and low NOx boilers in the development are provided. Conditions are also recommended to minimise environmental impact during the course of building works

Lead Local Flood Authority – No objection subject to condition relating to surface water drainage.

Ecological Officer – No objections subject to the inclusion of planning conditions in respect of mitigation measures and biodiversity enhancement gains if approved.

Arboricultural Officer – No objection subject to condition relating to condition securing suitable mitigation as set out within Arboricultural Assessment

Representations

Surrounding occupiers were notified by letter, site notices displayed and advertised in the local newspaper;

Two responses have been received objecting to the proposal on the following grounds;

- Shortage of parking and potential highways issues.
- Lack of permeability/connectivity
- Overdevelopment
- Lack of soft landscaping
- Drainage issues
- Social and crime issues
- Lack of obligations

Determining Issues

- Principle of Development
- Impact on the Character and Appearance of the area
- Impact upon residential amenities
- Noise
- Air quality
- Ground conditions
- Coal
- Ecology
- Drainage and Flood Risk
- Access and Parking
- Planning Obligations
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The site is allocated for residential development within the Walsall Site Allocation Document (2019) under Policy HC1 for an estimated 80 dwellings (Site H66a). The

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Policy requires the design of development on these sites to take account of their context and surroundings and help to create places where people choose to live. Each site should achieve a density of at least 35 dwellings per hectare, except where part of the site is needed to provide open space or other facilities in accordance with other policies. The Site achieves a density of approximately 47 dwellings per hectare which would meet this requirement.

Further to this, the National Planning Policy Framework seeks to make as much use as possible of previously-developed or 'brownfield' land.

The Site is within a sustainable location within an existing residential area with access to shops and services in Walsall Town Centre, approximately 0.2 kilometres to the south west of the site, and beyond.

There are a number of bus stops within walking distance as well. There are two bus stops on Hollyhedge Lane immediately outside the site serving which serve routes 40 and 41. A bus stop approximately 0.2 kilometres to the south west serves route 529.

As such, and subject to full assessment of all material considerations, the principle of residential development in this location is considered acceptable and accords with the aims of local and national planning policies.

Impact on the Character and Appearance of the Area

The application proposes a three storey residential apartment block in the eastern corner, with houses spread around the rest of the Site arranged around three internal access roads.

The apartment block is considered to respect the urban character of the area through its placement and use of red brick, white render and grey tile. The use of white render would add interest. The roofline has been designed to fit in with the neighbouring buildings and the building turns the corner and offers an active frontage on both Hollyhedge Lane and Hollyhedge Close by providing direct pedestrian access to the block from the street. The bin store has been recessed into the boundary fencing to the north of the apartment block and a suitably worded planning condition can ensure that it is sufficiently screened while still offering access (with the same being true for the bin store on the western edge of the site). The rear gated parking for the apartment blocks will ensure security. The details of these parking gates can be secured by condition to ensure they are appropriate.

Within the rest of the scheme, the dwellings would be arranged in linear rows. The houses fronting Raleigh Street would respect and continue the existing character with a strong building line while still providing on-plot parking. The density of the development would reflect the terraced nature of the urban area and make the best

use of a brownfield site. The gardens to the houses all adhere to the policy requirements (either 12m in length or 68m²) to ensure sufficient space for future residents. The separation distances within the proposed scheme are discussed in further detail below but it is considered, on balance, that the scheme would respond to the urban character of the area in this regard and a high quality urban form would be created.

With regards to the levels on the site, there would be approximately a 4 metre change from north to south. A suitably worded planning condition which meets the required tests can secure details of finished floor levels to ensure the proposed scheme is acceptable in this regard.

Elements of landscaping and the use of semi-detached dwellings would break up the street scene, and brick boundary walls along prominent boundaries would ensure a high quality character is created. These brick walls would also provide a robust boundary mitigating against any security concerns. The landscaping can be controlled by a suitably worded planning condition and a planning obligation can ensure its ongoing maintenance. This obligation would meet the tests set out in the NPPF given it is necessary to make the scheme acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind.

The dwellings would be built from red brick grey tile, with white upvc windows. Elements of render would be used on prominent buildings and dual aspect frontages would be used to add interest and surveillance. A suitably worded planning condition can be included in respect of the provision of details of the proposed facing materials along with details of the proposed finished floor levels of the buildings. These conditions would meet the tests as set out in the NPPF.

Within the north western corner, the site abuts an area of council-owned land. A 1m high boundary treatment is proposed along this boundary and landscaping can be secured to ensure the scheme ties in with this area whilst defining the development boundary and offering a degree of security.

The proposed cycle path within the site, running along the southern edge of plots 30 and 41 is considered to create high quality public realm. The use of a different surfacing can delineate this, and a suitably worded planning condition can ensure that suitable defensive measures are taken to avoid parking on this area. The scheme is legible and permeable while avoiding the potential for crime. The boundary wall along this feature would be constructed from a 1.8 metre brick wall with 0.3m trellis on top to minimise any potential for antisocial behaviour and an increase in crime.

With regards to the potential for crime, West Midlands Police made a number of comments which have been taken into account as part of the updated proposals. Side windows have been included where there is parking located adjacent to properties and

boundary fences have been included to enclose private open space. Gates have been positioned to ensure that there are no secluded areas which could attract crime low railings included within areas where a potential desire line could be created.

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

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

Impact on the Historic Environment

The application includes reports relating to built heritage and archaeological potential from CgMs.

With regards to built heritage, the report states that the site forms a small part of the setting of the designated built heritage assets of St Andrews Church and the Walsall Local Conservation Area but is a neutral element which does not contribute to understanding or appreciating the significance of these assets. Development of the site will result in a small visual change within the setting of these assets but will have no impact on their respective significance. The site also forms part of a negligible part of the setting to the non-designated built heritage asset of 64 Hollyhedge Close. The report confirms that the proposed development will have no impact on this asset and its significance will remain unaffected.

Historic England have confirmed they have no objection to the proposals and the proposals are considered acceptable in this regard.

With regards to the potential for archaeological remains, the report sets out that the archaeological interest is not of such value that it would preclude or constrain development of the site. Further works are recommended. The Council's Archaeological Consultant agrees with this conclusion. There are potential for archaeological remains relating to the lock works to be present on the site, but they would not for a major constraint on development.

As such, with an appropriate condition in place requiring a programme of archaeological work to be agreed and undertaken that would identify and preserve by record any archaeology that may be affected by the development, the scheme is considered acceptable in this regard.

Impact upon Residential Amenities

The proposed scheme is considered to respect and protect the amenity of existing neighbouring properties. This is because the layout ensures that existing residents will not be overlooked, given the design of the proposed site, and their privacy would therefore be maintained. The design of the scheme would also ensure that there is no unacceptable shading caused by the proposed. The height of the proposed apartment block would be 13 metres to the ridge. Its location would mean it would not adversely impact upon the existing dwellings fronting Hollyhedge Lane. As set out below, suitably worded planning conditions can ensure that there will be no unacceptable adverse impacts in terms of noise or air quality, during the construction phase.

With regards to the potential for additional traffic, the submitted data shows that the proposed layout, offering three different accesses, will disperse traffic safely across the local road network. This has been confirmed by the Highway Authority. The proposed development will generate less than one additional vehicle in the morning and evening peak periods. Sufficient parking has also been provided for each plot with 2 spaces for each house and 1.3 spaces per apartment. As such, it is considered the additional traffic created by the proposed housing development will not cause an unacceptable impact to the amenity of existing residents given how it will be dispersed onto the network and the suitable level of parking proposed.

It is noted that there will be a 19 metre habitable room to room separation distance between nos. 39 and 40 and the apartment block which has a resolution to grant (Ref No. 19/0295). The windows within the proposed apartment will be obscure glazed; something secured by condition. On balance, this relationship is considered acceptable given the urban nature of the site and the mitigation provided in the form of obscure glazing on the adjacent site.

The edge of the rear gardens of nos. 36, 37 and 38 would be located approximately 11 metres from the northern elevation of Avonmore Court. There would therefore be an element of overlooking into the proposed gardens given their relationship. There would be no overlooking directly into habitable rooms given the orientation of the proposed houses. Given the urban nature of the site, and the fact there would be no direct overlooking into habitable windows, it is considered that, on balance, this relationship is acceptable and future residents would have a suitable standard of private amenity.

Elsewhere within the proposed scheme, the rear separation distances between the four rows of houses running north to south have been reduced (between 22 and 22.2 metres) from the 24m standard required within the Designing Walsall SPD. Plots 53-55 also have a slightly reduced rear separation distance of approximately 11-12 metres from the retaining wall to the east. The proposed scheme is within an urban area where there is the potential for crime and the relationships created will ensure

that opportunities for anti-social behaviour are limited. Further, the orientation of these proposed dwellings, on a north-south axis, would mean that there would be no unacceptable shading impact. For these reasons, the reduction is considered, on balance, to be acceptable within this specific scheme and the privacy of future occupants will be retained.

With regards to access to private amenity space, all the proposed houses would have private amenity space which meets, or exceeds, the requirements of the Designing Walsall SPD. The same is true for the flats within the apartment block where there is 23.3m² of space per apartment. It is noted that one of the reasons for refusal for the previous scheme on this site related to a lack of amenity space. The overall provision of private amenity space proposed complies with the Designing Walsall SPD, and the Walsall Canal Greenway is approximately 100 metres from the eastern edge of the site. This approach is therefore considered, on balance, to create an acceptable situation for residents in this regard.

Plots 10, 31, 47, 53, 61 and 64 contain side windows which overlook the rear gardens of the adjacent houses. A suitably worded planning condition, that meets the tests set out within the NPPF, would ensure that side windows will be obscurely glazed with any opening parts 1.7 metres higher than the floor of the rooms they would serve to ensure a suitable standard of private amenity for the adjacent houses.

The proposed scheme is also within an area where there is the potential for crime. The amendment to the proposed cycle route has removed the potential route for criminals.

The scheme would provide landscaping within to ensure a high quality design. The choice of species can be controlled to avoid these spaces having the potential to attract antisocial behaviour. They are also overlooked by habitable rooms of the proposed houses. A management scheme, secured through a planning obligation, will also ensure that these spaces are suitably managed.

With regards to certain areas specially, the area to the east of no.70, railings and landscaping have been included to mitigate the potential for access. The type of landscaping in this area can be controlled as part of a suitably worded planning condition. There are also habitable windows in the adjacent apartment block overlooking an area that is at the entrance to the site. The area immediately in front of no. 37 is overlooked by the habitable windows of this property. The turning head to the north of nos. 46 and 51 is overlooked by windows from these properties and the private parking will help to provide activity. The area to the west of no. 1 would be included within the landscaping scheme so will be managed to avoid any unsightly build up. Railings have also been included to deter access.

With regards to parking, all the parking is located within view of a habitable window and will be directly overlooked. The parking for no. 35 is located to the east but there

are direct sight lines from both no. 35 and the adjoining houses. This is therefore considered an acceptable situation.

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

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

While it is noted that public health have requested a Health Impact Assessment, in this instance, the proposed development is not considered to be of a scale where this is warranted.

Noise

The application includes a report from RPS in respect of noise. In summary, this report sets out that the proposed residential development would be of negligible risk to adverse impact from noise. The proposed residential development would be subject to satisfactory internal acoustic environments in line with BS 8233:2014.

Pollution Control Team have assessed the submitted noise report and have concerns relating to how noise has only been measured from one location. Concern is also raised that L_{Amax} levels exceeded 60dB(A) on 9 occasions per night. The Consultant did not consider possible sources for the noises but has identified that the level is close to exceeding the Lowest Observed Effect Level (LOAEL). Given how close the LOAEL was to being exceeded and the location of the sound level meter for the measurements, Pollution Control are of the opinion that additional investigations are required, with locations being unrestricted and closer to where the houses will be located by the road. The outcome of these additional investigations will confirm if any specific noise mitigation scheme is required. A suitability worded planning condition that meets the tests set out in the NPPF, would ensure that any required mitigation, which is needed following the additional investigations, is provided and implemented. This would suitably address any existing noise climate concerns and ensure a suitable standard of amenity for future residents.

Air Quality

An air quality assessment from Air Quality Consultants has been submitted. In summary, the effects of local traffic on the air quality for residents living in the proposed development have been shown to be acceptable at the worst-case locations assessed,

with concentrations being well below the air quality objectives. The report concludes that operational air quality effects of the development are judged to be 'not significant', and no additional mitigation measures are considered necessary.

Pollution Control have assessed the submitted air quality assessment. Section 6 of the air quality assessment sets out various mitigation measures including: Construction Management Plan, electric vehicle charging points; travel plan; pedestrian and cycle access; combination boilers; mechanical ventilation with inlet located at first floor height; and the use of solar panels. While these measures are desirable, Pollution Control is of the opinion that an Air Quality Action Plan is required, which should include reference to the Black Country Air Quality Supplementary Planning Document. The scheme will need to take account of the Type 1 and Type 2 mitigation measures. A suitably worded planning condition, that meets the tests set out in the NPPF, can ensure this is addressed.

In addition to this, Pollution Control have requested a Construction Management Plan is secured through a suitably worded planning condition to ensure any construction impacts are sufficiently mitigated.

With regards to renewable energy provision, the submitted energy statement from Focus confirms that the proposed development can comply with the planning requirements with 10% of the residual demand projected to be met by renewable technology, namely photovoltaics. A suitably worded planning condition which meets the test can ensure this requirement is complied with.

In light of the above, and with the proposed mitigation/conditions in place, the proposed is considered acceptable in this regard.

Ground Conditions

A Ground Investigation Report from RPS has been submitted with the planning application. This consists of an original report dated March 2015 and an updated report dated June 2019. In summary, the 2015 report indicated that, where sampling was possible, the site had various contaminative substances within the soil and groundwater. There were some volatile (hydrocarbon) gases being generated with elevated levels of carbon dioxide and methane.

The report made some outline recommendations for the contaminants and gases determined, but also advised that additional investigations were required. The updated report confirms the original findings and recommends additional ground gas monitoring is undertaken.

Pollution Control agree with these findings, and it is recommended that the additional contaminated land investigations, as set out within the recommendations, are

undertaken where there is full access to the site. Investigations will be required where it was not previously possible.

As such, a suitably worded condition can ensure a suitable remediation and mitigation scheme and the proposed is considered acceptable in this regard.

Coal

The Coal Authority has confirmed the site falls within the defined Development High Risk Area and, as such, there are coal mining features and hazards which need to be considered. The Coal Authority's records indicate that the site is likely to have been subject to historic unrecorded underground shallow coal mining.

An Updated Ground Investigation Report (June 2018) has been submitted as part of the application. This indicates that the risk from shallow coal workings beneath the site is low. However, it recommends further investigations given the potential for localised mining was found within borehole WS13. Coal was also encountered within boreholes 3 and 4 at 11.2m and 13.2m depth.

As such, it is considered that the recommendations as set out within the Updated Ground Investigation Report, should be undertaken and the ground conditions properly assessed to establish the exact situation. The applicant should ensure that the existing form of any intrusive site investigation is agreed with the Coal Authority's Permitting Team as part of the permit application.

The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information relating to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out. Any mitigation measures, such as grouting stabilisation works and foundation solutions, should be informed by the intrusive site investigations.

As such, a suitably worded planning condition requiring appropriate further investigations and any resultant remediation measure to be carried out would ensure the safety and stability of the development, in accordance with Paragraphs 178 and 179 of the National Planning Policy Framework.

Ecology

An ecological appraisal undertaken by RPS was submitted with the planning application. This concluded that there would be no negative effects on the adjacent Walsall Canal SINCR if suitable pollution control measures were followed; the potential increase in use of the canal is considered to be negligible. The proposal would result in the loss of some habitat but the submitted ecological appraisal sets out the new

landscaping proposed would provide alternative habitats. No bat roosts were found to be present at the site, but precautionary measures would be utilised. New landscaping would enhance the site for biodiversity and the provision of bat brick/boxes would provide alternative roosting opportunities. The ecological appraisal sets out these would be located on the apartment building with a southerly or westerly aspect. The location of these boxes would, however, have to take account of orientation and any proposed lighting.

The ecological appraisal recommends various mitigation measures including pollution control measures; Construction Environmental Management Plan (including provision for site clearance measure to mitigate against bats and nesting birds); creation of landscaping; and nesting bird and bat bricks.

The Council's Ecologist has assessed the submitted ecological appraisal and initially made various comments relating to the potential for great crested newts; the lack of checks for protected species licenses and priority habitats within 2km of the site; the lack of inspection survey and precautionary methods of working with regards to the demolition of the buildings; confirmation of pollution measures; and the inclusion of a SuDs system.

An updated ecological appraisal was submitted to take the above points into account. This was reassessed by the Council's Ecologist who considered that provided the recommendations within the ecological appraisal were adhered to, the development would be unlikely to result in any significant ecological impacts.

A suitably worded planning condition could ensure that the recommendations within the ecological appraisal. This should also include requiring details, and retention of, bat/bird bricks to ensure the scheme contributes to the natural and local environment in line with Paragraph 170 of the NPPF. A condition controlling the type of landscaping would ensure that suitable species are included.

An arboricultural impact assessment has been undertaken by Middlemarch Environmental and submitted as part of the application. The proposed scheme would result in the loss of two trees and five groups of trees (of which one group would only be partially removed). One tree within the north eastern corner of the site would be retained and new landscaping would be provided as part of the scheme.

The Council's Arboricultural Officer has assessed the scheme and has no objections subject to a suitably worded planning condition, which ensures the recommendations of the arboricultural assessment impact assessment are adhered to, and new planting within the scheme.

As such, with suitably worded conditions in place, the proposed is considered acceptable in this regard.

Drainage and Flood Risk

The Lead Local Flood Authority identifies the site as being within Flood Zone 1 with a minor surface water risk within the site (1 in 1000 year extent). There are no known instances of past flooding within 20m of the site. However, one representation made does allude to problems with drainage adjacent to the Site.

The Lead Local Flood Authority have reviewed the submitted information and are generally satisfied with the proposals outlined and have no objection to planning permission being granted.

The final drainage design should be in accordance with the drainage strategy, design parameters within the submitted documents and the result of further site investigations. A planning condition could ensure a suitable drainage strategy is implemented.

Severn Trent also have no objections to the scheme subject to a condition which ensures that suitable foul and surface drainage water flows can be achieved.

This will ensure a satisfactory means of drainage and prevent or avoid exacerbating any flooding issues and minimise the risk of pollution.

As such, the proposed is considered to be acceptable in this regard.

Access and Parking

The NPPF explains that development should only be refused in transport grounds where the residual cumulative impacts of the development are severe. The submitted transport note, produced by RPS, confirms that the additional net increase in vehicle movements would not be severe. When assessed against the previously consented scheme, the transport note sets out that the difference is minimal and indeed positive in terms of a lower number of vehicle trips (-11 trips). The proposed development will generate less than one additional vehicle in the morning and evening peak periods. The traffic will be distributed/assigned on to the local highway network via the three different access which will disperse traffic safely across the local highway network.

This has been confirmed by the Highway Authority who have no objection to the scheme. The proposals would also bring benefits to existing residents given a residential scheme will attract smaller and quieter vehicles than that associated with the previous industrial use.

The submitted drawings show that the Site can be accessed by both a refuse vehicle and fire tender and there is sufficient space within the Site to turn. Suitable visibility

splays have also been provided from all accesses onto the adopted highway and these can be secured through a suitably worded planning condition which meets the required tests.

164 parking spaces are proposed with two spaces for each house and 1.3 spaces per apartment. Taking into account the fact the site is considered to be within a highly sustainable location on the edge of the town centre with sustainable transport options within a reasonable walking distance, on balance the Highway Authority considers the level of parking acceptable. They have, however, requested a condition requiring details of how two disabled parking bays can be included within the apartment parking area. These disabled spaces are shown on the Site Plan.

One of the accesses would be taken off Hollyhedge Close. This access would serve 30 of the proposed dwellings and the 18 apartments. An assessment of Hollyhedge Lane/Wolverhampton Road signalised junction (as set out within the committee report relating to the adjacent site reference no. 19/0295) demonstrated that it will operate within capacity with the predicted development traffic.

The inclusion of a Grampian Condition for the provision of a new footway in Hollyhedge Close to link the site entrance to the existing highway footway will be required, to maximise the opportunity for walking and cycling from the proposed scheme.

Conditions in respect of surfacing requirements, the provision of a Construction Methodology Statement, cycle shelters, dropped kerb requirements, surfacing, drainage and incentives to promote the development's sustainability credentials upon occupation will be required.

With regards to bin and cycle storage, the proposed apartments would be served by a bin storage area fronting Hollyhedge Lane. The cycle storage area would be located to the west of the proposed apartment block within the secure amenity area. Bin and cycle storage for all the houses would be within their private amenity areas. It has been shown that there is suitable access provision for a refuse vehicle for these houses. The exception to this would be the two bin collection points for nos. 1-10 that be located adjacent to Raleigh Street with access directly onto the highway. A suitably worded planning condition can ensure the provision, and retention, of the bin and refuse storage and their design. This will ensure they are of a high quality design and will ensure their retention.

A Residential Travel Plan has been submitted and its content agreed, the document could be secured by a suitably worded planning condition. This will maximise the sustainable travel opportunities for future residents.

Regarding concerns relating to fire access and the concerns relating to the apartment block, amendments have been made to include a dry riser in line with the submitted

comments. Any requirements for hydrants and sprinkler systems can be dealt with by way of building regulations rather than the planning process.

The amended scheme also incorporates an existing bell mouth which formed part of the entrance to the previous use. This area is adopted highway and, as such, will need stopping up under Section 247 of the Town and County Planning Act 1990. The Highway Authority have requested a planning condition requiring this process to be completed prior to the commencement of the development. This is a separate process that can proceed alongside the development and, as such, this proposed condition is considered unreasonable and would not meet the 6 tests for a condition. An informative can, however, be placed upon any condition notifying the applicant of this requirement.

Finally, to ensure that the proposed shared cycle route within the scheme isn't used for informal parking, a suitably worded planning condition can ensure that a suitably designed physical barrier can be provided. This will retain the path for use by pedestrians and cyclists which is seen as a benefit to the proposed scheme.

The Highway Authority considers the development overall will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with Paragraph 109 of the NPPF.

Planning Obligations

Given the scale and type of development, planning obligations relating to affordable housing; urban open space; on-site open space maintenance; monitoring; and a review of the viability of the site will be required.

Urban Open Space

Open Space contributions are also required given the size of the scheme. For a development of this size, within this ward, a contribution (as defined by the Urban Open Space SPD) of £135,171.00 is required. Reedswood Park is within 500 metres of the application site, the nearest open space to the development and considered a destination park for residents. Whilst this is on the edge of a reasonable walking distance, the LPA would advise any open space contributions would be spent at Reedswood Park as this is considered to be related to the proposed development given it is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development., which would meet the 3 tests for securing S106 contributions in this instance.

The applicant has explained, due to viability reasons, they are unable to provide any financial contributions relating to the Urban Open Space. The submitted viability assessment is currently being assessed by Lambert Smith Hampton on behalf of the Local Planning Authority and an update will be provided at planning committee in relation to the open space contribution and affordable housing provision.

Affordable Housing

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

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

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

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

The applicant has secured funding from the West Midlands Combined Authority, who require affordable housing within all of their schemes.

To comply with the Council's affordable housing policy, 25% of the dwellings (22 dwellings) should be for affordable in nature with the required tenure split 75% social rent and 25% shared ownership. The affordable housing provision should also include a range of sizes including some 2-4 bed provision. Housing Strategy's preferred option would be a mix of either:

- 8 one bed flats in a separate unit, with 14 houses including at least two 4 four bed houses; or
- 22 houses including at least two 4 bed houses.

The reason for this preferred mix is due to the amount of existing, and consented, 1 bed apartments within the immediate area which will be affordable in nature.

The applicant's submitted viability assessment sets out that the only viable configuration of affordable housing is:

- 18 one bed apartments located within the apartment block to the east of the site
- 2 two bed houses accessed directly off Hollyhedge Close
- 2 three bed houses accessed directly off Hollyhedge Close

The submitted viability assessment is currently being assessed by Lambert Smith Hampton on behalf of the Local Planning Authority and an update will be provided at planning committee in relation to the affordable housing provision. If the scheme is found to be unviable a suitably worded obligation, which meet the tests for securing S106's set out above, could ensure the affordable element is retained in perpetuity. Should the development be transferred to a registered provider(s), planning committee are advised to secure the council's policy compliant 25% affordable housing, should the site/houses be sold off to private developer/occupiers.

On site landscaping

The provisions of an in perpetuity Management Strategy for the areas of unadopted soft/hard landscaping within the site would be required this has been accepted by the applicant. This will help to ensure the scheme remains high quality in the future.

Uplift Clause

Subject to the outcome of Lambert Smith Hampton's findings in relation to the viability, and should it be found the development is unviable with the Council's open space and affordable housing triggers, it is advised that planning committee secure a clause in the Section 106 to consider uplift in value to take account of time taken for the development to be built, reviewing the viability at 70% completion of the development.

Council's costs and monitoring

A contribution towards the Council's monitoring of the Section 106 has been agreed by the applicant.

On balance, the proposed scheme is considered to be acceptable in terms of obligations.

Environmental Impact Assessment

The proposed scheme falls below the threshold set out within Schedule 2 of the Town and County Planning (Environmental Impact Assessment) Regulations 2017 (as amended) requiring a screening opinion to be issued. This is development which

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includes more than 150 dwellings. The proposed scheme is also not within a sensitive area. As such and taking into account the indicative screening thresholds as set out in Paragraph 058 of the National Planning Practice Guidance, an Environmental Impact Assessment is not required in this instance. The surrounding proposed development, and the potential cumulative impacts, are not considered to change this opinion given their combined potential impact is not considered to pass the threshold required for an Environmental Impact Assessment.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 88 new homes.

The Government has indicated that, for 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

Conclusions and Reasons for Decision

The site is allocated in the SAD for residential development (Site H66a) and is required, by Policy HC1, to take account of its context and surroundings, and help to create places where people choose to live.

It is considered that the proposed development would be laid out to respect and reflect the urban character of the area. The proposed buildings would be uniform, but interest has been added on prominent corner plots through dual-frontage and the use of render. There would be elements of landscaping within the scheme which would break up the parking and provide interest. The apartment block respects the building and roof line and has been sensitively designed. It would turn the corner and would allow for an active frontage on both the eastern and southern elevations.

The proposed would have an acceptable impact upon the amenity of existing neighbouring residents with the separation distances, as set out within the Designing Walsall largely respected. There would be no overlooking or overbearing impact created for any existing resident. Suitably worded planning conditions could also mitigate against any construction impact or ongoing impact after the scheme has been

constructed with regards to air quality or noise. The submitted technical information has confirmed that the additional highway impact would be acceptable.

With regards to the amenity of future residents, this is also considered, on balance, to be acceptable. The urban nature of the scheme and need for improved surveillance given the potential for crime in the area, would mean the slightly reduced separation distances in some areas are considered acceptable. Each resident has access to private amenity space which meets or exceeds the requirements set out in Designing Walsall and suitably worded planning conditions can mitigate against any construction impact. A specific condition regarding further noise testing and any required mitigation would ensure the scheme is acceptable in this regard.

The various consultees have also confirmed that with suitably worded planning conditions that the scheme would be acceptable with regards to air quality, ground conditions/coal, ecology, and drainage and flood risk.

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

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

As such, the development is considered to meet the aims and objections of the National Planning Policy Framework (para 127), Policies CSP4, CSP5, HOU1, HOU2, HOU3, TRAN2, TRAN4, TRAN5, ENV1, ENV2, ENV3, ENV5, ENV7 and ENV8 of the Black Country Core Strategy and saved policies 3.6 to 3.9, 3.11, 3.13 – 3.15, GP2, GP3, GP5, GP6, ENV10, ENV11, ENV13, ENV14, ENV16, ENV17, ENV18, ENV23, ENV25, ENV26, ENV27, ENV32, ENV33, H4, T1, T6, T7, T8, T9, T10, T11 and T13 of Walsall Unitary Development Plan, policies and Supplementary Planning Documents Designing Walsall, Conserving Walsall's Natural Environment, Open Space, Sport and Recreation, Affordable Housing and Air Quality.

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

Positive and Proactive Working with the Applicant

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

The scheme has been amended as part of the application process to increase the amount of landscaping between the parking areas, relocate the apartment parking behind the proposed dwellings, and reduce the shared cycle pathway. Additional dual aspect dwellings and windows have also been added in as well as changes to the parking layout to bring more 'on plot'.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant Planning Permission Subject to Conditions and a S106 Agreement to secure contributions towards the provision of Affordable Housing, Urban Open Space, On-site Landscaping Maintenance; Monitoring; and Uplift Clause, and subject to:

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

Conditions and Reasons

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

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

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

- Site Location Plan, drawing no. 1794-90a
- Proposed Site Plan, drawing no. 1794-100m
- Hardwick Plans and Elevations, drawing no. 1794-200a
- Eveleigh Plans and Elevations, drawing no. 1794-210b
- Eveleigh Wide Front Plans and Elevations, drawing no. 1794-220b
- A40 Dual Aspect Plans and Elevations 1794-240a
- A40 Plans and Elevations drawing no. 1794-250a
- Hardwick Unit 11 Plans and Elevations 1794-201b
- Hardwick Unit 57 Plans and Elevations 1794-202
- Eveleigh Dual Aspect Plans and Elevations 1794-230d
- Proposed Apartment Block Elevations 1794-260e
- Apartment Building Ground Floor Plans 1794-261e
- Apartment Building First Floor Plans 1794-262e

- Apartment Building Second Floor Plans 1794-263e
- Apartment Building Roof Plans 1794-264b
- Street scenes Sheet 1 of 1794-300c
- Street scenes Sheet 2 of 3 1794-301d
- Street scenes Sheet 3 of 3 1794-302d
- Drainage Layout C7613-100-P1
- Archaeological Desk Based Assessment by CgMs reference CH/SM/25680 dated December 2019
- Energy Statement by Focus dated July 2019
- Residential Travel Plan by RPS reference JNY10156-02c dated 17th December 2019
- Air Quality Assessment by Air Quality Consultants reference J3792A/1/F4 dated 16 December 2019
- Arboricultural Impact Assessment by Middlemarch Environmental reference RT-MME-131140-02 Rev C revised December 2019
- Ecological Appraisal by RPS reference ECO00753 dated 18 October 2019
- Site Noise Risk Assessment and Acoustic Design Statement by RPS reference JAE11073 REPT-01 dated 19 December 2019
- Flood Risk Assessment by RSP reference AAC5552 dated 19th December 2019

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 information provided, prior to the commencement of any part of the development hereby approved including demolition, site clearance and site preparation, a plan detailing a new public footway to upgrade the northern verge from the existing adopted footpath on Hollyhedge Close to the site entrance for a distance of approximately 32 metres to an adoptable highway standard. The constructed new public footpath route shall thereafter be retained and available for use by members of the public.

Reason: To improve accessibility to the site in accordance with saved UDP Policies GP2, T8 and T10

4: a) Notwithstanding the information provided, prior to the commencement of the development hereby approved, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority.

b) The scheme shall not be implemented otherwise than in accordance with the approved details before the development is first brought into use. This is 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.

Reason: To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to

minimise the risk of pollution in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

5: a) Notwithstanding the information provided, prior to the commencement of the development hereby approved, the final detailed surface water drainage design shall be submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must be in accordance with the overall strategy and principles set out in the submitted documents and reflect the results of any further site investigations. The design to be submitted must include:

- i. The detailed design (plans, network details & calculations) should be updated to reflect the final surface water drainage strategy. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 30 year, and 1 in 100 year plus climate change return periods.
- ii. Plans illustrating flooded areas and flow paths in the event of exceedance or blockage of the drainage system. Site layout and levels should provide safe exceedance routes and adequate access for maintenance.
- iii. Provision of an acceptable management and maintenance plan for surface water drainage to ensure continued performance of the system for the lifetime of the development. This should include a schedule of required maintenance activities and frequencies, and the contact details for the organisation responsible for carrying out these duties.

b) The development shall not be constructed otherwise than in accordance with the approved details before the development is completed and thereafter retained for the life of the development.

Reason: To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

6: a) No development (other than demolition and ground works) shall take place until the engineering details and specification of the proposed roads, cycleways (where relevant), footways, footpaths and highway drains required have been submitted to and approved in writing by the local planning authority. No building shall be occupied until the road works necessary to provide access from the publicly maintained highway to it have been completed in accordance with the approved details.

Reason: To ensure the safe and satisfactory operation of the development in accordance with UDP Policy GP2 and in the interests of highway safety.

7: Notwithstanding the submitted information, no development shall take place until a Construction Working Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- i. Construction working hours

- ii. Parking and turning of vehicles of site operatives and visitors (including construction deliveries)
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures
- xiii. measures to avoid spreading narrow-leaved ragwort within the wider environment

The approved Construction Working Plan shall be implemented upon commencement of works and shall be maintained until the site is completed.

REASON: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development.

8: a) Prior to the commencement of any building or engineering operations of the development hereby approved details of the proposed finished floor levels, ridge and eaves heights of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measures against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties.

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

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

9: a) Prior to the commencement of the development hereby approved, a scheme of intrusive site investigations which are adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow mining activity shall be submitted to and approved in writing by the local planning authority.

b) Prior to the commencement of the development hereby approved, should site investigation works confirm the need for remedial works to treat areas of shallow mine

workings to ensure the safety and stability of the development such remedial works shall be submitted too and agreed in writing with the local planning authority.

c) The development shall not be constructed otherwise than in accordance with the agreed remedial works and thereafter retained for the life of the development.

Reason: To ensure the safety and stability of the development and to comply with NPPF Paragraphs 178 and 179 and saved policies GP2 and ENV14(c) (ii) of Walsall's Unitary Development Plan.

10: a) Notwithstanding the information provided, no built development shall take place until the following requirements have been complied with:

- i. A further site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken (see Note for Applicant CL1); and
- ii. A copy of the findings of the additional site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas has been submitted to and approved in writing by the Local Planning Authority (see Note for Applicant CL2); and
- iii. An additional Remediation Statement setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation has been submitted to and approved in writing by the Local Planning Authority (see Note for Applicant CL2).
- iv. The remedial measures set out in the approved Remediation Statement required by part
- v. iii) shall be implemented and completed in accordance with the agreed timetable.
- vi. If during the undertaking of remedial works or the construction of the approved development, unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered, development shall cease until the Remediation Statement required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

b) No part of the development shall be brought into use until the remediation works have been completed and a validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements has been submitted to and approved in writing by the Local Planning Authority (see Note for Applicant CL3).

REASON: The site has previously undergone a phase of intrusive investigation, which identified a number of potentially contaminative sources across the site. This investigation was hampered by the presence of the existing site buildings; therefore, an additional phase of work is required to fully characterise the risks posed by the site to future Occupiers and to Controlled Water receptors, on and in the vicinity of the site,

and to ensure safe development of the site and to protect human health and the environment.

11: a) Notwithstanding the submitted details, no development shall take place until a sound impact assessment has been undertaken in accordance with a methodology, which has first been submitted to and approved in writing by the Local Planning Authority.

b) No development shall take place until any acoustic mitigation measures required as a result of the sound impact assessment to ensure that accommodation is designed to achieve the requirements of BS8233:2014 have been submitted to and approved in writing by the Local Planning Authority.

C) No dwelling shall be occupied until any mitigation required as part of this condition has been implemented in accordance with the approved details for that dwelling. The mitigation measures shall then be retained for the life of the development.

Reason: To protect local amenity and to meet the requirements of saved UDP policies GP2 and ENV10.

12: a) No development, including any works of ground preparation, shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority.

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

REASON: To ensure that any archaeological remains within the site are adequately investigated and recorded or preserved in situ in the interest of protecting the archaeological heritage of the borough.

13: a) Prior to commencement of the development hereby approved details of both hard and soft landscape works to include native plant species or species with known benefits to wildlife within the landscaping shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved scheme shall not be carried out otherwise than in accordance with the agreed details during the first planting season following the completion any part of the development being brought into use.

c) Any trees shrubs or plants that die within a period of 5 years from the completion of each development phase or are removed and or become seriously damaged or diseased in that period shall be replaced and if necessary, continue to be replaced in the first available planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area and to enhance the wildlife habitat in accordance with saved policies ENV17, ENV23, ENV24 and ENV33 of Walsall's Unitary Development Plan and SPD Conserving Walsall's Natural Environment.

14: a) Notwithstanding the submitted details, prior to the commencement of the development an Air Quality Low Emission Scheme to install electric-vehicle charging points and Ultra-Low NOx boilers shall be submitted to the Local Planning Authority for approval in writing.

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

c) Prior to the first occupation of any dwelling a Low Emission Scheme Validation Statement shall be submitted in writing to the Local Planning Authority that demonstrates the scheme has been installed for that dwelling as agreed.

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

15: a) Notwithstanding the information included on the deposited plans and the application form prior to the commencement of the hereby approved development above damp-proof course until a schedule of facing materials to be used in the development has been submitted to and agreed in writing by the Local Planning Authority.

b) The development shall not be constructed otherwise than in accordance with the agreed details and thereafter retained for the life of the development.

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

16: a) Prior to the commencement of the hereby approved development above damp-proof course, details of the proposed bin storage facilities serving both the apartments and houses shall be submitted to and approved in writing by the Local Planning Authority.

b) No dwelling shall be occupied until the bin storage relating to that dwelling has been provided in accordance with the approved details. The bin storage facilities shall be available for future occupiers and thereafter retained.

Reason: To ensure the satisfactory appearance and operation of the development and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

17: a) Prior to the commencement of the hereby approved development above damp-proof course, details of the proposed cycle storage facilities serving both the apartments and houses shall be submitted to and approved in writing by the Local Planning Authority.

b) No dwelling shall be occupied until the cycle storage relating to that dwelling has been provided in accordance with the approved details. The cycle storage facilities shall be available for future occupiers and thereafter retained.

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

18: a) Prior to the first occupation of any dwelling on the development, all parking and vehicle manoeuvring areas serving that dwelling shall be 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.

b) Prior to the first occupation of any apartment on the development, the access road and parking area shall be implemented, and the parking bays clearly demarcated on the ground.

c) The areas in a) and b) above 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.

19: a) Prior to the first occupation of the development, further details relating to the shared cycle route shall be submitted to and approved in writing by the local planning authority. These details will include:

- appropriate physical measures to prevent vehicular through traffic between parking spaces 35 and 37 and along the shared cycle route;
- details of surfacing to delineate the shared cycle route; and
- appropriate physical measures to prevent parking on the shared cycle route.
- Physical measures shall not provide climbing aids to breach adjacent boundaries

b) Prior to the first occupation of any dwelling on the development shall not be constructed otherwise than in accordance with the agreed measures and shall be thereafter retained for the life of the development.

Reason: To prevent through traffic in the interests of highway safety.

20: a) Prior to the first occupation of the apartment block hereby approved, four bat bricks shall have been installed in accordance with details previously submitted to and approved in writing by the local planning authority.

b) The bricks shall thereafter be retained for the life of the development with the bat box access openings maintained free of obstructions at all times and artificial light shining on them.

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

21: a) Notwithstanding the submitted information, prior to any construction above the damp proof course of the hereby approved development, details of a scheme to ensure 10% of estimated residual energy demand of the development on completion shall be submitted to and approved in writing by the local planning authority.

b) The development shall not be constructed otherwise than in accordance with the agreed details and thereafter retained for the life of the development.

c) Prior to the first occupation of any dwelling a Validation Statement shall be submitted to and agreed in writing by the Local Planning Authority that demonstrates the required measures have been installed for that dwelling as agreed.

Reason: in order to comply with Black Country Core Strategy Policy ENV7.

22: a) No external lighting be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted to and approved in writing by the Local Planning Authority.

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

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

23: a) Prior to their first occupation, the rear first floor side elevation windows serving plots 10, 31, 47, 53, 61 and 64 are to be obscurely glazed to at least Pilkington privacy level 4 and any opening part of the window must be at least 1.7 metres above the floor level of the room. Once installed the frame and glazing are to be retained thereafter.

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

24: The 2.4 metre x 25 metre visibility splays at the parking area access road to the flatted element on Hollyhedge Close and the car park access on Raleigh Street shall, at all times, be kept free of all structures and planting exceeding 600mm in height above carriageway levels.

Reason: In the interests of highway safety.

25: All vehicular access points shall, at all times, provide 2.4 metre x 3.4 metre pedestrian visibility splays, measured from the centre of each access at the back of the reconstructed footway, within which no planting or structures exceeding 600mm in height above footway level shall be permitted.

Reason: To provide adequate inter-visibility at the access points in the interests of highway safety and UDP Policy GP2.

26: The development hereby approved shall not be occupied until the measures and incentives to promote the development's sustainability credentials and encourage non car borne travel modes have been implemented in accordance with the submitted RPS Consulting Services Ltd.'s Residential Travel Plan Statement, dated 17th December 2019, for up to 5 years after the initial survey in accordance with the Plan.

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

27: Notwithstanding the information shown on submitted plans, the development hereby approved shall not be constructed otherwise than to meet the following minimum security measures and thereafter the security measures shall be retained;

- PAS24; 2016 doors for individual dwellings
- PAS24; 2016 windows where easily accessible
- Cycle storage to be secured to LPS1175 SR2 Cycle pods
- Refuse areas to be secured to LPS1175 SR2
- Main apartment ingress and egress LPS1175 SR2 with compatible UL293 access control panel
- Floors compartmentalised on landings with LPS1175 SR2 doors with associated access control
- Rear access alleyways should have walls/fencing, which is of a robust construction and at a height of 2.1m, with 2.1m gates into each garden served by the rear alleyway, the gates should be key lockable from both sides. The access point to the rear alleyway itself needs to be gated to the same specifications, with a self-closing mechanism incorporated to maintain the security of the gate; the gate should be sited as near to the front building line as possible

- All ground floor windows and any accessible windows should have at least one pane of 6.4mm laminated glass. This includes French doors and patio doors
- No Lead or metal should be used on the ground floor as the West Midlands is suffering high levels of metal theft where possible lead substitute products should be used
- All the buildings on this development should be suitably fitted with an intruder alarm

Where thumb turn locks are to be installed these should be those that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks

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

28: The development, including any site clearance works, shall only be carried out in accordance with the approved Arboricultural Impact Assessment (RT-MME-131140-02 Rev C Revised December 2019)

Reason: To ensure the retained trees on the site are suitably protected in compliance with saved policy ENV14 of Walsall's Unitary Development Plan.

29: The development shall not be constructed otherwise than in accordance with the agreed ecological mitigation measures as set out in section 4 of the Ecological Appraisal by RSP dated 18th October 2019 with the nesting bird check undertaken by a suitably qualified and experienced person. The ecological mitigation measures shall be retained for the life of the development.

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

Notes for Applicant

1. Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851. If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Rhianon Thomas (Planning Liaison Technician).
2. Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a

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minimum carrying capacity of 15 tonnes (ADB Vol 2, Table 20). Turning facilities should be provided in any dead-end access route that is more than 20m long (ADB Vol 2, Diagram 50, designed on the basis of Table 20) Blocks of flats not fitted with fire mains should have vehicle access for a fire appliance not more than 45m from all points within each dwelling, measured on a route suitable for laying hose. The direct distance is reduced to two thirds to allow for internal layout. If this cannot be met a fire main should be provided (ADB Vol 2, 16.3; BS 9991:2015 50.1.2). Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 15 and "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK:

<https://dl.dropboxusercontent.com/u/299993612/Publications/Guidance/Firefighting/national-guidance-document-on-water-for-ffg-final.pdf> For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net . The approval of Building Control will be required to Part B of the Building Regulations 2010

3. 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.
4. The applicant will be expected to enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.
5. A Highway Stopping Up Order under S247 of the Town and Country Planning Act 1990 is required for the redundant turning area in Hollyhedge Close which is no longer necessary and to allow the development to be carried out in accordance with the planning approval. Orders under S247 are dealt with by the Government Office. Applications should be submitted to:

National Transport Casework Team
Department for Transport
Tyneside House
Skinnerburn Road
Newcastle Business Park
Newcastle upon Tyne
NE4 7AH

6. No construction, demolition, or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall otherwise only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. (* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

7. CL1: (please refer to condition no. 10) 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 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same

CL2: (please refer to condition no. 10) 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: (please refer to condition no. 10). 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.

8. Note for condition 6. Residential Footways Highway Specification: Footways and footpaths in residential areas that are not expected to take Vehicle traffic. Construction: 30mm AC6 asphalt concrete dense surfacing 100/150 Cl. 909 50mm AC20 dense binder 100/150 Cl.906.100mm Sub base. If the sub-grade has a CBR of only 3%, then the sub-base should be thickened up to 350mm.
9. With respect to planning condition no. 9 the applicant should ensure that the exact form of any proof and grouting exercise is agreed with The Coal Authority's Permitting Team as part of the permit application.
10. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public

health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

11. Vibration levels during ground stabilisation/piling works shall not exceed the Low Probability of Adverse Comment, as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting'.
12. Acoustic surveys will be required to follow the guidance within 'Professional Practice Guidance (ProPG) on Planning and Noise', May 2017. The aim of the survey will be to inform on the need for implementing mitigation measures such that the requirements of British Standard BS 8233: 2014 'Guidance on sound insulation and noise reduction for buildings' and 'Guidelines for Community Noise', World Health Organisation 2009 will be achieved. The following has general relevance:
 - Internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq 8 hours, of 30 dB together with a maximum instantaneous level# of 45 dB LAFmax, between the hours 23.00 to 07.00; # Not to be exceeded for more than 10 instances.
 - Internal noise levels within habitable rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq 16 hours, of 35 dB, between the hours 07.00 to 23.00.
 - Sound reduction from a partially open window shall be 10 dB(A).

The noise survey shall be conducted over a number of days (and nights) and where possible needs to be supported by some attended monitoring that records the source of some of the noises that the sound level meter is detecting.

Resistance to sound: Approved Document E considers internal noise impacts between residential premises.

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

The electric vehicle charging point provision for residential premises is a charging point per residential premise or Units with unallocated parking e.g. apartments – 1 charging point per 10 spaces, complying with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw.

Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where

only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded.

The charging unit is to be supplied by its own independent radial circuit.

Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following:

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

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

14. Fire Officer - Approved Document B, Volume 1, Dwelling-houses, 2019

Requirement B5: Access and facilities for the fire service

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

Requirement

Limits on application

Access and facilities for the fire service B5.

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

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

Intention

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

a. External access enabling fire appliances to be used near the building.

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

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

Section 13: Vehicle access

Provision and design of access routes and hard-standings

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

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

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

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

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

Blocks of flats fitted with fire mains

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

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

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

- a. Within 18m, and within sight, of an entrance giving access to the fire main.
- b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency.

Overall

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

Section 14: Fire mains and hydrants – flats

Provision of private hydrants

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

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

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

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

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

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

Water

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

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

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

Section 15: Access to buildings for firefighting personnel – flats

Provision of firefighting shafts

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

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

Sprinklers

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

a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:

b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

Blocks of flats with a floor more than 30m above ground level should be fitted with a sprinkler system, throughout the building (ADB Vol 2, 0.16-8, 8.14)

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

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 1, Section 7)

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



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jan-2020

Plans List Item Number: 3.

Reason for bringing to committee: Major Application

Location: LAND ADJACENT, 24 WOODWARDS ROAD, WALSALL

Proposal: 13NO. DWELLINGS WITH ASSOCIATED ACCESS ROAD, PARKING AND GARDENS.

Application Number: 19/0382

Applicant: Black Horse Homes Ltd

Agent: Mr Louis Chen

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

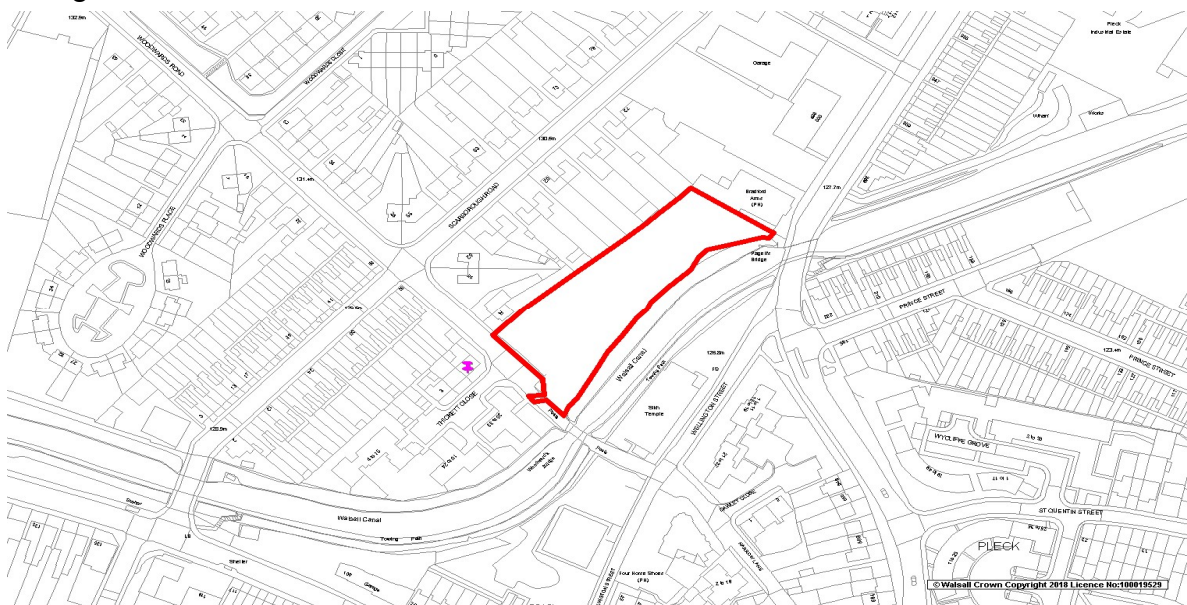
Case Officer: Fiona Fuller

Ward: Pleck

Expired Date: 18-Jun-2019

Time Extension Expiry:

Recommendation Summary: Planning Committee resolve to delegate to the interim Head of Planning and Building Control to GRANT PLANNING PERMISSION subject to conditions and a Section 106 Planning Obligation to secure an Urban Open space contribution; a landscape management plan for the maintenance of the hard and soft landscaping within the development site; and subject to
[a] the amendment and finalising of conditions
[b] and resolving highways concerns regarding auto-tracking for refuse vehicles and pollution control concerns regarding odour from an adjacent site and acoustic mitigation.



This application seeks full planning permission for the erection of up to 13 residential dwellings with associated access road, parking and gardens in the land adjacent 24 Woodwards Road.

The proposed dwellings have been designed as six semi-detached buildings with a single detached house. The three basic house types:

- Four bedroom room in the roof' design with loft conversion
- Four bedroom 2 ½ storey design
- Hybrid two storey to the front with 2 ½ storey to the rear.

The proposed dwellings will be constructed from red or buff brick bricks with gable features and simple projecting canopy above the entrance. The garden fences, including from access gates are designed to be 2.1m high around the edges of the site with 1.8m fences and high planting.

The car parking arrangements for:

- Plot 1 – 13 (excluding plot 4) have two car parking spaces to the front
- Plot 4 – has one car parking space to the front

The rear garden sizes for the following plots are:

- Plot 1 – 75m²
- Plot 2 – 70m²
- Plot 3 – 68m²
- Plot 4 – 96m²
- Plot 5 – 83m²
- Plot 6 – 70m²
- Plot 7 – 82m²
- Plot 8 – 77m²
- Plot 9 – 96m²
- Plot 10 – 73m²
- Plot 11 – 68m²
- Plot 12 – 75m²
- Plot 13 – 165m²

The following supporting documents have been submitted in support of the application:

- Design and Access Statement
- Preliminary Ecological Appraisal

- Tree Report
- Noise Impact Assessment
- Storm Drainage Design Report Indicative Artistic Impression
- Groundsure Screening
- Shallow Coal Mining Investigation Report
- Odour Survey and Assessment

Site and Surroundings

The site lies to the south west of Walsall city centre, in a mixed use area. Though the area is predominately residential there are both industrial & religious uses in the surrounding area.

The site fronts onto the Walsall Canal, which runs lower than the site and has an overgrown slope down to the canal. There is no towpath on this side of the canal, but there is a bridge that crosses it, adjacent to the southern corner of the site.

The site is backed onto by the rear gardens of adjacent houses to the North West, whilst there is an existing public house / takeaway restaurant to the North East. There are three storey apartment buildings and further two storey residential buildings to the South West boundary. The South East boundary is taken up with the canal.

The site is currently vacant with the previous garage building demolished. The main road (Woodwards Road) runs along the South West boundary and is narrowed for part of the site boundary until it reaches the canal bridge.

The road is blocked off both sides of the canal so that only pedestrians can cross over. Any new site access will need to take this narrowing into consideration and design the new access accordingly.

This applicant seeks full planning permission for the erection of up to 13 residential developments with associated access road, parking and gardens in the land adjacent 24 Woodward's Road.

Relevant Planning History

14/1462/FL - Proposed new build residential redevelopment of former garage site comprising 12no. houses and 8no. apartments, 20no. new dwellings in total - undetermined

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

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both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a “*presumption in favour of sustainable development*”.

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 10 – Supporting high quality communications**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

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

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

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

Reducing Inequalities

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

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

Of these protected characteristics, disability and age are perhaps where planning

and development have the most impact.

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

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic.

We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.6 to 3.8 Environmental Improvement
- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H4: Affordable Housing
- T1 - Helping People to Get Around
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling

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- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Spaces

Black Country Core Strategy

- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- HC1: Land allocated for New Housing Development (Allocated site HO93)
- HC3: Affordable Housing and Housing for People with Special Needs
- OS1: Open Space, Sport and Recreation
- EN3: Flood Risk
- EN4: Canals
- T2: Bus Services
- T4: The Highway Network
- T5: Highway Improvements

Supplementary Planning Documents

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9(a) Planning Obligations and Qualifying development

- DW10 Well Designed Sustainable Buildings

Appendix D: Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. The requirement to design longer rear gardens to reflect an area's character is applicable and the guidelines should not mean to be the maximum achievable distances.

Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above (this standard will be applied more robustly at the rear than across roads at the front), 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20 sq. metres useable space per dwelling where communal provision is provided.

Open space, sport and recreation

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

Affordable Housing

- AH1: Quality of Affordable Housing
- AH2: Tenure Type and Size
- AH3: Abnormal Development Costs
- AH4: Provision Location
- AH5: Off Site Provision

Air Quality SPD

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

TRANSPORTATION (Local Highway Authority) – No objections subject to engineering details, parking area and vehicle manoeuvring areas serving that dwelling details provided, Construction Methodology Statement, no planting or structures, visibility splays conditions being imposed

ARCHAEOLOGY- No archaeological implications for this development.

BUILDING CONTROL – No response

WESTERN POWER – No response

ECONOMIC REGENERATION - No response

HISTORIC ENGLAND - Support

ENVIRONMENTAL HEALTH - No response

WEST MIDLANDS FIRE SERVICE - No adverse comments

LEAD LOCAL FLOOD AUTHORITY – No objections subject to a condition requiring a drainage design.

HOUSING STANDARDS - No comments to make.

HOUSING STRATEGY – To be updated at planning committee

NATURAL ENGLAND – No comments

NETWORK RAIL - No impact on the railway

PUBLIC LIGHTING - No response

RSPB - No response

SEVERN TRENT WATER – No objection subject to conditions requiring a drainage plans for the disposal of foul and surface water flows.

CLEAN AND GREEN - No response

COMMUNITY SAFETY TEAM - No response

HIGHWAYS ENGLAND - No objection

WEST MIDLANDS POLICE – No objection but offered advice regarding safety and security

SPORT ENGLAND – No comment but offered general advice/ guidance

STRATEGIC PLANNING POLICY – No response

EDUCATION WALSALL – No response

PUBLIC HEALTH – Noted that the proposed development would ‘.....contribute to the housing supply and details that it is already listed as potential housing site in policy.’

THE WILDLIFE TRUST – No objections subject to CEMP condition being imposed

WASTE MANAGEMENT - No response

TRANSPORT FOR WEST MIDLANDS - No response

COAL AUTHORITY- No objection but more detailed considerations of ground conditions, foundation design and gas protection measures may be required as part of any subsequent building regulations application.

CANAL AND RIVER TRUST – No objection subject to a risk assessment and method statement and site investigation conditions being imposed.

POLLUTION CONTROL – No objection subject to land contamination condition being imposed

INLAND WATERWAYS ASSOCIATION BIRMINGHAM - - No response

HEALTH AND SAFETY EXECUTIVE - Offered general advice/ guidance

ECOLOGY- – No objections subject to CEMP condition being imposed

PUBLIC RIGHTS OF WAY – No objection

LOCAL ACCESS FORUM – No objection but would like the pedestrian's concerns should be taken into considerations.

FLOOD RISK – No objection subject to conditions being imposed works carried out in accordance with Drainage Strategy dated Mar 2019,

Representations

Seventy-three neighbours were notified via letter and site notice about the planning application. There were two letters of objections received. (*Officer comments in brackets and italics*)

This is a summary of the representation received.

- The proposed development affects right to light
- The height of the proposed development will affect the amenities of the occupiers of the neighbouring properties.
- The proposed development will create the traffic/ congestion and parking issues
- The existing traffic/ parking issues will be exacerbated by the proposed development.
- Development will endanger the local residents (*No evidence has been provided to substantiate this claim*)
- The proposed image of the development is not in keeping with the site surrounding/ doesn't reflect the site surrounding.

- The proposed development will be setting a precedent (*Planning decisions have to be determined in accordance with the development plan and national planning policies and do not set precedents*)

Determining Issues

The following matters are considered to be appropriate in the consideration of the application:

- Principle of development
- Sustainability Assessment of the Proposal
- Impact upon the character and appearance of the area
- Site Access, Highways and Parking Considerations
- Flood risk and drainage
- Pollution Control
- Ecology
- Canal Waterways (Canal & Water Trust)
- Impact on the Natural Environment and Landscape of the Walsall Canal
- Impact on the Natural Environment and Quality of the Walsall Canal
- S106 Obligation Requirements
- Local finance contributions

Assessment of the Proposal

Principle of development

The National Planning Policy Framework sets out a clear presumption in favour of sustainable development referring (at paragraph 14) to this being a 'golden thread running through both plan-making and decision-taking'. It notes that, for decision takers, this means approving development proposals that accord with the development plan. Section 6 of the National Planning Policy Framework for housing specifically states in para 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Walsall's Unitary Development Plan reconfirms the guidance as contained in the National Planning Policy Framework on sustainable development. This site is allocated for housing in the SAD as site. No representations have been received against this allocation so the policy has substantial weight. The site is also listed as a potential housing site in the Brownfield Land Register.

Whilst the SAD policy indicates a capacity up to 24 dwellings, BCCS Policy HOU2 states that all developments will aim to achieve a minimum net density of 35 dwellings per hectare. The provision of 14 dwellings in the current proposal would equate to a density of 37 dwellings per hectare so would remain acceptable under this policy.

The principle of development is therefore acceptable.

Sustainability Assessment of Proposal

The National Planning Policy Framework provides (para 187) that 'Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.'

The location of the application is inside of the designated settlement boundary and being adheres to saved policies. It is clear on reviewing the guidance in the National Planning Policy Framework.

The character in the south west of Walsall area consists of predominately residential there are both industrial and religious uses in the surrounding area.

The site fronts onto the Walsall Canal, which runs lower than the site and has an overgrown slope down to the canal. There is no footpath on this side of the canal, but there is a bridge that crosses it, adjacent to the southern corner of the site. The site is backed onto by the rear gardens of adjacent houses to the North West and the south east boundary is taken up with the canal. The site is currently vacant within a previous garage building demolished.

Furthermore, the proposed scale of the houses is in keeping with the apartment block to Woodward's Road (opposite the site) as well as the large Sikh Temple building across the Walsall Canal. There is an existing public house / takeaway restaurant to the north east. Buildings all generally have brick facade, and are up to two storeys in height within, surrounding the city centre; and the scheme will consist of up to 13 housing units.

This will be of benefit to the residents and the surrounding city centre. Therefore, in terms of paragraph 55 of the National Planning Policy Framework, this proposal could be considered to promote sustainable development and weigh up with the positives that it brings in line the requirements of the National Planning Policy Framework, consideration of whether the scheme will be supported as sustainable development or not will be given in the conclusion of the report.

The settlement has been designated in the Walsall's Unitary Development Plan. The nearest bus/ rail route allows travel in to city centre. This indicates clearly that this application site sits comfortable against the current development area. The site will be accessed easily via Woodward's Road. This indicates residents commute to other settlements for onward rail/ bus travel and employments uses. As such, there is the choices for residents to choose more sustainable modes of transport.

Due to the proximity of the site to these facilities it is likely future residents of this development would support the existing infrastructure and businesses.

In relation to paragraph 7 of the National Planning Policy Framework, the proposal

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would be likely to contribute to a strong, responsive and economy through the creation of construction and related jobs and ongoing contribution to the local economy from the creation of up to 13 additional households in the area.

The proposal would contribute towards providing the supply of housing required to meet the needs of the present and the future generations in the area and by having the potential to create high quality built environment.

Impact upon the character and appearance of the area

Walsall's Unitary Development Plan states that development will be of a high quality design that respects local distinctiveness, enhancing the character and appearance of the area. It states that within settlement limits proposals will be supported where they do not have a negative impact on the character and appearance of the surrounding locality. Walsall's Unitary Development Plan states to be supported all proposals should maintain or enhance the character of the surrounding area and should respect the scale and density of surrounding development. The existing buildings in the area all generally have brick facade, and are up to two storeys in height within, surrounding the city centre.

An objector raised concerns on the grounds of height, distance and design of the proposed development. However the proposed plans and the supported documents indicate that the design of the local setting has been taken into consideration. The LPA consider the proposal has taken into account local characteristics in its design and layout.

Furthermore, they went on to object that the submitted artistic impression/drawings/image 'is not in keeping with the rest of the houses.' Whilst the objector's comments are noted, the image is an artistic 'impression', and the LPA reviews and assesses the planning application against the scale plans, submitted documents, local and national planning policies and guidance, whilst taking into account local characteristics.

This is a full planning application and associated documents/ details have been provided by the applicant/agent which indicates that the proposed development will complement the character and appearance of the local setting.

Site Access and Highways

Walsall's Unitary Development Plan requires vehicular access into and out of the site to be safe and an assessment made as to whether the existing local roads can be suitably accommodate the impact of the proposal, whether adequate parking and turning spaces exist within the site and that the needs of pedestrian and cyclists have been met. This policy is considered to carry significant weight in the determination of the application as it complies with paragraph 32 of the National Planning Policy Framework which requires all schemes to provide safe access for all.

The access road has been designed following conversations with the Highways department and includes a turning head suitable for the 10.7m long refuse vehicle

used in the area. The single sided pavement approach discourages pedestrian access too near the canal side of the road and has been designed to be 2m wide along its entire length. The junction with the dead end road has been laid out to still allow access for Severn Trent vehicles to their pumping equipment. The road has been shown with give way markings to discourage vehicular access.

Notwithstanding the above, the public footway fronting the site along Woodward Road will need to be widened to 2 metres and offered for adoption under the S38 agreement, including the relocation of the existing BT apparatus and street lighting with the agreement of the Council's street lighting partner Amey. The adoptable turning area shall be Autotracked for a 10.7m long refuse wagon.

The interface between the proposed adoptable access road to the development and the existing highway section of Woodward Road leading to the canal bridge has/ will be designed to remove potential vehicle conflicts. Priority should be given to the site traffic and the section of Woodward Road to the canal bridge further pedestrianised with suitable physical control measures and a Prohibition of Driving TRO and improvements to pedestrian accessibility.

This area was originally designed to be pedestrianised but Severn Trent requested that the road be retained for their vehicles. This is why the layout is designed as it has been.

The provision of the access route onto the Woodward Road will give further easy, quick, safe and generally sustainable vehicular access onto Woodward Road for destinations further afield or into the town centre.

The Highway Authority were consulted and raised no objection subject to conditions in respect of highway layout/ construction, parking areas, provision of Construction Methodology Statement, visibility splays being imposed

Flood Risk/ Drainage

Paragraph 100 of the National Planning Policy Framework makes it clear that inappropriate in areas of flood risk should be avoided by directing development away from areas of highest risk. The contents of the National Planning Policy Framework in terms of flood risk and carries significant weight in the determination of this application. In terms of flooding, the site is within Flood Zone One as defined in the Environment Agency.

The drainage methods of new developments can have significant impacts both on the structural integrity, water quality and the biodiversity of waterways. Surface water runoff from the new development should be considered and whether it is likely to impact on the canal or canal structure in any way for example erosion of the cutting. Details should be submitted with a formal application for consideration.

A site specific Flood Risk Assessment has been submitted alongside the application as well as a drainage strategy. The Flood Risk Assessment includes commentary on

the Sequential Test. This is considered acceptable.

The lead flood authority, has advised that they are satisfied with the drainage strategy, and then there is a suitable sustainable drainage system to be provided. Full details are secured by condition.

There are considered to not be any significant or adverse impacts relating to flood risk or drainage that warrant refusal if this application in the context of presumption in favour of sustainable development. This site is a sequentially acceptable site in terms of flood risk. Therefore the proposed development respects ENV5 of the Walsall's Unitary Development Plan.

Pollution Control

As the site will likely require gas and contamination protection, any planning permission will remove permitted development rights in order to control future developments (extensions) on the site. This will also be the case due to the reduced size rear gardens.

The site is next to a very busy public house, The Bradford Arms, which has increased in popularity since the previous application associated with the application site was made.

In particular, Plots 11 to 14 are particularly close. It is noted that attention to the boundary treatment is made in order to mitigate against any noise or odours emanating from the public house. The proposed mitigation measures have been incorporated into the development (acoustic glazing and ventilation), including garden areas (e.g. close-boarded fencing or acoustic fencing), which can be conditioned to remain for the life of the development. It is considered these conditions would meet the 6 tests

The site is bordered by existing residential development, site reclamation and construction activity is likely to have an impact on these properties. In order to address this conditions would be recommended that meets the 6 tests.

Ecology issues

The initial response from the Council's Ecology Officer and the Black Country Wild Life Trust Lincolnshire Wildlife Trust expressed reservation that a residential development of this scale must be accompanied with an Ecological Assessment Report. In the absence of the report, they would object to the proposed development.

On receipt of the report, the Council's Ecologist Officer stated that land adjacent to 24, Woodward's Road is a statutory designated site is unlikely to be affected by the proposed development. The site is suitable for habitat to attract protected species but notes identifying that the proposed development is unlikely to negatively impact these species provided a 5-10m buffer is implemented between the development site and the canal.

The Council's Ecologist concluded that, 'with the exception of the further detail requested when the CEMP is submitted, the Ecological Assessment report is considered to have accurately described the baseline and adequately and proportionally assessed the impact of the scheme. In our professional opinion it is agreed that the development is unlikely to have a significant impact on the conservation value of the adjacent Walsall Canal Site of Local Importance for Nature Conservation providing an adequate CEMP is submitted and that it presents appropriate recommendations in line with those listed in this document. The scheme is unlikely to result in any significant ecological impacts.

The Black Country Wild Life Trust Lincolnshire Wildlife Trust Ecologist concurred with the Council's Ecologist that they are happy with the Ecology Report, subject to the achieving net gain, habitat retention and creation, the CEMP and mitigation for any protected species, controlled by planning conditions to ensure that these are undertaken as part of the development.

Canal Waterways

The site is located at the top of a cutting. It is therefore particularly important that all works should comply with the "Code of Practice for Works Affecting Canal & River Trust" and details such as foundations, excavations, piling, vibration impacts etc are submitted.

There is evidence of the canal cutting suffering small slips in the recent past which appear to be caused by outfall from surface drainage or blocked drainage and the dumping of rubbish down the slope. Adequate drainage outfalls shall need to be constructed to secure the slope's stability long term and prevent damage from future drainage. Construction vehicles working on the site should remain a safe distance from the crest to prevent damage to the canal structure. Any permanent vehicle access constructed should maintain the safe distance and prevent any parking close to the slope crest. Relationship between the road and embankment needs consideration to avoid vehicles entering the canal

The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

Impact on the Walsall Canal from Land Drainage indemnified that the drainage methods of new developments can have significant impacts both on the structural integrity, water quality and the biodiversity of waterways. The surface water runoff from the new development should be considered and whether it is likely to impact on the canal or canal structure in any way for example erosion of the cutting.

Impact on the Natural Environment and Landscape of the Walsall Canal

The proposed development will be for residential use with hard and soft landscaping. It is considered, the site adequately addresses above ground attributes which will not have an adverse impact on living conditions, usability of proposed amenity areas,

whilst not having a detrimental impact to the visual amenity of the surrounding area. Any landscaping is proposed as part of the development native species are preferred in order to maintain the appearance and biodiversity of the waterway. Landscaping also has the potential to impact on the integrity of the waterway and it is necessary to assess this which can be achieved via a planning condition.

Waterside lighting can lead to unnecessary glare and light pollution if it is not carefully designed. The integrity of the waterway is not adversely affected. The lighting and level of luminance should only light the areas intended and the lighting should not provide flood lighting to the canal corridor to show consideration for bats and other species. This can be controlled via a planning condition

Impact on the Natural Environment and Quality of the Walsall Canal

Impact on Water and Environmental Quality of the Walsall Canal makes not that during construction of the site, require the works, handling, storage and disposal of waste generated by construction to be carried out in accordance with relevant legislation and regulatory requirements.

The layout of the site should also ensure that fly tipping onto the cutting is discouraged and that appropriate waste storage and collection facilities are provided. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided. This can be managed via a Construction Management Plan condition.

S.106 Obligation Requirements

The development of 13 houses falls below the size threshold to require affordable housing. A contribution to off-site open space would be required in accordance with BCCS Policy DEL1, UDP Policies GP3 and LC1, and the Open Space SPD. Based on the proposed development and the Council's ready reckoner, the urban open space contribution would be £33,956.00 The nearest Urban Open Spaces are the playground to the west of Alumwell Business and Enterprise College (Primley Avenue), which is 496 metres away, Pleck Park, which is 620 metres away and sports ground off Broadway West, which is 670 metres away from the site. Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the 3 following statutory tests to make the development acceptable in planning terms:

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

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

Based on the three tests in the legislation, it is considered that an urban open space

contribution is considered necessary to make the development acceptable in planning terms. For the monies to be spent and meet the second test, the local planning authority advises planning committee to direct the £33,956.00 contribution towards playground to the west of Alumwell Business and Enterprise College (Primley Avenue)

urban open space. This urban open space would be considered directly related to the development as it is within a reasonable walking distance of the development site.

The provisions of an in perpetuity Management Strategy for the areas of open/amenity space within the development site would be required.

The applicant has agreed to sign up to a S106 legal agreement.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 13 new homes.

The Government has indicated that, for 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

Conclusions and Reasons for Decision

The development is considered to be in accordance with the local plan and the NPPF. The proposal would introduce new houses.

It is considered there are any adverse impacts that would significantly or demonstrably outweigh the benefits of delivering up to 13 houses in this location. Hence, in this instance the presumption in favour of sustainable development is considered to apply in accordance with the National Planning Policy Framework and most importantly supported by Local Plan.

Recommendation

That authority be delegated to the Interim Head of Planning and Building Control to GRANT PLANNING PERMISSION subject to conditions and the applicant first entering into a Section 106 Planning Obligation to his satisfaction to secure:

[a] Urban Open space contribution of £33, 956.00 for 13 x four bedroom dwellings

[b] and a landscape management plan for the in perpetuity maintenance of the hard and soft landscaping within the development site

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[c] and the amendment and finalising of conditions

[d] resolving highways concerns regarding auto-tracking for refuse vehicles and pollution control concerns regarding odour from an adjacent site and acoustic mitigation.

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: -

- Design and Access Statement 20th February 2019 - received 19th March 2019
- Preliminary Ecological Appraisal March 2019 - received 23rd April 2019
- Tree Report - March 2019 - received 28th March 2019
- Noise Impact Assessment 20th February 2019 - received 19th March 2019
- Storm Drainage Design Report - received 28th March 2019
- 4x Indicative Artistic Impressions – Drawing No. V8253 - received 19th March 2019
- Groundsure Screening 14th August 2018
- Shallow Coal Mining Investigation Report 3rd November 2014
- Odour Survey and Assessment February 2019
- Drawing No.V8253 - Boundary Plan & Refuse Tracking Diagram – received 19th March 2019
- Drawing No.V8253 – Existing Site Survey –received 19th March 2019
- Drawing No.V8253 – Proposed Plans: Type A1(Plots 1&2) –received 19th March 2019
- Drawing No.V8253 – Proposed Plans: Type C (Plots 9) –received 19th March 2019
- Drawing No.V8253 – Proposed Plans: Type B2 (Plots 12&13) –received 19th March 2019
- Drawing No.V8253 – Proposed Elevs and Sections: Type B2 (Plots 12&13) –received 19th March 2019
- Drawing No.V8253 – Proposed Plans: Type B1 –received 19th March 2019
- Drawing No.V8253 – Proposed Plans: Type A4 –received 19th March 2019
- Drawing No.V8253 – Proposed Plans: Type A3 (Plot 4) –received 19th March 2019
- Drawing No.V8253 – Proposed Plans: Type A2 (Plot 3) –received 19th March 2019

- Drawing No.V8253 – Extent of New highway Adoption –received 28th March 2019
- Drawing No.V8253 – Drainage Strategy –received 28th March 2019
- Drawing No.V8253 – Site location/ Block Plans –received 28th March 2019
- Drawing No.V8253 – Proposed Street Scenes & Site Sections –received 28th March 2019
- Drawing No.V8253 – Prop Elevations and Sections: Type A1 (Plots 1&2) –received 19th March 2019
- Drawing No.V8253 – Prop Elevations and Sections: Type A2 & Type 3 –received 19th March 2019
- Drawing No.V8253 – Proposed Site Plan –received 19th March 2019
- Drawing No.V8253 – Prop Elevations and Sections: Type B1 (Plots 10&11) –received 19th March 2019
- Drawing No.V8253 – (amended) Prop Elevations and Sections: Type B1 (Plots 5&6) –received 30th December 2019
- Drawing No.V8253 – Prop Elevations and Sections: Type B1 (Plots 7&8) –received 19th March 2019
- Drawing No.V8253 – Prop Elevations and Sections: Type BC (Plots 9) –received 19th March 2019
- Drawing No.V8253 – Proposed Street Scenes and Site Sections –received 19th March 2019

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).

3: a) Prior to the commencement of the development hereby approved, a scheme of intrusive site investigations which is adequate to assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity.

3: b) Prior to the commencement of the development hereby approved, a report of the findings arising from the intrusive site investigations and a scheme of proposed remedial works to ensure the safety and stability of the development such remedial works shall be submitted too and agreed in writing with the local planning authority.

3: c) The development shall not be constructed otherwise than in accordance with the agreed remedial works and thereafter retained for the life of the development

Reason: To ensure the safety and stability of the development and to comply with NPPF Paragraphs 178 and 179 and saved policies GP2 and ENV14(c) (ii) of Walsall's Unitary Development Plan.

4: a) Prior to the commencement of development, including demolition a Construction Working Plan shall be submitted for written approval of the Local Planning Authority. The plan shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials

- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary porta-cabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

4: b) The approved Construction Working Plan shall be implemented upon commencement of works and shall be maintained until the site is completed.

Reason: To protect the amenities of the surrounding occupiers and minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway due to the access constraints to the site, in the interests of amenity and highway safety in accordance with Policy GP2, ENV32, T7 and T13 of the UDP.

5: a) Prior to the commencement of any building or engineering operations of the development hereby approved details of the proposed finished floor levels, ridge and eaves heights of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measures against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties.

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

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

6: a) Prior to the commencement of 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.

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

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

7. Prior to the commencement of the development, hereby approved, a Method Statement shall be provided to and approved in writing by the Local Planning Authority. The method statement shall include details of the following;

- habitat removal/reinstatement/replacement
- Tree, hedgerow, and shrub planting/establishment
- Creation of new wildlife features e.g. bat and bird boxes.

Reason; To conserve local species and provide biodiversity net gains

8. Prior to the commencement of the development, hereby approved, a Construction Environmental Management Plan (CEMP) shall be provided to and approved in writing by the Local Planning Authority. The CEMP shall include details of the following;

- Measures to avoid impacts upon Walsall Canal SLINC and any retained trees
- Measures to avoid impacts on nesting birds
- Measures to avoid impacts on hedgehogs
- Measures to avoid impacts upon reptiles and amphibians

Reason; To conserve local species and provide biodiversity enhancements

9. Notwithstanding the information provided the development hereby approved shall only be carried out in accordance with the approved Drainage Strategy dated March 2019 reference number V8253/PL/30 compiled by C&S Architects and the following mitigation measures detailed;

- Limiting the surface water run-off generated by the 100 year + 30% critical storm so that it will not exceed 4.0 l/s and not increase the risk of flooding off-site.
- Provision of adequate attenuation flood storage on the site to a 100 year + 30% standard.
- Provision of permeable paving to private driveways.
- Finished floor levels are set no lower than 150mm above surrounding ground levels
- Confirm which responsible body will maintain the surface water system over the lifetime of the development according to an acceptable maintenance schedule and that is achievable.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To prevent flooding elsewhere by ensuring that storage of flood water is provided. To protect water quality. To reduce the risk of flooding to the proposed development and future occupants. To ensure lifetime maintenance of the system to prevent flooding issues.

10: a) Prior to the first occupation of any dwelling on the development, all parking and vehicle manoeuvring areas serving that dwelling shall be consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the public highway or into any public highway drain, together with the clear demarcation of all parking bays.

10: b) All parking and vehicle manoeuvring areas shall thereafter be retained and used for no other purpose.

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

11. a) Prior to the commencement of the development, full engineering details of all adoptable highway works and works within the existing highway, shall be submitted to and receive technical approval in writing by the Local Planning Authority in consultation with the Highway Authority. The details shall include layouts, alignments, widths and levels, together with all necessary drainage arrangements. All adoptable street lighting shall be with the agreement in writing with Walsall Council's street lighting partner Amey.

11. b) Prior to the first occupation of any dwelling on the development, the highway infrastructure works required under Condition 1(a) above shall be fully implemented to the satisfaction of the Highway Authority or fully implemented in accordance with a phasing agreed in advance with the Highway Authority.

Reason: To ensure the safe and satisfactory operation of the development in accordance with UDP Policy GP2 and in the interests of highway safety.

12 a) Prior to the first occupation of any dwelling on the development, all parking area and vehicle manoeuvring areas serving that dwelling 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.

12. b) 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.

13. No planting or structures exceeding 600mm in height above carriageway level shall be introduced at any time on the inside of the bend of the new access road fronting Plot 4.

Reason: To provide adequate forward visibility around the corner in the interests of highway safety.

14. All on plot parking spaces shall at all times provide 2.4m x 3.4m pedestrian visibility splays at the access points where they adjoin the existing or adoptable public highway. No structure or planting exceeding 600mm in height above carriageway/footway levels shall be permitted within the splay envelopes.

Reason: To ensure adequate pedestrian/vehicle inter-visibility at the access points, in accordance with UDP policy GP2 and in the interests of highway safety

15. Prior to the first occupation of the development hereby approved, a lighting design strategy for biodiversity for all areas to be lit shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- Ensure that the Canal is preserved as a dark corridor;

- Identify those areas/features that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
- Confirmation that any bat boxes / bird boxes have been installed in accordance with good practice, as determined by a competent ecologist.

Reason; To conserve local species and provide biodiversity enhancements.

Notes for Applicant

Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to either enter into an agreement under S38/S278 of the Highways Act 1980 with the Highway Authority for all adoptable highway works and works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927

Severn Trent Water

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



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jan-2020

Plans List Item Number: 4.

Reason for bringing to committee: Section 106 required

Location: GREENROCK TAVERN PUB, GREEN ROCK LANE, BLOXWICH, WALSALL, WS3 1NG

Proposal: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT (ALL MATTERS RESERVED)

Application Number: 19/0679

Applicant: Amo Kangi

Agent: Karl Grace

Application Type: Outline Permission: Minor Application

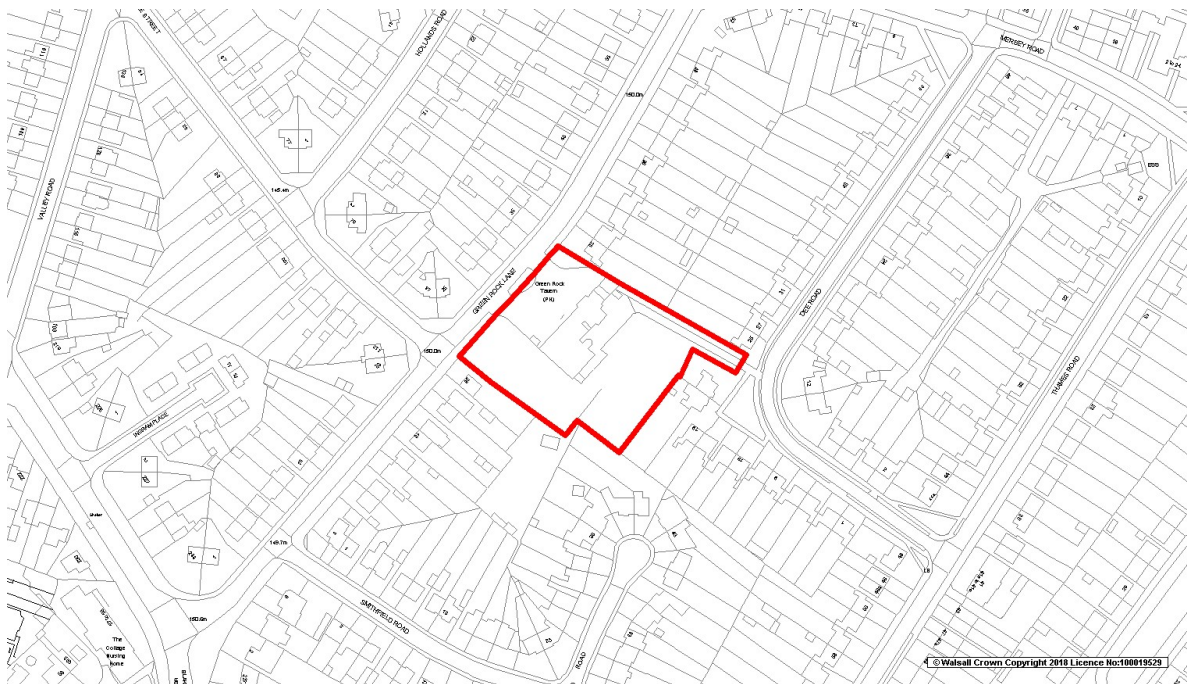
Case Officer: Barbara Toy

Ward: Bloxwich East

Expired Date: 08-Sep-2019

Time Extension Expiry: 31-Mar-2020

Recommendation Summary: Planning Committee resolve to Delegate to the Interim Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and subject to a S106 Agreement to secure provision for Affordable Housing and Urban Open Space and subject to the amendment and finalising of conditions



Proposal

This is an outline application for redevelopment of the site for residential use, with all matters reserved for future determination. The principle of residential use at the site is therefore the only consideration.

Whilst an indicative site layout plan has been provided which shows 8 semi-detached houses across the Green Rock Lane frontage and 20 flats set to the rear in two blocks, this plan is not for consideration.

The following have been submitted in support of the proposals:

- Design and Access Statement
- Arboricultural Report
- Coal Mining Risk Assessment
- Indicative site layout
- Justification for loss of the pub as a community facility under Policy LC8

Site and Surroundings

The site is situated on the south eastern side of Green Rock Lane. The site currently has a one and a half storey building formally used as a pub, with a car parking area on the frontage and vacant land to the rear and the side.

Four trees on the frontage of the site are protected under TPO 2 of 1997, a horse chestnut, a sycamore and 2 beech trees. There are also a large number of trees on the vacant land to the side and rear of the existing building, within and on the boundary of the site.

There are two existing vehicle access points on the frontage of the site onto Green Rock Lane and a vehicle access drive to the rear of the site off Dee Road.

The site sits in a residential area, with a mix of residential properties surrounding the site on all sides. Green Rock Lane comprises traditional semi-detached and terraced houses, some with front driveway parking and some without. To the rear of the site in Dee Road are semi-detached houses.

The site sits within 350m of the Blakenall local centre, which provides local shops and services. Green Rock Lane has a regular bus service between Walsall and Wolverhampton.

Relevant Planning History

BC33760P, outline for residential GSC 20-11-91

BC48123P, outline for residential development, GSC 31-03-99

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 10 – Supporting high quality communications**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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Saved Policies of Walsall Unitary Development Plan

- 3.6 to 3.8 Environmental Improvement
- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- 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
- ENV33: Landscape Design
- H4: Affordable Housing parts g, h, l and j
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space
- LC1: Urban Open Spaces
-

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- DEL1: Infrastructure Provision
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

HC3: Affordable Housing and Housing for People with Special Needs

T4: The Highway Network

T5: Highway Improvements

Supplementary Planning Document

Conserving Walsall's Natural Environment
Development with the potential to affect species, habitats or earth heritage features

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Open space, sport and recreation

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

Affordable Housing

- AH1: Quality of Affordable Housing
- AH2: Tenure Type and Size
- AH3: Abnormal Development Costs
- AH4: Provision Location
- AH5: Off Site Provision

Air Quality SPD

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

Consultation Replies

Transportation – No objections to the principle of residential development. Any reserved matters application would need to show compliance with UDP policies and any proposed access should have a width of 5.8m as a minimum and any waste collection vehicle must be able to enter and exit the site in forward gear. In general the development should comply with guidance in Manual for Streets and inclusive mobility.

Pollution Control – No objections subject to conditions to ensure an asbestos survey is undertaken, a construction management plan is agreed and any reserved matters application shows compliance with the Air Quality SPD.

Strategic Planning Policy – No objections

Coal Authority – No objections subject to a condition to ensure intrusive site investigations are carried out to determine the ground conditions and identify any mitigation required.

Tree Officer – No objections in principle, although submitted indicative layout could not be supported. Impact on the existing trees on the site (those protected and otherwise) and trees on third party land immediately adjacent to the site will need to be considered in any reserved matters application.

Natural England – No comments

Representations

Three objections received

Objections:

- Will existing boundary fencing be replaced/maintained in the future?
- Any new boundary treatment towards Dee Road may impact on access to the frontage of existing properties.
- Use of the Dee Road access would create traffic issues in the road and problems for existing residents
- More properties likely to create issues with utilities for existing residents, already low water pressure

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- The Dee Road access comes out onto a sharp bend in the road
- Lighting from the site is likely to adversely impact on existing residents
- Noise and pollution from increased cars
- Existing parking issues on Dee Road made worse
- What are the actual buildings being proposed?

Determining Issues

- **Principle of Residential Development**
- **Impact on Trees**
- **Ground Stability**
- **Planning Obligations**
- **Local Finance Considerations**

Assessment of the Proposal

Principle of Residential Development

The site sits within a sustainable location, within a well-established residential area, that is within walking distance of a local centre that has local shops and services. There is a regular bus service along Green Rock Lane and Leamore Park and Field Road areas of public open space are both situated within 1 mile of the site.

The applicant has provided justification for the loss of the pub as a community facility under policy LC8 of the UDP. The pub has experienced significant anti-social behaviour in the last few years, to the point that in consultation with the local police the pub now closes early, as early as 9pm some nights. The early closing whilst helping the anti-social behaviour issues has had a devastating effect on the profitability of the pub. The loss of the pub has been approved twice previously with outline consent for redevelopment for residential approved in 1991 and 1999.

The principle of redevelopment of the site is therefore considered appropriate.

Whilst the submitted site layout plan is indicative only, the layout proposed could not be supported due to the impact on the existing trees on the site and the relationship between dwellings and the surrounding areas.

Issues raised by residents relating to access, boundary treatment, parking and utilities would be assessed under any reserved matters application.

Impact on Trees

There are 4 trees on the frontage of the site that are protected under TPO 2 of 1997 and a large number of trees within the site and along the site boundary on the vacant land to the side and rear of the existing building.

The layout in any future reserved matters application would need to take into consideration all the existing trees on the site and within 15m of the boundary, with the submission of a full arboricultural report to identify the health of each tree and root protection areas.

The Council's tree officer has indicated that the indicative site layout submitted could not be supported as it would result in loss of tree and the decline, health or failure of trees both within the site and on adjacent land.

Given the nature of the site and the extent of trees within the vicinity of the building any reserved matters application should include a Bat survey to identify the presence of bats in the building to be demolished or in the area.

Ground Stability

The site falls within a defined Development High Risk Area, and site records indicate likely unrecorded coal mining at shallow depth beneath the application site. A Coal Mining Risk Assessment has been provided which identifies a medium risk posed by possible unrecorded shallow workings. The Coal Authority have therefore recommended intrusive site investigations to determine the ground conditions and the presence or otherwise of shallow workings. A condition is therefore recommended to ensure that intrusive site investigations are undertaken prior to the commencement of any development on site, which should include details of any remedial works required.

Planning Obligations

The number of residential units is unknown at this time, but a Section 106 Agreement is required to ensure that if the resultant number of units approved under any future reserved matters application meets the threshold within the Urban Open Space or Affordable Housing SPDs then contributions can be secured.

Urban Open Space

In accordance with policies GP3 and LC1 of the UDP, policy DEL1 of the BCCS and Supplementary Planning Document: Urban Open Space, an urban open space contribution would be payable if the development comprises 10 units or more.

Affordable Housing

In accordance with policies HOU3 and DEL1 of the BCCS and Supplementary Planning Document: Affordable Housing, 25% affordable housing would be required on site or paid as a commuted sum if the development comprises 15 units or more.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

The number of residential units is unknown at this outline stage.

The Government has indicated that, for 2018-19, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2018-19 the total payments, taking account of completions over the last 4 years, are expected to amount to £3,637,301.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

Conclusions and Reasons for Decision

The site is situated in a sustainable location, within a well-established residential area, that is within walking distance of a local centre that has local shops and services. There is a regular bus service along Green Road Lane and Leamore Park and Field Road areas of public open space are both situated within 1 mile of the site.

The applicant has provided justification for the loss of the pub as a community facility under policy LC8 of the UDP. The principle of redevelopment of the site is therefore considered appropriate and in compliance with policies HOU2 of the BCCS and Policy HC2 of the SAD.

Consideration of both the protected and other trees on the site will need to be taken when designing the layout of the site to ensure compliance with policy ENV18 of the UDP and Natural Environment SPD.

The site falls within a defined Development High Risk Area. The Coal Authority have recommended a condition to ensure compliance with Policy ENV14 of the UDP.

The applicant has been made aware that a Section 106 will be required to secure urban open space and affordable housing contributions if the reserved matters details meet the requirements under the Urban Open Space SPD and policies GP3 and LC1 of the UDP and DEL of the BCCS and the Affordable Housing SPD and policies HOU3 and DEL of the BCCS.

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

Positive and Proactive Working with the Applicant

The applicant's agent has provided a Tree Report and Coal Mining Risk Assessment following a request from the case officer.

Recommendation

Planning Committee resolve to Delegate to the Interim Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and subject to a S106 Agreement to secure provision for Affordable Housing and Urban Open Space and subject to the amendment and finalising of conditions.

Conditions and Reasons

1. Application for the approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

2. The development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters application, or the last reserved matters approval.

Reason: Pursuant to the requirements of Section 92 of the Town and Country Planning Act 1990.

3. This development shall not be commenced until details of the following, hereafter named “the Reserved Matters”, have been submitted to and approved by the Local Planning Authority:-

- a) Appearance
- b) Means of Access
- c) Layout
- d) Scale
- e) Landscaping

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995.

4. The development shall not be carried out otherwise than in accordance with the following approved plans:

- Block and Location Plan Drawing 18/057/01-A submitted 10th June 2019
- Existing Site Survey Drawing 18/041/02- submitted 22nd May 2019
- Coal Mining Risk Assessment submitted 27th August 2019

Reason: To ensure 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 require).

5. No consent is given to the indicative scheme submitted as shown on the following drawings:

- Proposed Site Layout Plan Drawing 18/041/04-A
- Proposed House Type Drawing 18/057/10-
- Proposed Flat Types Drawing 18/041/20-

Reason: In order to define the permission.

6a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved, full details of the buildings facing materials, including bricks, render, roof tiles, windows, door, rainwater products and soffits], illustrating the colour, size, texture and specification to be used within the development hereby approved shall be submitted to and approved by the local planning authority.

6b. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

7a. Prior to the commencement of development, including demolition a Construction Working Plan shall be submitted for written approval of the Local Planning Authority. The plan shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary porta cabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

7b. The approved Construction Working Plan shall be implemented upon commencement of works and shall be maintained until the site is completed.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties

and to control the environmental impacts of the development in accordance with saved policies GP2, ENV32, T7 and T13 of Walsall's Unitary Development Plan.

8a. Prior to the commencement of development the Applicant shall agree an Air Quality Low Emission Scheme in writing, with the Local Planning Authority, to install electric-vehicle charging points and Ultra-Low NOx boilers

8b. The development shall not be carried out otherwise than in accordance with the agreed scheme

8c. Prior to occupancy, the Applicant shall provide a written Low Emission Scheme Validation Statement to the Local Planning Authority that demonstrates scheme has been installed as agreed.

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

9a. Prior to commencement of development, evidence shall be submitted to the Local Planning Authority to demonstrate that the existing buildings on site were constructed and brought into occupation post 2000.

9b. In the event that part a. of this condition cannot be complied with then:

i) Prior to commencement of development an intrusive pre-demolition asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers shall be submitted to and approved by the Local Planning Authority.

ii) The scheme shall:

(1) be written by a suitably qualified person

(2) demonstrably identify potential sources of asbestos contamination and

(3) detail removal.

iii) Prior to occupation the scheme shall be independently reviewed and a written

Validation Report shall be submitted to and agreed in writing with the Local Planning Authority.

iv) All contaminated material to be removed from the site shall be removed by a licensed waste carrier to a facility which is licensed to accept it.

Reason: To ensure the proper investigation and risk mitigation of the site, to protect amenities of the locality and the future occupants of the site in compliance with Policy ENV10 of the UDP.

10. Any reserved matters application should include a tree report on all the trees within the site and within 15m of the boundary.

Reason: In order to protect the natural environment and existing trees in accordance with policy ENV18 of the UDP and Natural Environment SPD.

11. Any reserved matters application shall provide a Transport Statement, ensure compliance with policies T7 and T13 of the UDP, any access road have a corridor width of 5.8m minimum, show that a waste collection vehicle can enter and leave the site in forward gear and show compliance with guidance in Manual for Streets and Inclusive Mobility.

Reason: In order to ensure satisfactory access and parking arrangements within the development in compliance with policies T7 and T13 of the UDP.

12. Any reserved matters application shall include a Bat Survey.

Reason: In order to identify any protected species and in compliance with the Natural Environment SPD and policy ENV23 of the UDP.

13a. Prior to the commencement of the development hereby approved drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted to and approved in writing by the Local Planning Authority.

13b. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

Reason: To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

Notes for Applicant

Note to Applicant Air Quality SPD

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

The electric vehicle charging point provision for residential premises is a charging point per residential premise or Units with unallocated parking e.g. apartments – 1 charging point per 10 spaces, complying with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw.

Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-

phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded.

The charging unit is to be supplied by its own independent radial circuit.

Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following:

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

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



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jan-2020

Plans List Item Number: 5.

Reason for bringing to committee: Departure from the Development Plan

Location: CALDERFIELDS HOTEL GOLF AND COUNTRY CLUB, ALDRIDGE ROAD, WALSALL, WS4 2JS

Proposal: CHANGE OF USE OF TWO ROOMS WITHIN GOLF ACADEMY BUILDING ASSOCIATED WITH SHORT DISTANCE PRACTICE AREA AND 9 HOLE GOLF COURSE TO PROVIDE A SPORTS INJURY TREATMENT ROOM AND A ROOM FOR BEAUTY PARLOUR/SPORTS INJURY THERAPY.

Application Number: 19/0353

Applicant: Alan Tranter

Agent: BHB Architects

Application Type: Full Application: Change of Use

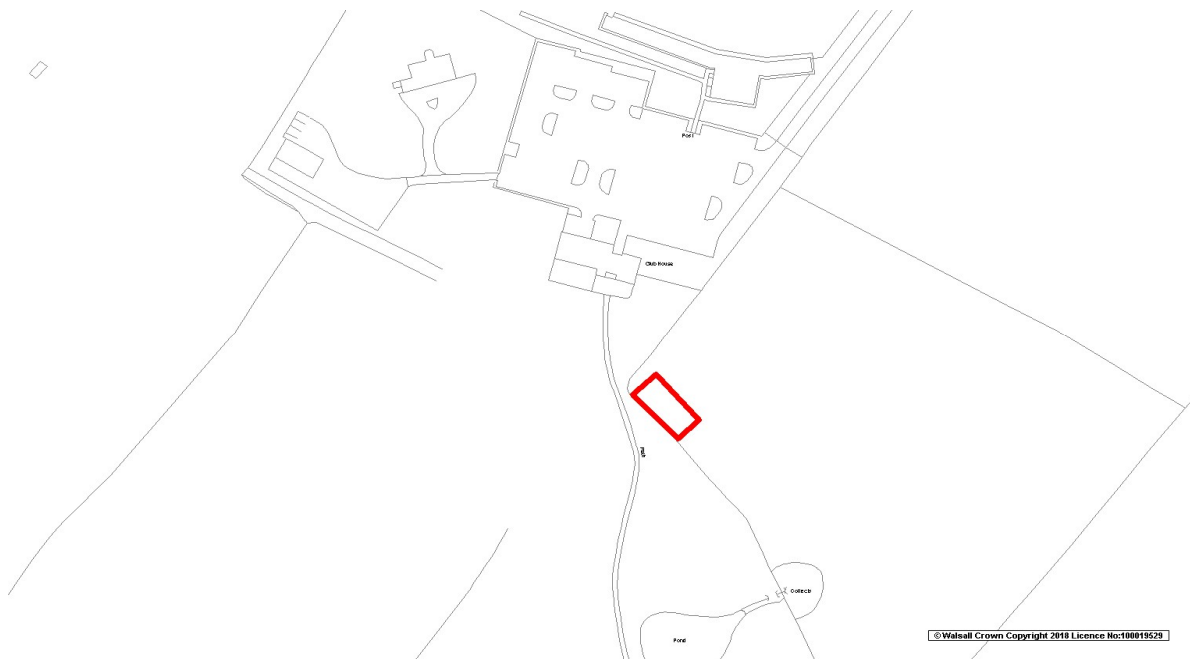
Case Officer: Helen Smith

Ward: St Matthews

Expired Date: 02-Jul-2019

Time Extension Expiry:

Recommendation Summary: Planning Committee resolve to Grant subject to conditions and delegate to the Interim Head of Planning & Building Control to secure a deed of variation to tie this planning application to the S106 agreement for planning approval 15/0455/FL defining the overall use to the original approval



Proposal

The application seeks consent for the proposed change of use of two rooms within the existing Golf Academy building as a beauty parlour and sports injury therapy service. No external alterations are proposed.

The applicant states that treatments offered by Bliss at Calderfields will be provided in two separate rooms and will include the following;

Beauty Parlour/Sports Injury Therapists Room (*adjacent to bin storage area*)

- Nail polishing
- Gel polishing
- Gel nails and removal
- Infills
- Retail floor area of 16m²

These services will be carried out from a small work station from within the parlour.

Sports Injury Treatment Room

Body and injury treatments to include;

- Hot stone massages
- Back and full body sports massages
- Golfers regenerating skin treatments – consisting of oils and moisturisers to protect the skin from the elements endured
- Retail floor area of 8m²

The applicant has advised that the opening hours for Bliss at Calderfields will run in conjunction with the granted opening times for the Staffordshire Performance Golf Centre in accordance with their planning permission, if this proposal receives consent.0455

The applicant states that the beauty parlour and treatment room will operate with a maximum of two (2) members of staff from the two (2) said areas at any one time. The beauty parlour and treatment room will only treat a maximum of two (2) customers within the two said areas at any one time. In the main there will only be one (1) employee treating one customer.

In addition to the above information this proposal is supported by the following documentation;

Client Statement which includes the following key information;

- Ancillary services for lady golfers and residential guests to benefit and enhance their experience at Calderfields
- Provides a service for lady golfers who break or damage their nails while tackling 18 holes in the elements and seek to have them repaired on site
- Residential wedding guests may require nails patching up before the bride arrives when there isn't time to go off site to a town centre shop
- Provision of soft tissue treatments for golfers for injuries to the lower back, shoulder, elbow, foot and knee
- Important service when playing in several tournaments to improve performance
- Aim to keep up with competitors providing more than just a golf club.
- Statement includes supporting correspondence from 4 colleagues and customers

Design and Access Statement which states;

- Rooms used by members and guests of the golf club
- Coaching Centre provides golf education and training to club members and the local community wishing to take up golf
- Holistic golf experience with the provision of ancillary services would allow for the diversification of the business as seen at Aston Wood Golf Club, Little Aston, and Chase Golf Club, Cannock.
- All works are internal and would have no impact on the scale of the building
- New facilities would support the main function of the club providing a holistic golf experience and diversification of the business

The proposal to be read in-conjunction with a further committee report 18/1601 –Golf Academy floodlighting.

Site and Surroundings

The application site includes the existing Calderfields Golf and Country Club on Aldridge Road, which incorporates an 18-hole golf course, restaurant and 20 hotel rooms. To the west a Golf Academy Centre has recently been built and planning permission also exists for a 9 hole academy golf course.

Calderfields Golf and Country Club is to the south-east and south-west, Calderfields Golf Academy (driving range) to the north-east, The Dilke Arms Public House to the north, and some houses and agricultural/equine businesses to the north and north-east. Calderfields Farm residential development sits to the west of the application site.

The site lies within the West Midlands Green Belt. A watercourse runs through the site to ponds to the south, which form part of the existing 18 hole golf course, terminating in the Arboretum to the south. The historic remains of a moat are located at the north-east corner of the site, outside the red line.

Relevant Planning History

BA6630 – Outline: Construction of 18 hole golf course with clubhouse, car park and ancillary buildings. GSC 4/4/1977.

BC7371 – Golf Course, Club House, Squash and Tennis Courts and Swimming Pool. GSC 8/8/1977.

BC02802P – Erection of New Club House and Construction of Car Park and Access. GSC 11/3/82.

BC63617P - Extensions and alterations to club house to provide health & fitness facilities together for functions. Construction of additional car parking proposed reposition of manager's house. GSC 5/3/02.

05/1442/FL/E7 - Extensions to male locker Room, snooker room kitchen and lounge dining area. GSC 30/9/05

09/0683/FL – 2 No. conservatory extensions to clubhouse. GSC 11/8/09.

10/0342/FL – Proposed erection of chalet tourist accommodation (comprising 20 units), health and fitness suite (comprising swimming pool, gym, studio, treatment rooms, sauna and steam room), new staff offices, shop and revised reception and alterations to golf course layout together with landscaping works and associated plant facilities. Granted subject to conditions 2/11/2010. Condition 3 requires retention of the chalet units and health and fitness facilities to remain in the same ownership and to operate as a single business unit with Calderfields Golf and Country Club. This permission has been implemented through the construction of the chalets.

15/0455/FL – Golf Academy Centre and 9-hole academy golf course and associated facilities. GSC 2/9/16. This application included a S106 agreement with restrictive clauses regarding the use of the practice area. Condition 18 states the academy building hereby approved shall only be used for the provision of teaching, training and ancillary facilities for the playing of golf and shall not be used for any other purpose.

18/0563 - Lawful Development Certificate for the existing use of the Golf Academy for ancillary facilities (namely golf conditioning centre) associated with outdoor sport consistent with the function of the green belt and for the playing of golf – Certificate granted 17/01/19.

18/1601 - 4 New floodlights to be fixed to the north east elevation of existing structure – under assessment

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 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 13 – Protecting Green Belt land**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

- age
- disability
- gender reassignment

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

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

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

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- S1: Definition of Town Centre Uses
- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- S7: Out-of-Centre and Edge-of-Centre Developments
- T7 - Car Parking

- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN4: Regeneration of Town Centres
- CEN5: District and Local Centres
- CEN7: Controlling Out-of-Centre Development

Walsall Site Allocation Document 2019

- SLC1: Local Centres
- SLC2: Local Centres Development Opportunities
- OS1: Open Space, Sport and Recreation
- GB1: Green Belt Boundary and Control of Development in the Green Belt

Supplementary Planning Document

Designing Walsall

- DW3 Character

Consultation Replies

Transportation – No objections

Pollution Control – No objections

Strategic Planning Policy – Concerns raised about the introduction of an out of centre use however this may be addressed with the use of safeguarding conditions

Public Health – request that the developers seek infection prevention and environmental health advice when designing the beauty therapy rooms and the sports injury clinic to ensure that the new build meets the requirements of current legislation and good practice.

Representations

One objection has been received on the following grounds;

- Noise at weekends from shouting and letting off fireworks
- Loud music and smells
- Parking
- Cars block their views (*not a material planning consideration in this instance*)

Determining Issues

- Principle of Development
- Green Belt
- Impact on Neighbours Amenity
- Parking and Access

Assessment of the Proposal

Principle of Development

Paragraph 86 of the National Planning Policy Framework (Feb 2019) considers that main town centre uses should be located in town centres, then in edge of centre locations only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. A sequential test should be applied.

Paragraph 87 of the NPPF states when considering edge and out preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

BCCS policy CEN7 – Controlling Out of Centre Development states that proposals for out of centre development will have to demonstrate that development cannot be provided in-centre or at edge of centre locations of existing centres.

The application site is neither within a town or local centre nor within what is considered to be edge of centre site however nail bars and beauty salons are usually found in town and local centres however the supporting information states that there are a number of similar facilities at other golf clubs in the wider area..

The planning agent has not provided evidence that a sequential test has been carried out in support of this proposal in an out of centre location. However, whilst the beauty parlour use is considered to be an inappropriate out of centre use the argument put forward by the applicants is that this use is only for members of the golf club. To make this acceptable in planning terms and based on the guidance of the Planning Policy Team and to accord with the development plan safeguarding conditions can be included to restrict this use to registered golf club members only.

Safeguarding conditions in respect of the hours of operation to ensure these tie in with the existing golf club use and to specify the amount of approved ancillary retail space can be included and will meet the 6 tests.

Green Belt

The National Planning Policy Framework (NPPF) (February 2019) confirms at paragraph 133 'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Paragraph 134 continues; 'Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'. 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances' (Paragraph 143). 'Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. *'Very special circumstances'* will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations' (Paragraph 144).

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: a) *buildings for agriculture and forestry*; b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*; c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*; d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*; e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.* (Paragraph 145). Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are: a) *mineral extraction*; b) *engineering operations*; c) *local transport infrastructure which can demonstrate a requirement for a Green Belt location*; d) *the re-use of buildings provided that the buildings are of permanent and substantial construction*; e) *material changes in the use of land (such as changes of use for outdoor sport or recreation, or*

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for cemeteries and burial grounds); and f) development brought forward under a Community Right to Build Order or Neighbourhood Development Order (Paragraph 146).

As the proposed change of use are rooms within an existing building on this site and the green belt consideration was assessed as part of the 2015 application, it is considered there would be no additional impact on the openness of the Green Belt.

Impact on Neighbours' Amenity

The site is located 141 metres from 1 Calderfields Farm and it is considered that the introduction of a members only beauty parlour and sports therapy treatment room are considered would have a limited additional impact on neighbours' existing amenity. Resident's concerns regarding noise and odours can be reported to Environmental Health.

Parking and Access

The change of use of two rooms for ancillary services that are considered would not result in increased traffic to the premises as permitted clients, if approved, are members of the golf club already, who would be assumed to be visiting and using the course frequently in any case is unlikely to have any further impact on parking or access to the site. Highways officers have no objections to the proposal.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the proposed development would have no additional impact upon the openness of the Green Belt and whilst this proposal includes town centre uses in an out of centre location it is considered that provided these new uses remain ancillary to the golf club and are for the benefit of golf club members only this proposal would be acceptable in planning terms.

The proposal is considered would have a limited impact on the amenity for neighbouring occupiers and as the use would be for existing golf club members already using the site there is unlikely to be any further impact on parking.

Safeguarding conditions are recommended in respect of opening hours, the amount of retail floor space and restricting the use to provide services to registered members of the golf club. The use of safeguarding conditions will further ensure that neighbours' amenity is protected and that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

As such the development is considered to meet the aims and objectives of the National Planning Policy Framework (para 127), policies CSP4, , CSP5, HOU1, HOU2, HOU3, TRAN2, TRAN5, ENV1, ENV2, ENV3, ENV5 and ENV8 of the Black

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Country Core Strategy and saved policies 3.6 to 3.9, GP2, GP3, GP6, ENV10, ENV11, ENV23, ENV32, ENV33, H4, T1, T7, T8, T9, T10 and T13 of Walsall Unitary Development Plan, policies GB1, HC1, HC3, EN1, T4 and T5 of Walsall's Site Allocation Document and Supplementary Planning Documents Designing Walsall, Conserving Walsall's Natural Environment, Open Space, Sport and Recreation, Affordable Housing and Air Quality. Taking into account the above factors it is considered that the application should be recommended for approval.

The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to the provision of additional information to clarify this proposal full support is given to the scheme subject to the inclusion of safeguarding conditions which meet the 6 tests.

Recommendation

Recommendation: Planning Committee resolve to Grant subject to conditions and delegate to the Interim Head of Planning & Building Control to secure a deed of variation to tie this planning application to the S106 agreement for planning approval 15/0455/FL defining the overall use to the original approval,

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, drawing 3027-002, deposited 08/03/19
- Block Site Plan, drawing no. 3027-004, deposited 08/03/19
- Proposed Plan, drawing no. 3027-001 Revision H, deposited 08/03/19
- Design and Access Statement, February 2019, deposited 08/03/19
- Client Statement, deposited 08/03/19
- Letter dated 26/3/19 from Mr D Lowe, Calderfields Golf Club Ltd

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).

3: Notwithstanding the details submitted within the planning application the Sports Injury Treatment Room shall not be carried out otherwise than in accordance with a

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maximum floor space of 8m² within the academy building and shall thereafter be retained for the life of the development.

Reason: To define the planning approval and to safeguard the viability and vitality of Walsall Town Centre in accordance with BCCS policies CEN5 and CEN7.

4: Notwithstanding the details submitted within the planning application the Beauty Parlour shall not be carried out otherwise than in accordance with a maximum floor space of 16m² within the academy building and shall thereafter be retained for the life of the development.

Reason: To define the planning approval and to safeguard the viability and vitality of Walsall Town Centre in accordance with BCCS policies CEN5 and CEN7.

5: Notwithstanding the details submitted the Sports Injury Treatment Room and Beauty Parlour (adjacent to bin storage area) within the academy building hereby approved shall not be available to anyone other than registered members of the golf club and golf academy at any time for the life of the development.

Reason: To ensure that the shop remains ancillary to the practice area and golf courses in an out of centre location within the green belt.

6: The development shall not be available for use by staff or customers other than between 07.00 and 22.00 hours.

Reason: In the interests of residential amenity and to remain ancillary to the practice area and golf courses in an out of centre location within the green belt.

Notes for Applicant

Public Health request that the developers seek infection prevention and environmental health advice when designing the beauty therapy rooms and the sports injury clinic to ensure that the new build meets the requirements of current legislation and good practice.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jan-2020

Plans List Item Number: 6.

Reason for bringing to committee: Requires delicate judgement

Location: CALDERFIELDS HOTEL GOLF AND COUNTRY CLUB, ALDRIDGE ROAD, WALSALL, WS4 2JS

Proposal: 4 NEW FLOODLIGHTS TO BE FIXED TO THE NORTH EAST ELEVATION OF EXISTING STRUCTURE.

Application Number: 18/1601

Applicant: Alan Tranter

Agent:

Application Type: Full Application: Minor Use Class Sui Generis

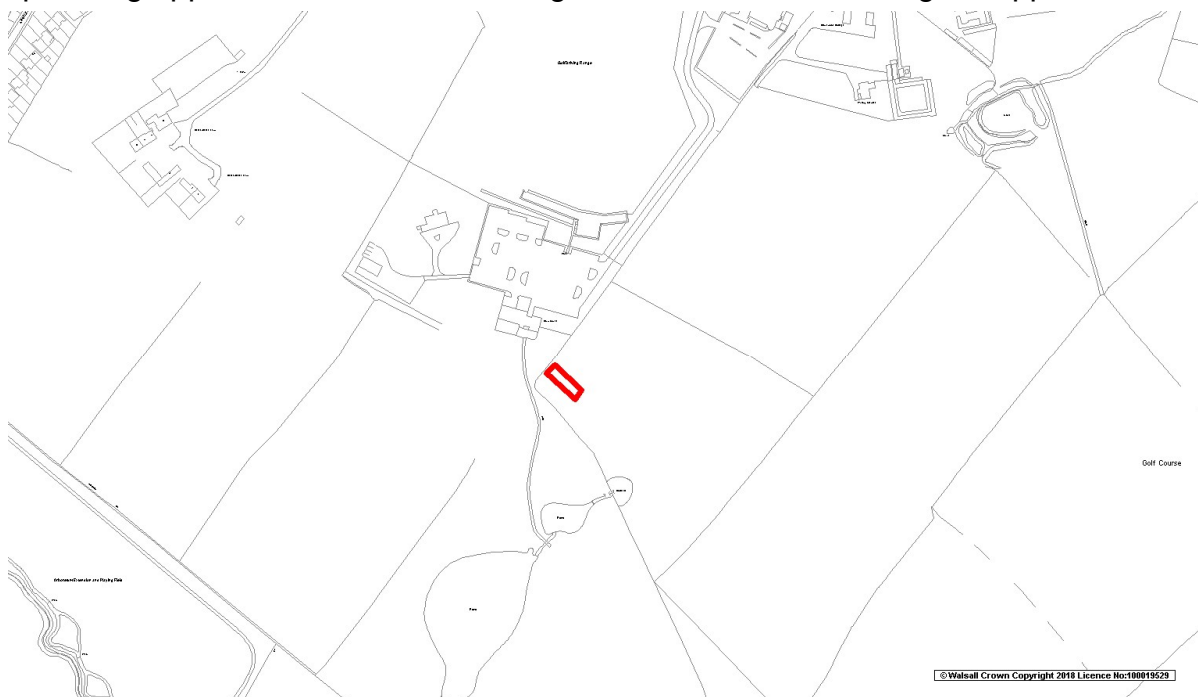
Case Officer: Fiona Fuller

Ward: St Matthews

Expired Date: 15-Mar-2019

Time Extension Expiry:

Recommendation Summary: Planning committee resolve to Grant subject to conditions (including any amended conditions from the ecologist) and delegate to the Head of Planning, engineering & Transportation to resolve the ecology concerns and to secure a deed of variation to tie this planning application to the S106 agreement for planning approval 15/0455/FL defining the overall use to the original approval.



Proposal

The applicant seeks full planning permission for the illumination of the existing coaching and performance centre at, Calderfields Hotel Golf and Country Club, to allow evening use of the facility.

The installation of LED bulbs fitted into four floodlights (two floodlights at 4.060m and two floodlights at 3.260m) to the Golf Academy Centre practice area will allow the use of the coaching and performance centre during the darker evenings after sunset. It will be located to the northern/eastern boundary adjacent to the existing coaching and performance centre.

The applicant explains the current evening use of the Golf Academy Centre practice area is used up to 10.00pm during the summer months, has not caused any material noise or disturbance to the occupants of the nearest dwellings. The proposed lighting and evening use of the facility up to 10.00pm would not present any material harm. There will be no increase in opening times.

The proposed illumination represents further investment in the facility and the local area. It would support the local economy and help to ensure that the existing business remains viable. The proposal would also result in social benefits, allowing young people to play golf after school and allowing families to use the facility together in the evenings.

The following supporting documents have been submitted in support of the application:

- Design and access statement
- Driving Range Lighting *(It must be noted, the application is floodlighting for a short practice course and not a driving range)*
- Driving Range *(It must be noted, the application is floodlighting for a short practice course and not a driving range)*
- Coaching and Performance Centre Lighting *(It must be noted, the application is floodlighting for a short practice course and not a driving range)*

The proposal must be read in-conjunction with a further committee report 19/0353 – change of use of two rooms within the existing Golf Academy building as a beauty parlour and sports injury therapy service

Site and Surroundings

The development site, Calderfields Golf and Country Club, land to the south-east and south-west, Calderfields Golf Academy to the north-east, The Dilke Arms Public House to the north, and some houses and agricultural/equine businesses to the north and north-east. The Badgers Yard site was last used for residential use.

The site lies within the West Midlands Green Belt and lies within the designated Calderfields Golf and Country Club, a watercourse runs through the site to ponds to the south, which form part of the existing 18 hole golf course, terminating in the

Arboretum to the south. The historic remains of a moat are located at the north-east corner of the site, mostly outside the red line.

Relevant Planning History

Before this application was submitted, an EIA Screening was carried out under reference 14/1928/SCRE and the current application has also been screened.

BA6630 – Outline: Construction of 18 hole golf course with clubhouse, car park and ancillary buildings. GSC 4/4/1977.

BC7371 – Golf Course, Club House, Squash and Tennis Courts and Swimming Pool. GSC 8/8/1977.

BC02802P – Erection of New Club House and Construction of Car Park and Access. GSC 11/3/82.

BC63617P - Extensions and alterations to club house to provide health & fitness facilities together for functions. Construction of additional car parking proposed reposition of manager's house. GSC 5/3/02.

05/1442/FL/E7 - Extensions to male locker Room, snooker room kitchen and lounge dining area. GSC 30/9/05

09/0683/FL – 2 No. conservatory extensions to clubhouse. GSC 11/8/09.

10/0342/FL – Proposed erection of chalet tourist accommodation (comprising 20 units), health and fitness suite (comprising swimming pool, gym, studio, treatment rooms, sauna and steam room), new staff offices, shop and revised reception and alterations to golf course layout together with landscaping works and associated plant facilities. Granted subject to conditions 2/11/2010. Condition 3 requires retention of the chalet units and health and fitness facilities to remain in the same ownership and to operate as a single business unit with Calderfields Golf and Country Club. This permission has been implemented through the construction of the chalets.

15/0455/FL – Golf Academy Centre and 9-hole academy golf course and associated facilities. GSC 2/9/16. This application included a S106 agreement with restrictive clauses regarding the use of the practice area. Condition 18 states the academy building hereby approved shall only be used for the provision of teaching, training and ancillary facilities for the playing of golf and shall not be used for any other purpose.

18/0563 - Lawful Development Certificate for the existing use of the Golf Academy for ancillary facilities (namely golf conditioning centre) associated with outdoor sport consistent with the function of the green belt and for the playing of golf – Certificate granted 17/01/19.

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 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 13 – Protecting Green Belt land**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race

- religion or belief
- sex
- sexual orientation

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

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

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

The Development Plan

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms ‘Local Plan’ policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

Local

Black Country Core Strategy (BCCS) (2011)

CSP2: Development Outside the Growth Network

CSP3: Environmental Infrastructure

CSP4: Place Making

CSP5: Transport Strategy

DEL1: Infrastructure provision

ENV1: Nature Conservation

ENV2: Historic Character and Local Distinctiveness

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

ENV6: Open Space, Sport and Recreation

Development Plan www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

Policies that have been saved and not replaced by the BCCS remain part of the development plan. However, in such cases the NPPF says “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

The relevant policies are:

GP2: Environmental Protection

GP3: Planning Obligations

GP5: Equal Opportunities

GP6: Disabled People

3.3: Countryside and Green Belt

3.6 and 3.7: Environmental Improvement

ENV2: Control of Development in the Green Belt

ENV3: Detailed Evaluation of Proposals within the Green Belt

ENV7: Countryside Character

ENV10: Pollution

ENV11: Light Pollution

ENV17: New Planting

ENV18: Existing Woodlands, Trees and Hedgerows

ENV23: Nature Conservation and New Development

ENV25: Archaeology

ENV32: Design and Development Proposals

ENV33: Landscape Design

ENV40: Conservation, Protection and Use of Water Resources

T1: Helping People to Get Around

T4: The Highway Network

T7: Car Parking

T8: Walking

T9: Cycling

T10: Accessibility Standards – General

T11: Access for Pedestrians, Cyclists and Wheelchair Users

T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)

T13: Parking Provision for Cars, Cycles and Taxis

It is considered in this case that the relevant provisions of Walsall's saved UDP policies are consistent with the NPPF

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with the NPPF policy. The relevant SPD's are;

Designing Walsall (Feb 2008)

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies.

DW3 – all new development must be designed to respect and enhance local identity

DW6 – new development should contribute to creating a place that has a clear identity

DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;

DW10 – new development should make a positive contribution to creating a sustainable environment.

Conserving Walsall's Natural Environment SPD

NE1: All relevant applications to be supported by an adequate impact assessment.

NE7: planning applications with a potential to damage or destroy trees, woodlands or hedgerows

- Loss of/encroachment into/unnecessary development of Green Belt land
- Lack of evidence of viability or need, to establish very special circumstances
- The need to remove/treat waste on the site does not justify the proposed use or buildings
- Area is water logged, risk of flooding from watercourses on the site, impact on water course
- Likely contaminated land due to previous illegal dumping on site

Consultation Replies

TRANSPORTATION (Local Highway Authority) – Support

PUBLIC LIGHTING – To be updated at planning committee

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SPORT ENGLAND – To be updated at planning committee

Council's Ecology Officer – To be updated at planning committee

Representations

Neighbours were notified via letter and site notice about the proposed floodlighting planning application.

This is a summary of the representation received.

- The proposal is contrary to the legislation laid down to safeguard the Green Belt.
- No need for floodlighting the whole area
- The objector makes reference to the owner's intention and makes these facilities available to the general public.
- This application should be refused.
- The applicant is intent on operating a Driving Range with floodlights

Determining Issues

The following matters are considered to be appropriate in the consideration of the outline application:

- Green Belt
- Natural and built environment
- Residential amenity
- Highways and transport matters
- Biodiversity

Assessment of the Proposal

Green Belt

The National Planning Policy Framework (NPPF) (February 2019) confirms at paragraph 133 'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Paragraph 134 continues; 'Green Belt serves five purposes: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another; c) to assist in safeguarding the countryside from encroachment; d) to preserve the setting and special character of historic towns; and e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land'. 'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances' (Paragraph 143). 'Local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. *'Very special circumstances'* will not exist unless

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the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations' (Paragraph 144). A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: a) *buildings for agriculture and forestry*; b) *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*; c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building*; d) *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces*; e) limited infilling in villages; f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and g) *limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: – not have a greater impact on the openness of the Green Belt than the existing development; or – not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.* (Paragraph 145). Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are: a) *mineral extraction*; b) *engineering operations*; c) *local transport infrastructure which can demonstrate a requirement for a Green Belt location*; d) *the re-use of buildings provided that the buildings are of permanent and substantial construction*; e) *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)*; and f) *development brought forward under a Community Right to Build Order or Neighbourhood Development Order* (Paragraph 146).

It is considered that the erection of LED bulbs fitted into four floodlights (two floodlights at 4.060m high and two floodlights at 3.260m high) will be assessed against part b paragraph 145 of the NPPF *the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, ... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it*;

This applicant seeks full planning for the installation of LED bulbs fitted into four floodlights (two floodlights at 4.060m high and two floodlights at 3.260m high to illuminate the coaching & performance coaching area. The proposed floodlights will be fitted with associated hoods to mitigate spillage outside the designated area to the northern east of the golf academy building. A condition will be imposed for floodlighting/ equipment details. The proposed scheme would facilitate outdoor sport and recreation use. The proposed lighting columns are considered would preserve the openness of the Green Belt. The proposal would therefore comply with paragraph 145 of the NPPF subject to the impact on ecology and residential amenity from the lighting.

Residential amenity

The nearest residential property is Thistle Dew House (originally developed as part of the wider golf complex), which is 140m from the Calderfield Golf & Country Club's short practice area. On balance, the impacts to Thistle Dew House are recognised and considered on balance, as it is part of the original golf complex, considered that the impacts would be reasonable. There are also residential properties facing Aldridge Road, with 360metres to the proposed lighting. The proposed lighting for the short practice area between 7am and 10pm is on balance considered to limit impacts on neighbours subject to conditioning the operating hours and securing hoods to the lights to minimise light spill beyond the boundaries of the short practice area. It is recognised the winter outlook from residential neighbours with the short practice area from the lighting, although, with suitably designed light hoods, it is considered to minimise light spill, whilst weighing the benefit of extending the opportunities of outdoor sport and recreation is reasonable balance to provide extended recreational opportunities. The prevention of any external lighting for outdoor play and opening hours are necessary to be controlled by a safeguarding condition that would meet the government's 6 tests.

An objector commented about the potential users of the proposed site, the proposal is contrary to legislation and other none material planning considerations. The enforcement team have confirmed there hasn't been any complaints from users or the occupiers of the neighbouring properties regarding the use of the coaching, performance centre and short practice area to date. It is unlikely the extended opening hours of the short practice area during the winter months its considered will raise additional complaints, subject to the operator installing the appropriate lighting hoods and not operating after the hours requested.

It is considered necessary that a Construction Management Plan would be required to control and mitigate noise, dust impacts, and measures to ensure no site debris drags out onto the public highway and a control over working hours during construction. These can be controlled by condition to assist in mitigating harm to neighbours during construction.

Highways and transport matters

Access to the existing and proposed facilities is via the existing private access road off The Dilke roundabout on Aldridge Road.

The amount of material to be imported based on a 12 month construction programme is unlikely to have any significant detrimental impact on the operation of the highway network. The site is able to accommodate any increased vehicle movement without causing undue harm. Any additional emissions.

The Transport (Highways Authority Team) were consulted and they have supported the development.

Biodiversity

Paragraph 175 of the NPPF states that "In determining a planning application, planning authorities should aim to conserve and enhance biodiversity by ensuring that: designated sites are protected from harm; there is appropriate mitigation or compensation where significant harm cannot be avoided; opportunities to incorporate

biodiversity in and around developments are encouraged; and planning permission is refused for development resulting in the loss or deterioration of irreplaceable habitats

All species of bat are fully protected under The Conservation of Habitats and Species Regulations 2017 (as amended) through their inclusion on

Schedule 2

A European Protected Species Mitigation (EPSM) Licence issued by the relevant statutory authority (e.g. Natural England) will be required for works likely to affect a bat roost or for operations likely to result in a level of disturbance which might impair their ability to undertake those activities mentioned above (e.g. survive, breed, rear young and hibernate). The licence is to allow derogation from the relevant legislation but also to enable appropriate mitigation measures to be put in place and their efficiency/success to be monitored.

The agent provided supporting information on the 12th December 2019 for the ecologist and lighting expert to review. At the time of drafting the planning committee report, the ecologist's response was unavailable. This will be presented to the January Planning Committee.

Conclusions and Reasons for Decision

The proposed illumination would not present any material harm to the occupants of the nearest properties. The current evening use of the Golf Academy building and short practice area for coaching and performance has been used up to 10.00pm during the summer months, and there is no evidence to date, this caused any material noise or disturbance to the occupants of the nearest dwellings. The proposed lighting and evening use of the facility up to 10.00pm would not present any additional residential material harm subject to conditions regarding the floodlight hood design, hours of operation and potentially ecological mitigation.

The proposed design of the floodlighting columns will prevent any spillage outside the designated area thus minimising any impact to occupiers of the neighbouring properties.

The proposed scheme would facilitate outdoor sport and recreation and the proposed installation high lighting columns would preserve the openness of the Green Belt.

The proposal would therefore comply with National and Local Planning Policies.

Recommendation

Planning committee resolve to Grant subject to conditions (including any amended conditions from the ecologist) and delegate to the Head of Planning, engineering & Transportation to resolve the ecology concerns and to secure a deed of variation to tie this planning application to the S106 agreement for planning approval 15/0455/FL defining the overall use to the original approval.

Positive and Proactive Working with the Applicant

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

Recommendation

Planning committee resolve to Grant subject to conditions (including any amended conditions from the ecologist) and delegate to the Head of Planning, engineering & Transportation to resolve the ecology concerns and to secure a deed of variation to tie this planning application to the S106 agreement for planning approval 15/0455/FL defining the overall use to the original approval.

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: -

- Design and Access Statement November 18 – Received 26th November 2018
- Existing Site Plan – Drawing No 3027-003 - Received 10th January 2019
- Location Plan – Drawing No 3027-001 - Received 18th January 2019
- Proposed Plan & Elevation – Drawing No 3027-002 - Received 10th January 2019
- Site Plan – Drawing No 3027-003 - Received 8th March 2019
- Driving Range Lighting (Installation) - Received 31st January 2019
- Driving Range (Installation) - Received 8th August 2019
- Landscaping Plan – Drawing No CL132/200B/Land) - Received 8th May 2019
- Coaching and Performance Lighting Centre (Installation) - Received 8th May 2019

Reason: For the avoidance of doubt and in the interests of proper planning, (except in so far as other conditions may so require).

3a. Prior to the installation of any external floodlighting to the existing coaching and performance centre building and short practice area until details of the proposed hood lighting design including the intensity of illumination and predicted lighting contours have first been submitted to and approved in writing by the Local Planning Authority.

3b. The development shall not be constructed otherwise than in accordance with the agreed details and thereafter retained for the life of the development and used for no other purpose

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Reason: In the interests of the visual amenities of the area and not cause any harm to the protected species in accordance with saved policies GP2, ENV11 and ENV32 of Walsall's Unitary Development Plan.

4: Roosting bats are present in the area and bats may therefore be present in the building within the site. The following precaution shall be taken when implementing the planning permission:

Contractors undertaking any dismantling or site clearance works shall be made aware that bats may be present and undertake demolition works in the expectation that bats may be present.

If no bats or evidence of bats are found during these operations, the approved works can continue.

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

5. If bats or evidence of bats are found during these operations: bats should not be handled or touched and the vicinity of the roost shall be immediately reinstated, no further destructive works shall be carried out to the building until the need for Natural England licence has been established. Within one week of finding bats or evidence of bats, a written report by the supervising ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation

Work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued

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

6: The development shall not be available for use by staff or customers other than between 07.00 and 22.00 hours.

Reason: In the interests of residential amenity and to remain ancillary to the practice area and golf courses in an out of centre location within the green belt.

7. Prior to the commencement of development, including demolition shall take place until a Construction Working Plan has been submitted for written approval of the Local Planning Authority. The plan shall include:

- xiii. Construction working hours
- xiv. Parking and turning facilities for vehicles of site operatives and visitors
- xv. Loading and unloading of materials

- xvi. Storage of plant and materials used in constructing the development
- xvii. A scheme for recycling/disposing of waste resulting from construction works
- xviii. Temporary portacabins and welfare facilities for site operatives
- xix. Site security arrangements including hoardings
- xx. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- xxi. Measures to prevent flying debris
- xxii. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xxiii. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xxiv. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

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

Notes for Applicant

Although no bat survey has been required in support of this application, there is still a risk that bats may be using the building for roosting. It is therefore important that you are satisfied that there are no bats using the buildings affected by the development before work is carried out. Any damage, destruction or disturbance to bats roosts is a criminal offence. Care should be taken during building works. Stripping roof tiles, should be carried out carefully by lifting rather than sliding tiles. Soffits should also be dismantled carefully by hand. If any bats or evidence of bats are discovered work should stop and advice should be sought from Natural England. They can be contacted on Tel: 0845 6014523 or e-mail: wildlife@naturalengland.org.uk



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jan-2020

Plans List Item Number: 7.

Reason for bringing to committee: Significant Community Interest

Location: CALDERFIELDS DRIVING RANGE, ALDRIDGE ROAD, WALSALL, WS4 2JS

Proposal: PROPOSED ADVENTURE GOLF COURSE AND THE ERECTION OF ADMINISTRATION BUILDING

Application Number: 18/0058

Applicant: Mr Colin Andrews

Agent: Mr Paul Spooner

Application Type: Full Application

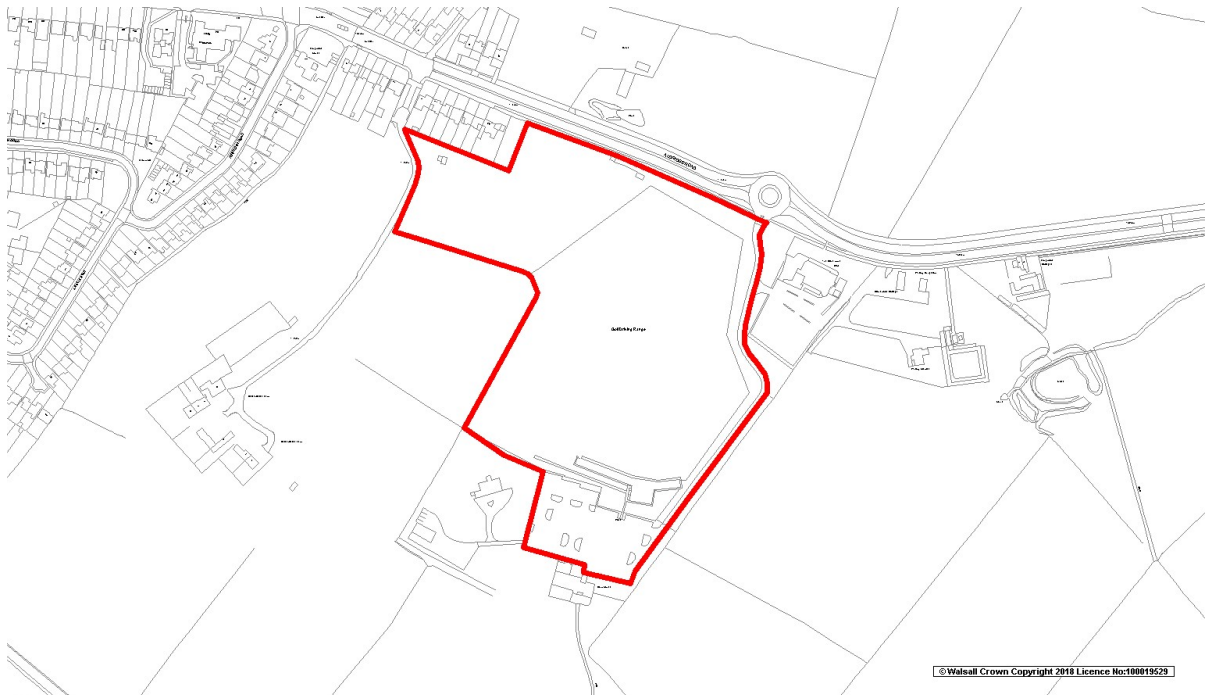
Case Officer: Andrew Watson

Ward: St Matthews

Expired Date: 10-Apr-2018

Time Extension Expiry:

Recommendation Summary: 1. Grant Planning Permission Subject to Conditions



Proposal

Planning permission is being sought for the erection of a family based adventure golf area, a modern version of crazy golf, together with the erection of an administrative centre building, which is to complement the existing golf driving range and recently completed golf short game practice area.

The adventure golf area that incorporates gently sloping and undulating greens and other feature obstacles, which is characterised by a strong design theme and associated structures. It is to be located to the rear side of the existing driving range on an area of existing open space and the existing tree within this area is also to remain. The adventure course is to be laid out around a number of obstacles that are to include such as the dinosaurs, other wild animals, jeep, crashed aeroplane and water features. Effectively it would create an 18 hole putting course. The emphasis of the game is that the participant embarks on an adventure through the features, which all form interactive environments that the player will engage with.

The adventure golf area would be bounded by the existing driving range building on one side and by a new 2.4m steel mesh weld fence on the boundary facing the open car park. There are approximately 179 car parking spaces in the current car park that serves both the driving range and adjacent golf course. The existing car park is to be re-laid and redesigned resulting in approximately 191 spaces for the driving range and adjacent golf course.

The new administrative building is to be located to the east of the driving range and car park and to the west of the property known as Thistle Dew House, owned by the applicant. The building measures 10.55m by 6m with a total height of 2.8m. The roof of the building is to be a sedum roof. To the north of the building is to be an outdoor siting area, which is between the proposed building and the adventure golf area.

The building is to be constructed from timber similar to the other approved buildings on site. The building will also service the newly constructed short game area, which used to be administered by the shop at the golf driving range.

The administrative building have toilets, kitchen, office, area and space for the public to sit where they can have refreshments and shelter during inclement weather.

The whole activity is also aimed the whole family allowing for children's parties and the provision refreshments.

A total of 6 staff are to be employed to cover the two shifts over a 12 hour period during the summer. The proposed openings hours would be weekdays 9.00 am to 10.00 pm and weekends 8.00 am to 8.00 pm every week.

Site and Surroundings

Calderfields Driving Range is located on southern side of Aldridge Road, Walsall. Access is via the roundabout adjacent to the Dilke Arms public house. On site there is a golf driving range with a shop and a golf course and country club, which has a full 18 hole course, a short 9 hole course and a hotel.

The access leads to a driving range to the north and golf course to the south with a shared car park in the middle. A golf academy and short game practice area has been built to the east. Thistle Dew House is a residential property also accessed from the private drive to the west of the driving range. The driving range and golf course and academy are in separate ownerships.

The driving range includes a T-shaped building that houses a retail shop, covered tees and an enclosed storage shed.

The site is part of the West Midlands Green Belt.

Relevant Planning History

Planning application, BC39306P for use of land as driving range and putting green. Construction of driving range building, professionals shop, maintenance building, locker room extension, safety fencing, lighting, access and car park was granted permission on 23 Dec 1993.

Planning application, 05/0333/FL/H5, for an extension to golf shop to provide for custom fit area and professional teaching area (Resubmission of 04/2548/FL/E2) was granted planning permission on 11 May 2005.

Planning application, 08/0218/FL, for the retention of a marquee was granted permission on 02 May 2008.

Planning application, 08/0927/FL, for a proposed implement shed adjacent to Golf Academy driving range was granted planning permission on 04 Sept 2008.

Planning application, 15/0455/FL, for the golf academy centre with a 9 hole academy golf course and associated facilities was granted planning permission

Planning application, 16/1926, for a 9 hole foot-golf course adjacent to the exiting golf driving range was withdrawn on 13 March 2018.

Planning application, 17/1278, for a proposed machinery shed was granted permission on 05 Dec 2017.

Relevant Policies

National Planning Policy Framework (NPPF)

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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 13 – Protecting Green Belt land**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

protected by the Equality Act 2010 are:

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

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

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

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.2 to 3.5 The Countryside and Green Belt
- 3.6 to 3.8 Environmental Improvement
- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People

- ENV10: Pollution
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T1 - Helping People to Get Around
- T4 - The Highway Network
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation
- WM1: Sustainable Waste and Resource Management
- WM5: Resource Management and New Development

Walsall Site Allocation Document 2019

GB1: Green Belt Boundary and Control of Development in the Green Belt

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

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Consultation Replies

West Midlands Fire Service – No objection

Severn Trent Water – No objections

Highway Authority – No objections

Archaeology and Historic Environment – A condition for an archaeological watching brief on groundworks would be appropriate to ensure any archaeology is identified and recorded prior to/during development. However, if additional information is uploaded, such as service plans that show prior truncation or more detailed design documents showing below ground disturbance s limited it may be that this recommendation can be revised.

Pollution Control – No objections

Sport England - The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case.

Environment Agency – No objection

Representations

34 letters of representation received from both objectors and those in support of the proposal for the following reasons:

3 letters in Support

- In total agreement that it would be a beautiful addition to Aldridge.
- It is a wonderful project.
- About time for something that is not in alcohol surroundings.
- Just what Walsall, families and children need.
- It is on the south side of the existing Golf Range and not affect the property.

31 letters of Objections

- The proposal is a development within the Green Belt and would impinge on the aesthetic appeal of the area and the perception of open space when driving along the main highway.
- Developments in a Green Belt must meet the criteria of 'Very Special Circumstances'.
- Green Belt should not be lost for commercial or profitable gain.
- It would increase traffic activity and highway safety issues.

- There is already car parking problems when the activity is busy and during competitions.
- The number of spaces are being reduced by 28.
- The car park is already in a state of disrepair and owner is reluctant to pay his share of the upkeep. *(This is not a material planning consideration)*
- The plans are shown to benefit children and families but this a huge health and safety risk. *(Whilst no evidence has been provided to demonstrate the health and safety risk, this is outside the scope of the planning legislation)*
- The adventure golf being proposed would not be a benefit to nor would not attract golfers and is a novelty. *(This is not a material planning consideration)*
- There is a number restrictions on the sale of goods and car parking relating to the sale of the land and the proposal will only conflict the agreement and relationship further. *(This is not a material planning consideration)*
- The proposal is close to the car park with a risk of damage to vehicles from flying golf balls, *(Whilst this is not a material planning consideration, it is noted the proposal is between a driving range and a golf course)*
- The design and layout does not show existing trees and foliage.
- If the existing trees are damaged or become diseased would they be replaced?
- Would there be any damage to gates, fences and enclosures? *(This is not a material planning consideration)*
- Ensure any disabled access does not infringe the existing café *(not a material consideration)*.
- The design shows no provisions for cyclists or provisions for staff and visitor,
- There is a risk of anti-social behaviour. *(The objector has not provided evidence of this, which the planning inspectorate would need to sustain a reason for refusal)*
- Can the proposal not be located at a public park or edge of town location? *(The Council has to process what's before it)*
- Can it be demonstrated that the proposal is the minimum scale necessary to underpin the golf academy and that they are ancillary to the outdoor sport and recreation that outweighs the harm to the Green Belt.
- Can the proposal demonstrate that minimum pollution can occur?
- What is the site of the soakaway? *(This is not a material planning consideration and a matter for either building control or Severn Trent to assess)*
- There should be no change to the surface run-off which will have a significant effect on the car parking drainage system.
- Have Severn Trent been consulted? *(Yes and they have no objections)*
- Will there be Section 106 agreement on the lighting ban?
- The design is insufficient to assess impacts on the neighbours and character of the area. *(There is sufficient information before the Council to assess the application)*
- What compensation be in place during construction when plant and machinery will be taking up the limited car parking spaces? *(This is not a material planning consideration)*
- There is already an 18 hole golf course and a 9 hole short game course. *(This is not a material planning consideration as this is a different offer to the current situation)*
- No evidence has been submitted on the previous short game area which did not have planning permission. *(The Council has to process the application before it)*

- No opening or closure times are indicated (*The application states the proposed openings hours would be weekdays 9.00 am to 10.00 pm and weekends 8.00 am to 8.00 pm every week*)
- The plans area not in keeping with the area nor do they meet the criteria suitable on Green Belt Land.
- The proposal will impact the open space.
- The car park could pose a safety and nuisance issue. (*Whilst the objector has not provided evidence of the safety and nuisance issue for the car park, it is noted the site is currently a car park*)
- Object on grounds of noise pollution.
- It has a commercial style 'theme park' look designed to attract children.
- 14 days consultation for neighbours is insufficient for this application and it warrants an extension (*21 days was initial given for the planning application with two subsequent 14 day time periods for re-consultation on the amended description and amended plans. In addition a site notice was also displayed. Neighbour comments are accepted after these dates until the date of determination and it is considered sufficient publicity and time to comment was provided for residents*)
- Not connected with 'Calderfield golf & Country Club' (*This is not a material planning consideration and has to be considered on its own merits*)
- It will include features such as water cannons, sound effects, large character statues, displayed vehicles such as crashed aeroplanes and 4x4 vehicles.
- It would have no benefit to the Calderfields golf & Country Club. (*This is not a material planning consideration and has to be considered on its own merits*)
- It will not encourage junior golfers into game. (*This is not a material planning consideration*)
- It is against the good etiquette and nature of golf. (*This is not a material planning consideration*)
- Member of Calderfields Golf & Community Club would not be using this facility. (*This is not a material planning consideration*)
- It may result in an impact on Calderfields Golf & Community Club through the loss of members. (*This is not a material planning consideration*)
- Adventure golf has no impact on junior golf development, promoting or enhancing junior golf (*This is not a material planning consideration*)
- There is evidence that giving children and young adults direct access to a real golf has any significant impact on the participation and development of golf. (*This is not a material planning consideration*)
- Not aware of a notice having been served upon Taylor Wimpey. (*Whilst this is not a material planning consideration the Council is satisfied that the application is valid as submitted*)
- Object until applicant has discussed the proposals or acquired the land from Taylor Wimpey. (*Whilst this is not a material planning consideration the Council is satisfied that the application is valid as submitted*)

Determining Issues

- Whether the development is appropriate development in the Green Belt
- Archaeology

- Impact on the character and appearance of the area
- Impact upon residential amenity
- Impact upon highway safety

Assessment of the Proposal

Whether the development is appropriate development in the Green Belt

The NPPF and the Development Plan both contain a presumption against inappropriate development in the Green Belt as it is by definition harmful to the Green Belt and should not be approved except in very special circumstances. NPPF (2019) Paragraph 145 (b) allows for the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The existing golf driving range and associated facilities serves outdoor sport and recreation, which is a form of development that is classed as being appropriate within the Green Belt. The proposal would help to expand the range of outdoor sport and recreation facilities provided at this site.

The proposal would introduce a new feature at the driving range that would provide an adventure golf facility, which is similar to a putting or crazy golf course aimed at providing entertainment for the whole family regardless of their ability to play golf. Players would be given a single golf club and ball to play around a course that has a number of obstacles and other features to help make the game both difficult and interesting. Having this type of facility at the current driving range would help to introduce people to the game of golf as well provide family entertainment and additional outdoor sport and recreational facilities. The emphasis of the game is that the participant embarks on an adventure through the features, which all form interactive environments that the player will engage with. The course would be open to all ages and the ability to play golf would not be required.

It is therefore considered that the proposal would provide more outdoor sport and recreation facilities on site.

It is not necessary for the applicant to demonstrate 'very special circumstances' or demonstrate that there is not any sequentially preferable land available for development if they are able to meet this policy test. Some objection comments have stated that this would 'set a precedent' but this is an approach allowed by National Policy.

In terms of this proposal, therefore, in principle the development would be appropriate provided it does not have a greater impact on the openness of the green belt and the purposes of inclusion than the extant development.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is commonly considered to be free from development. Most of the land around the driving range and adjacent golf course would remain permanently open and free from built form.

The application is supported by a design and access statement and supporting drawings demonstrating that the buildings and structures (such as the dinosaurs, other wild animals jeep, crashed aeroplane and water features) on site were integral to the golf course leisure offer and therefore meet the Green Belt test, with reference to site specific characteristics, the development is considered not harmful to the functioning of the local Green Belt. Also the social and economic benefits of the scheme have been stressed, which is considered to contribute towards the creation of healthy communities by encouraging young people to participate in outdoor sport and recreation, whilst contributing towards the local economy through job creation and supporting the growth and diversification of an existing business.

The scale of the proposed development is considered to minimise impacts on openness, whilst retaining something of an open nature, albeit including small structures and other built landscaping features. It is considered these elements are low-key in nature and also form an intrinsic part of the leisure use being offered.

One other known scheme and similar adventure golf course was granted planning permission 6 January 2017 in the Green Belt at Tonbridge Golf Centre in Kent. The site is on the edge of town but in the Green Belt. Other similarities also exist as that adventure golf supports an existing golf driving range. Unlike the current application site it's adjacent to residential properties.

The Green Belt serves five purposes:

1. Check the unrestricted sprawl of large built up areas – *the proposal would not conflict with this*
2. Prevent neighbouring towns merging into on another –*the proposal would not conflict with this*
3. Safeguard the countryside from encroachment – *the use of the site as a driving range and the addition of the adventure golf facility would complement the golf experience available on site as it means the site no longer forms part of the countryside. The adventure golf facility would bring or introduce the game of golf to the whole family rather than a select number of people play the full game*
4. Preserve the setting and special character of historic towns –*the proposal would not conflict with this*
5. To assist in urban regeneration, by encouraging the recycling of derelict and other land – *the nature of the proposal means it cannot realistically be located within the urban area and development here would not discourage the recycling of derelict land.*

Conclusion on the Green Belt issues

The Development Plan policies and the NPPF set out what type of development would be acceptable within the Green Belt and whether there are any very special circumstances to be considered. The proposed development is considered to be appropriate within the Green Belt given it relates to the existing use of outdoor recreational uses, whilst offering further outdoor sport and recreation aimed at a younger audience. The social and economic benefits of the scheme are also considered acceptable as it helps to contribute towards the creation of healthy communities by encouraging young people to participate in outdoor sport and recreation. As such the proposed development is considered acceptable to both Development Plan policy and guidance within the NPPF. Accordingly the proposal does not conflict with the purpose of including land within the Green Belt and is considered appropriate development.

Impact on Archaeology

Whilst the site is not affected by any designated heritage assets, the Archaeologist has requested a watching brief condition, regarding any underground archaeology found during the construction works.

The adventure golf area development of part of the wider site provides an opportunity to see if the site has been impacted by past archaeology. A watching brief condition means the Local Planning Authority would become aware if there are any existing underground features exist which have yet to be discovered. Therefore imposing such a condition would be in compliance with para 187 (b) of the NPPF.

Any features found would help enhance our knowledge of what may have happened on the site in terms of the historic environment.

Impact on the character and appearance of the area

The proposed adventure golf course would not change the character of the area which is a driving range with associated building even though it would be situated behind the existing driving range building. The proposed administrative building is to be situated immediately to the west of the existing car park, which is to the rear of the short game practice area and 20m to the east of Thistle Dew House, a domestic dwelling.

The adventure golf area would not be visible from the main road as it is approximately 250m away and situated behind the existing building. It would only become visible when entering the car park from the access road.

Whilst the site is located within the Green Belt it would not have a harmful impact on the character of the locality and considered to support the existing golfing activities.

The appearance of the administration building is of similar proportions to the exiting smaller buildings on site, finished in timber and a colour that reflects the existing buildings.

Impact upon residential amenity

The nearest residential property is Thistle Dew House, 20m from the proposed administrative building and occupied by the applicant. The proposed hours for opening to the public would be between 0900 and 2200 hours during the week (Monday to Friday) and between 0800 and 2000 hours during the weekends. It is anticipated that around 15-20 people would be using the course at any one time.

The proposal does not include any lighting proposals and the applicant advises that there will be no high level illumination to the area and ground level lighting is yet to be agreed, which can form a planning condition

The Pollution Control Officer has not objected to the proposals.

The distance between the proposal and this and other residential properties is sufficient to ensure no significantly adverse impacts from the proposal in terms of overlooking, overbearing, overshadowing or loss of light. The use of the land in terms of noise and disturbance is considered not to have any further detrimental impact compared to surrounding land uses.

Impact upon highway safety

The adventure golf will be used by those visiting the existing facilities and is unlikely to generate a high level of additional visitors. Therefore it is anticipated that there is no need to provide additional parking spaces to those that are currently available. It is expected that most people would arrive by car although during the school holidays a small amount would arrive on public transport as the site is adequately served by buses from the neighbouring towns of Walsall, Aldridge and Streetly.

The exiting access that currently serves the golf driving range and adjacent golf course is to be retain and no alterations are proposed. However a small number of parking spaces are to be lost implementing the proposal, however, the proposal includes laying out the car park and increases the spaces available to approximately 191 spaces would be available once the development is complete, which is considered to be adequate for the existing and proposed golfing offer.

The Highway Authority do not object to the proposed development.

The proposed is considered acceptable in terms of Development Plan policy and the NPPF.

Other Issues

One other known similar scheme is based at the Riverside Family Golf Centre at Trentside, Lenton Lane in Nottingham. The design and layout of the adventure course is similar to what is being proposed on this site. Like this site that one also serves an existing driving range. That also provides family entertainment at the golf centre.

Comment has been made that the game would be unsafe and have health and safety issues. Whilst health and safety issues there is third party legislation better placed to deal with these concerns, unlike golf users of the driving range or the golf course, users of the adventure golf area would be given one club each to play the game. It is unlikely that golf balls would be flying through the air, as users are expected to hit the ball along the ground similar to a putting activity. The game is to be played behind an existing building and the open boundary would be secured by a 2.4m mesh screen fence. It is unlikely for a user to hit a ball through the fence and damage cars parked in the car park.

Conclusions and Reasons for Decision

In weighing all of the material planning considerations, including the comments of consultees, neighbours, planning legislation/guidance, it is considered the proposal would not be inappropriate development in the Green Belt and its use or impact can be controlled by condition.

The proposed development would accord with the second point (b) of paragraph 145 of the Framework insofar that is a provision for the existing sport and outdoor recreation facility on site. The development would have no greater impact upon the openness of the Green Belt or the purposes of including land within it.

The development would cause minimal harm to the character and appearance of the area. The development would not result in a loss of residential amenity and would not give rise to conditions prejudicial to highway safety. On balance the proposal is acceptable subject to safeguarding planning conditions that meet the six tests.

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 following a number of changes that have been made to the scheme along with the submission of further brief statements to help support the proposals.

Recommendation

The application is considered to be acceptable subject to suitable conditions

Conditions and Reasons

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The development shall be carried out in accordance with the following approved plans and supporting documents:

Drawing No: 1801:03 – Block Plan

Drawing No: 1903:01 – Plans and Elevations of Administration Centre

Drawing No: 1903:02 – Site Layout

Drawing No. 1903:03 – Site Location Plan

Drawing No: 1903:04 – Photographs

Unnumbered Drawings indicating the layout of each of the holes and a total of 18 holes proposed

M & A Survey Ltd Drawing No: 18/056_01 – Topographical Survey

Reason: To define the permission.

(3) a. Prior to commencement of the development hereby approved a written scheme of investigation and a programme of archaeological work in accordance with the written scheme of investigation shall be submitted to and approved in writing by the

Local Planning Authority.

(3) b. The development shall not be constructed otherwise than in accordance with the agreed details and programme.

Reason: In order to secure an adequate record of the site's archaeology in accordance with saved policy ENV25 of Walsall's Unitary Development Plan.

4 a. Notwithstanding the details as submitted and prior to the commencement of the development hereby approved a scheme of landscaping which shall include details of both hard and soft landscape works and earthworks shall be submitted to and approved in writing by the Local Planning Authority.

4 b. The development shall not be constructed otherwise than in accordance with the agreed details in the first planting season following completion of the development and thereafter retained for the life of the development and used for no other purpose.

4c. Any trees shrubs or plants that die within a period of 5 years from the completion of each development phase or are removed and or become seriously damaged or diseased in that period shall be replaced and if necessary continue to be replaced in the first available planting season with others of similar size and species.

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

5 a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved a scheme setting out full details, including heights, extent of boundary treatments, colour and finish of the boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The weld mesh fencing shall include details of the powder coated colour.

5 b. The development shall not be carried out otherwise than in accordance with the approved scheme and shall thereafter be retained.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

6 a. Notwithstanding the details as submitted and prior to the installation of any external lighting shall be installed until details of the location of the lighting, intensity of illumination and predicted lighting contours and any lighting hoods to mitigate lighting spill have first been submitted to and approved in writing by the Local Planning Authority.

6 b. The development shall not be constructed otherwise than in accordance with the agreed details and thereafter retained for the life of the development and used for no other purpose.

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

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

7 b. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

Reason: To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

8. The development hereby approved shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been hard surfaced, drained, and free of loose stone and includes any lighting facilities for the

car park. The access, turning area and parking facilities shall not be used for any purpose than for access, turning and parking respectively.

Reason: To reduce the need for on street parking in the interest of highway safety and to avoid increased surface flooding to comply with Walsall's Unitary Development Plan saved policies GP2 and ENV40.

9. The use of the adventure golf course shall not be carried out outside the hours of 0900 to 2200 on Mondays to Fridays and 0800 to 2000 on Sundays.

Reason: To safeguard the residential amenity of nearby occupiers.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jan-2020

Plans List Item Number: 8.

Reason for bringing to committee: Council Scheme

Location: CAR PARK FRONTING 18 TO 40, NOTTINGHAM DRIVE, WILLENHALL

Proposal: CONSTRUCTION OF CAR PARK AND ASSOCIATED WORKS

Application Number: 19/1273

Applicant: Walsall Council

Agent:

Application Type: Full Application: Minor
Use Class Sui Generis

Case Officer: Barbara Toy

Ward: Willenhall North

Expired Date: 27-Nov-2019

Time Extension Expiry: 17-Jan-2020

Recommendation Summary: Grant Planning Permission Subject to Conditions



Proposal

This application proposes the creation of a car park on the front and side of the building.

Two new 5m wide vehicle access points would be created at either side of the site, one off Balmoral Drive and one off Arundel Road to allow vehicle access to the frontage creating 12 parking spaces, two at either end of the building and 8 across the frontage (including 1 disabled space), parallel to the back of pavement. A 3m wide marked pedestrian route would be created from the footpath on Nottingham Drive to a 2m wide marked pedestrian pathway along the frontage of the shops.

The car park would be tarmac surfaced and spaces demarcated on the ground, with pedestrian zones hatched.

The site would be surrounded at back of pavement by 936mm high bollards to prevent unauthorised access.

The layout has been amended since submission to ensure sufficient size of parallel parking spaces and to ensure pedestrian safety zones included and to replace a trip rail with bollards.

Site and Surroundings

The site is situated on the southern side of Nottingham Drive and sits between the junctions with Balmoral Drive to the east and Arundel Road to the west.

The site comprises a three storey hipped roof building, comprising 5 shops on the ground floor with two storey residential flats above, with an open frontage, enclosed at back of pavement by concrete bollards. The frontage currently has no formal vehicle access, but vehicles enter the frontage where the bollards have been broken/removed. The surface of the frontage is in a poor condition with a number of damaged or removed bollards and deterioration of the existing surface, resulting in trip hazards for pedestrians trying to access the shops and flats.

The land to the rear of the building is gated and at either end of the building are 3 lock up garages and pedestrian staircases to the flats above the shops.

Semi-detached houses are situated directly opposite the site on Nottingham Drive with further semi-detached houses in Balmoral Drive to the east and Arundel Road to the west, that all face the site.

Whilst the shops provide local services to residents it does not form part of a designated local centre and the site is within a predominantly residential area.

Relevant Planning History

06/0341/FL/W6, 22-26 Nottingham Drive, installation of disabled access ramp to front
GSC 06-04-06

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 4 – Decision Making**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP6: Disabled People
- ENV9: Environmental Improvement Initiatives
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- CEN6: Meeting Local Needs for Shopping and Services
- ENV3: Design Quality

Supplementary Planning Document

Designing Walsall

- DW2 Safe and Welcoming Places
- DW5 Ease of Movement
- DW9 High Quality Public Realm

Consultation Replies

Transportation – No objections subject to conditions to ensure new footway crossings, surfacing and drainage of parking areas and marking out of parking areas.

Community Safety – No objections. The proposed works are much needed, ongoing issues at the site including criminal and anti-social behaviour. Bollards would be the best form of boundary treatment rather than a trip rail.

Pollution Control – No objections

Coal Authority – No objections

Representations

Three objections and two letters of support to the original scheme and one objection to the amended scheme.

Objections to original scheme:

- This is a pedestrian area, set out in deeds (*not a material planning consideration*)
- Development will be dangerous for children crossing on way to school and to shops

- Plans cover complete area, which are covered under different terms and conditions (*not a material planning consideration*)
- Area to front covered by deeds of 6 properties, they should be responsible for the maintenance and upkeep (*not a material planning consideration*)
- Area to rear responsibility of shop owners (*not a material planning consideration*)
- Area in front of garages owned by 6 properties (*not a material planning consideration*)
- Walsall MBC have a duty of care to rate payers to enforce deeds, no regard of landlords for residents
- Rate payers should not be responsible for cost of this development (*not a material planning consideration*)
- S215 should be served on landlords to maintain area
- Low post and rail fence will make a seating area and could encourage people to hang around causing anti-social behaviour
- Areas to either side of the building included but not allocated for parking or bins
- Residents don't use the bins provided but dump all sorts of rubbish in areas either side of the building (*not a material planning consideration*)
- Business and residential rubbish mixed, overflow and not always put out for collection or not returned to their position after collection, left on the pavement etc (*not a material planning consideration*)
- Business and residents waste should be kept separate (*not a material planning consideration*)
- Rubbish dumped, owner of the building ignores their duty of care to pedestrians visiting the shops
- The car park will allow the owner to demand higher rates for a smarter outlook (*not a material planning consideration*)
- The onus should be put on the owner to tackle the rubbish problem with tenants, currently seems to flaunt responsibilities and lets residents complaints and the Council sort the problem (*not a material planning consideration*)
- Bin stores insufficient, new bin stores needed, could the unused garages not be used?
- Solution, remove footpath fronting Nottingham Drive and create parking bays, costs charged to those responsible and pedestrian area reinstated

Support to original scheme:

- Will improve the area 100%, a long time coming
- Will the existing gates to the rear remain? Put in place to prevent anti-social behaviour
- Car park great but won't prevent fly tipping and rubbish dumping, this issue needs to be resolved

Objections to amended scheme:

- No improvements over original
- Small perimeter fence will act as a congregation area for anti-social behaviour, hate for this to return
- Better to be pull in parking bays rather than a car park, similar to Clarkes Lane shops, would make better use of space.

Determining Issues

- **Principle of the Development**
- **Design and Layout**
- **Impact on the Street Scene and Surrounding Occupiers**

Assessment of the Proposal

Principle of the Development

The Council has received a petition from local residents requesting the improvement of the forecourt area of the site.

Whilst the owner of the buildings on site have been identified the owner of the forecourt is unknown, the Council have placed a notice in the press to try and identify the owner, but have had no response, the Council are therefore taking on responsibility for the improvement of the site. There are complaints to the Council dating back to 2005 regarding the unsightly nature of the site.

Whilst the forecourt area is not currently a formal parking area as it has no footway crossings for vehicle access, the area is used for parking and the surface is in a poor state of repair. As well as the unsightly nature there have been previous complaints of anti-social behaviour at the site.

The proposals to surface the forecourt and create parking would be an environmental improvement in compliance with policies GP2, ENV9 and ENV32 of the UDP.

Design and Layout

The proposed layout would create formal off street parking facilities for use by users of the shops, the occupiers of the shops and residents of the flats on site, with formal vehicle access from the highway.

The amended scheme now includes a pedestrian zone along the front of the shops and to the public footpath, to make drivers aware of pedestrians within the area and improve pedestrian safety within the site from the existing informal situation.

The existing ramped access to the shop at 22 Nottingham Drive would remain unaffected by the proposals.

The proposals identify an area at either end of the building adjacent to the pedestrian staircase to the flats for the storage of refuse bins. This is considered sufficient for the storage and collection of waste from the site.

Whilst objectors consider that there is a better option for the layout of the site, the layout proposed would provide the safest off street parking facilities for the site and would address the issues of the poor condition of the site.

Objectors have raised concerns about the proposed trip rail providing a seating area and encouraging hanging around and possible anti-social behaviour. The design of the boundary treatment has been amended to bollards to prevent this potential for anti-social behaviour whilst still preventing unauthorised access to the frontage.

Impact on the Street Scene and Surrounding Occupiers

The proposals would introduce significant improvements to the overall appearance of the site as well as improving pedestrian safety and providing formal off street parking facilities for use by visitors and tenants. These improvements would benefit the occupiers of the premises as well as the surrounding residents in terms of improved appearance and operation of the site.

The proposals would result in an improvement of the visual appearance of the site within the general street scene in compliance with policy ENV32 of the UDP.

Objectors have mentioned anti-social behaviour at the site. The yard area to the rear of the building was gated at either end a few years ago which appears to have resolved this issue in the main, these gates would remain in place and be unaffected by the proposals. It is considered that the proposals would not increase the risk of further anti-social behaviour in the area. The new car park would have full surveillance from the surrounding residential properties, which is likely to discourage anti-social behaviour.

Conclusions and Reasons for Decision

The proposals would result in environmental improvements to the site in terms of both appearance and operation in compliance with policies GP2, ENV9 and ENV32 of the UDP.

The proposals would create a formal parking area with marked pedestrian zones to improve parking and pedestrian safety over the existing informal arrangements, in compliance with Policy GP2 of the UDP.

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 and in response to concerns raised regarding the size of the parking spaces and pedestrian walkways, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Grant subject to conditions

Conditions and Reasons

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

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

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

Location Plan Drawing HM756/1 Submitted 2nd October 2019

General Layout Drawing HM756/2 Rev D submitted 19th December 2019

Model Specification Admiral Bollard – Socketed 075108-S01 submitted 19th December 2019

Standard Detail – Vehicle Crossing Construction Drawing WSD11/8 submitted 2nd October 2019

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: Prior to the development first coming into use, the driveways and parking 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.

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

4: Prior to the approved use first coming into operation, the parking area shall be clearly demarcated with 11 car parking spaces and one space allocated separately for disabled users and demarcated accordingly.

Reason: To ensure the satisfactory operation of the car park, in accordance with UDP Policy GP2, T7 and T13.

Notes for Applicant

Highways

1. Prior to the parking area first coming into use, a vehicle footway crossing to align with the new access shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. The new crossing shall not exceed five 900mm flat kerbs and two 900mm taper kerbs. All works within the public highway shall be in accordance with all statutory requirements.
1. The Applicant must ensure that no soil or other debris is washed or placed within the highway. Failure to prevent this incident could result in an offence and a notice being served on the Applicant under Section 151 of the Highways Act 1980.
2. The Applicant must ensure that no water is discharged onto the highway. Failure to prevent this discharge could result in an offence and a notice being served on the Applicant under Section 163 of the Highways Act 1980.
3. The Applicant will be expected to either enter into an agreement under Section 278 of the Highways Act 1980 with the Local Highway Authority or obtain a Road Opening Permit from the Local Highway Authority for all works within the existing public highway. For further advice please contact the Highway Development Control Team on 01922 655 927.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jan-2020

Plans List Item Number: 9.

Reason for bringing to committee: Significant Community Interest

Location: FOXHILLS FARM, BEACON ROAD, ALDRIDGE, WS9 0QP

Proposal: REDEVELOPMENT OF EXISTING FARMHOUSE, RIDING STABLES AND RIDING SCHOOL BY THE WAY OF AN ERECTION OF 4 NO. DWELLING HOUSES WITH ASSOCIATED WORKS INCLUDING THE ALTERATION OF EXISTING SITE ACCESS, FOLLOWING DEMOLITION OF EXISTING BUILDINGS ON SITE. (REVISION TO SCHEME APPROVED UNDER 14/1552/FL)

Application Number: 18/0900

Applicant: P Tangri

Agent: CT Planning

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

Case Officer: Andrew Watson

Ward: Pheasey Park Farm

Expired Date: 18-Sep-2018

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Proposal

The application has been submitted as a revision to the previous scheme approved under 14/1552/FL.

The proposal is to demolish all existing riding school stables and riding school together with the farmhouse and their redevelopment by the erection of four detached dwellings, with associated external works including alterations to the existing access.

The design of the principal dwelling in the revised scheme has been influenced by the work of Frank Lloyd Wright, one of the most eminent architects of the 20th Century, on his Robie House in Chicago. The design of the dwelling is essentially a single aspect to address the panoramic views from Barr Beacon. The resultant linear footprint replicates the shape of the Robie House and the principal house on this site is a modern interpretation of Lloyds Wright's 1906 house.

The design of the principal house makes abundant use of glass and external balconies to the south and west aspects to maximise the viewing potential. The strong overhanging eaves give a floating appearance to the roof. It will comprise of two storeys together with the provision of a basement with an eaves height of 4.85m and a minimum ridge height of 6.43m,

The design of the bungalows defer to the design of the principal house. The visual impact is reduced by the single storey construction with low pitched roofs. The bungalows are located on a much lower area of the site and use a variety of finishing materials. The proposed bungalows are to be sited largely upon the footprint of the existing riding stables in a similar position to the four previously approved bungalows. The proposed bungalows would have an eaves height of 2.23 metres and a ridge height of 3.49 metres.

The proposed dwellings are of a bespoke design with the principal dwelling being faced in glazing with glass balconies and cement render to the walls under a sedum flat roof with facing brickwork to the lower levels. The three bungalows include a mixture of cement render, facing bricks and timber boarding under a flat sedum flat roof with lead dressings. Each of the three dwellings would be a different style.

The application has been supported by site survey, proposed plan and elevations, 3D visualisations and sections, landscape plan, bat survey and emergence survey, design and access statement, planning statement and Heritage statement. The plans illustrate, the previously approved structures footprint and volume in comparison to the revised proposed footprint and volume:

- Footprint of the previous development is 955.9 sq metres
- Proposed footprint of the four dwellings and garages is 851.40 sq metres
- The existing volume of the structures for the previous development is 2868.94 cubic metres

- The proposed volume of the four dwellings and garages is 2704.91 cubic metres

The application is below the thresholds for screening under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and does not require an Environmental Statement.

Site and Surroundings

The application site contains a riding school and livery business, located on the western side of Beacon Road. It is accessed via an existing access serving the business and also a farmhouse. Existing buildings are predominantly single storey timber construction with a large ménage. The site covers approximately 0.55 hectares and rises to the north and north-west. Immediately to the north of the site is a National Grid overhead power line and pylons.

The site is within the Great Barr Conservation Area and within the Green Belt. The site is within a wildlife corridor running along Barr Beacon Ridge and adjacent to the Beacon Quarry Site of Importance for Nature Conservation and Local Nature Reserve.

Relevant Planning History

14/1552/FL – For the redevelopment of existing riding stables and riding school by the way of an erection of 4 no. dwellings houses with associated works including the alteration of existing site access, following demolition of existing buildings on site was approved by Planning Committee on 17 June 2016.

17/1207 – Certificate of Lawful Development for single storey rear extension was approved on 1 November 2017

17/1664 – For a two storey side extension to dwelling was approved on 22 March 2018

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:

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- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 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 13 – Protecting Green Belt land**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV5: Stabling and Riding of Horses and Ponies
- ENV10: Pollution
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV16: Black Country Urban Forest
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
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- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- T1 - Helping People to Get Around
-
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General

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- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality
- WM1: Sustainable Waste and Resource Management
- WM5: Resource Management and New Development

Walsall Site Allocation Document 2019

GB1: Green Belt Boundary and Control of Development in the Green Belt
 EN5: Development in Conservation Areas
 HC2: Development of Other Land for Housing
 T4: The Highway Network

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

Conservation Officer – Officer to provide an update at the Planning Committee

Ecology – Officer to provide an update at the Planning Committee

Highway Authority – No objection subject to use of recommended conditions

Landscape – Officer to provide an update at the Planning Committee

National Grid – No objection

Pollution Control – No objections to secure a Construction Working Plan

Severn Trent Water – No objections and do not require a drainage condition

Strategic Planning policy – Objects the on grounds of being inappropriate development in the Green Belt

Trees – Officer to provide an update at the Planning Committee

West Midlands Fire Service – Suitable water supplies for firefighting should be provided in consultation with West Midlands Fire Service once a Water Scheme Plan has been produced and approved by the relevant Water Company. The nearest hydrant is in excess of 90 metres.

West Midlands Police Crime Prevention Design Advisor – Recommends that the developer is to take out the internal door from the garages into the main building as they are prone to be used to gain unauthorised access to the buildings. There has been a fair amount of car key burglaries via insecure garage and internal door. and to require security measures including security fencing, windows, doors, locks etc.

Representations

A total of 7 letters of representation have been received summarised as follows: -

5 letters of objection: -

- Increase traffic at an already difficult junction
- Thought it was covered by Green Belt protection
- Impact on already overstretched schools and doctors
- Will the riding school still operate, like the horses to the other side of the road?
From the same site or are they moving?

- Any increase in the number of dwellings on this site is allowing people to build on green belt and is the thin end of the wedge.
- Opens the flood gates for others to do the same and will be detrimental to the area
- Fundamentally affects the status of the Green Belt countryside
- It risks setting a precedent for more house building and loss of rare and important open space.
- It will also create more artificial lighting, in one of the few local areas that are relatively free of light pollution.
- Barr Beacon is the only site in the area that could be considered a 'dark sky site' and don't welcome having yet more light hindering good views of the stars.
- Four dwellings seems excessive as there is only one at the moment.
- Impact on the countryside.
- Impact on the openness of the Green Belt.
- The applicant is keen to point out in Para 1.15 that the floor area of the existing farmhouse will decrease from 293.2 sq metres to 284.87 sq metres but in Para 1.16 the volume of the principal house will rise from 1009.6 sq metres to 1624.08 sq metres. The substantial increase must impact on the openness of the surrounding area.
- The increase to the principal house is 'materially larger than the development that has already been permitted yet in Para 3.12 it state that the development is not materially larger.
- In Para 3.16 the applicant states that the site is gently undulating countryside. The use of 'undulating' is challenged.
- It will not reduce the amount of traffic potentially associated with the use of the site.
- Do not agree that he proposed residential development would make a marked improvement of the visual appearance of the site to the benefit of the Great Barr Conservation Area.

1 Interested Party

Valerie Vaz MP has also objected making the following comments:-

Green Belt

- Paragraph 145 (d) of the NPPF states that developments are only appropriate "provided the new building is in the same use and not materially larger than the one it replaces" – The proposal represents a change of use from the sites current use as a riding school to a residential development.
- The applicants say that the site constitutes previously developed land as described in the glossary of the NPPF owing to the buildings currently on site. However these buildings are exempt from this definition as they are agricultural buildings used by the riding school. The land does not count as developed under the NPPF.
- The applicants claim their proposal is appropriate development under paragraph 145(g) of the NPPF. This only relates to previously developed land.

The riding school is not previously developed land and does not constitute a brownfield site.

- Inappropriate development, as defined in the NPPF, will not be supported in the Green Belt in Walsall unless 'very special circumstances' exist which clearly outweigh the potential harm to the Green Belt.
- No very special circumstances for this inappropriate development have been provided by the applicants.
- Contrary to Policy CSP2 of the Black Country Core Strategy (BCCS). The site is currently agricultural land and the BCCS indicates that this should be protected and this is of particular importance given the lack of agricultural land locally,
- Allowing development on the Green Belt would undermine these crucial functions of Green Belt policy.

Rural Tourism

- Paragraph 83 (c) of the NPPF states that planning policies and decisions should enable "sustainable rural tourism and leisure developments which respect the character of the countryside". The proposal would lead to the loss of one of the few rural tourism and leisure developments in the area.
- Save Unitary Development Plan policy ENV6 (b) states "Development which would substantially erode the viability of farm holding or impair farm structure will not normally be allowed. Applicants will be expected to submit details of the effect of the proposed development on farm structure and viability". This has not been provided,
- The riding school is a successful local attraction which has been operating for over 50 years.
- It has 52 stables and welcomes hundreds of visitors a year.
- It is an asset to the community that would be lost if the proposal goes ahead.

Policy Use

- The Planning Statement provided makes frequent references to the requirements of Green Belt policies laid out in Walsall's Unitary Development policy 2005, which was replaced by policy GB1 of the Walsall Site Allocation Document adopted on 7 January 2019.
- The applicants state that the 'principle of replacing the existing riding stables and riding school was established in June 2016 by the grant of planning permission 14/1552/FL'. The application was made and approved under planning policies which have since been replaced and updated.
- Applications in the Green Belt have to show there are very special circumstances and these have not been provided.

1 letter of Support:

- The project looks really good and will be better than the current house.
- It will uplift the area.

Determining Issues

- Planning Background
- Green Belt
- Heritage Assets
- Natural Environment
- Residential Amenity
- Highways and transport
- Local Finance Considerations

Assessment of the Proposal

Planning Background

Extant planning permission, reference 14/1552/FL, currently exists for the redevelopment of the existing riding stables and riding school by the way of the erection of 4 no. dwelling houses with associated works including the alteration of existing site access following demolition of existing buildings on site. Planning permission for the development was granted on 17 June 2016.

The current planning application was originally submitted on 3 July 2018 and was made valid on 24 July 2018, which was eleven months before the extant planning permission expired. Furthermore, since the current application was submitted 3 conditions have been formally discharged. To enable a commencement to be made on the development.

Therefore, taking all of the above into consideration the principle of the development with the Green Belt and on this site has previously been accepted and is still lawful. This application seeks permission for the revision of the four dwellings including an increase in the size of the principal dwellings. The increase in the floor space is following the granting of two recent planning permissions for extensions to the existing dwelling onsite. The influence in the design of the dwellings comes from eminent American architect Frank Lloyd Wright.

Green Belt Issues

The NPPF and the Development Plan both contain a presumption against inappropriate development in the Green Belt as it is by definition harmful to the Green Belt and should not be approved except in very special circumstances. NPPF (2019) Paragraph 145 sets out that the construction of new buildings is inappropriate in the Green Belt, except for a list of exceptions. The list includes redevelopment of previously developed sites, including those in continuing use, which would not have a greater impact on the openness of the Green Belt and the purposes of including land within than the existing development.

It is not necessary for the applicant to demonstrate 'very special circumstances' or demonstrate that there is not any sequentially preferable land available for

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development if they are able to meet this policy test. Some objection comments have stated that this would 'set a precedent' but this is an approach allowed by National Policy.

Comment has been made as to whether the proposed development is acceptable in a Green Belt and whether it is a brownfield use. The site was previously used as an equestrian use and has building on it in the same use, therefore it can be classed as previously developed land. The current use is not agricultural use therefore the land is not protected agricultural land. The current proposal has the principal house in the same position although larger because of the previous extensions granted to the existing property. That increase in floor space is reflected in the increased floor space of the principle dwelling, which has a traditional style roof. The other three dwellings are to be built in a similar position but further back in the site. They would be single storey dwellings with a flat sedum roof which has result in them appearing lower on site. The height of the proposed dwellings would be no higher than the eaves of the previously approved dwellings. The area and volume of the bungalow would be similar to those previously approved. There would be no further incursion into the Green Belt or the countryside than the exiting built form of development on the site or than the dwellings previously approved.

It is considered that the development would not have a greater impact on the openness of the Green Belt or the purposes of including land within it than either the existing or previously approved development and is therefore acceptable in principle.

Whilst the Development Plan and the NPPF also encourage outdoor recreation uses in the Green Belt, such as the existing riding school, there is no objection to the loss of the existing use as there is no demonstrable shortfall in provision and the existing use is not considered to support the day-to-day need of the community. Although it is recognised from the objection comments received that it provides leisure and education opportunities to some members of the community, this part of the proposal was fully explored and weighed in the overall planning balance of the previous planning application 14/1522/FL. There is no policy requirement for a replacement use but as the site is already developed it does not constitute loss of open space.

Conclusion on the Green Belt issues

The policies of the Development Plan and the guidance within the NPPF set out what type of development would be acceptable within the Green Belt and whether there are any very special circumstances to be considered. The proposed development is considered to be appropriate within the Green Belt and that the current use is equestrian not agricultural. The equestrian use would fall within the outdoor recreational uses that are again appropriate in the Green Belt. Therefore because the site is classed as a Brownfield use the redevelopment of that to a residential use is considered to be appropriate and no very special circumstances are required to help

justify the proposal. As such the proposed development is considered acceptable to both Development Plan policy and guidance within the NPPF.

Heritage Assets

The site is situated within the Great Barr Conservation Area, which is classed as a designated heritage asset. The heart of the conservation area is Great Barr Hall and its grounds, now sadly derelict, which it appears were designated as a conservation area prior to designation of the wider landscape setting as a conservation area extension.

Planning permission has already been granted for the redevelopment of the site through the erection of four new dwellings. The current proposal seeks a revision to this scheme through increasing the size of the principal dwelling as well as revised designs for the other dwellings. The designs have been influenced by those from eminent American architect Frank Lloyd Wright.

Due to the similarities between the existing and proposed quantum and location of development, it is considered that the impact of the proposal on the conservation area would be acceptable. The complementary nature of the main house and subsidiary dwellings will enhance the quality of the redevelopment as a complete development. The style of the development is modern, but there are no constraints that demand a different approach as the development would be somewhat isolated from the nearest development. The volume of the proposed buildings does not exceed the amount already permitted, and the siting is much the same as the existing building, which does not have a harmful impact on the openness of the area. This approach meets both the Development Plan and NPPF.

They would have a more urbanised appearance than the existing stables but the design, appearance and layout of the development is considered to be appropriate to the character and appearance of the local area. Whilst the single storey dwellings would not be 50m away from the electricity pylons, they are outside the minimum separation distance required for safety purposes. A condition requiring the development to meet Secured By Design specifications is recommended, together with an informative to ensure adequate residential amenity for future occupiers.

Natural environment

The proposal would retain much of the existing vegetation, including the extensive hedge along the site frontage, and also proposes additional planting. No protected species were found on the site. The development should include landscape and habitat creation, which should also be secured by condition. Hedgerow and tree protection measures would also be required.

Residential Amenity

The nearest properties are over 200m away. The principal dwelling would also use the same access as the remainder of the development and all have their own on plot parking. It is considered that no significantly adverse impacts would occur from the proposal in terms of overlooking, overbearing, overshadowing or loss of light.

Highways and transport matters

The Highways Authority has confirmed they have no objections to the proposed development scheme replacing the existing riding stables. The number of vehicle trips to the new dwellings is likely to be less than those to the extant riding stables use. The traffic impact of the development of four dwellings is likely to be limited. A 2,4m x 120m visibility splay can be achieved at the access point, which more than meets current highway design standards. The three parking spaces per dwelling proposed meets the Council's development plan policy UDP T13 parking policy requirements. The Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF 2018 para 109.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 4 new homes.

The Government has indicated that, for 2018-19, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2018-19 the total payments, taking account of completions over the last 4 years, are expected to amount to £3,637,301.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

Conclusions and Reasons for Decision

The proposals would secure the redevelopment of a previously developed site in the Green Belt, which has a lawful use as a dwelling house together with a riding school and stables. The principle of redeveloping the site for residential development has also previously been established following the approval of 14/1552/FL, which also granted planning permission of four dwellings following the demolition of the riding stables. The principle difference with this application is that it includes the provision for the replacement of the existing Foxhills Farmhouse.

Planning permission has also been granted for a substantial side extension to the Foxhills Farmhouse under reference 17/166 and it has also been demonstrated by the granting of a Lawful development Certificate reference 17/1207 that the existing farmhouse could be extended by means of a substantial extension to its rear. The applicant therefore believes that it would represent a better planning solution for the site for a replacement dwelling to be erected rather than the existing dwelling being altered and extended.

The four dwellings proposed would not have a volume that exceeds the volume of new development that has already been granted within the application site. Therefore the proposed development would not have a greater impact on the openness of the Green Belt and the purposes of including land within it compared to the existing committed development within the site.

The design of the dwellings is considered to be a significant enhancement to the appearance of the site. It will help to secure a high quality and well-designed development. Each dwelling is of a bespoke design and that would also significantly enhance the appearance of the site for the benefit of the visual amenities of the Green Belt and the wider rural area.

The proposed development would accord with the seventh point (g) of paragraph 145 of the Framework insofar that it will secure the redevelopment of a previously developed site. The development would have no greater impact upon the openness of the Green Belt or the purposes of including land within it.

Therefore planning permission should be granted.

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

The application is considered to be acceptable subject to suitable conditions

Conditions and Reasons

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

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

4. The development shall be carried out in accordance with the following approved plans and supporting documents:

Drawing No. 1702 - 120b - Approach from Breach Road - June 2019

Drawing No. 1702 - 101b - Location Plan - June 2019

Drawing No. 1702 - 102b - Block plan - June 2019

Drawing No. 1702 - 103b - Site Plan - June 2019

Drawing No. 1702 - 104b - Site Sections - June 2019

Drawing No. 1702 - 105b - Overview from SE - June 2019

Drawing No. 1702 - 106b - Principal house Roof plan - June 2019

Drawing No. 1702 - 107b - Principal house First Floor Plan - June 2019

Drawing No. 1702 - 108b - Principal house Ground Floor Plan - June 2019

Drawing No. 1702 - 109b - Principal house Basement Plan - June 2019

Drawing No. 1702 - 110b - Principal house North and South Elevations - June 2019

Drawing No. 1702 - 111b - Principal house East and West Elevations - June 2019

Drawing No. 1702 - 112b - Principal house Visualisations of plans - June 2019

Drawing No. 1702 - 113b - Bungalow 1 Plans - June 2019

Drawing No. 1702 - 114b - Bungalow 1 Elevations - June 2019

Drawing No. 1702 - 115b - Bungalow 2 Plans - June 2019

Drawing No. 1702 - 116b - Bungalow 2 Elevations - June 2019

Drawing No. 1702 - 117b - Bungalow 3 Plans - June 2019

Drawing No. 1702 - 118b - Bungalow 3 Elevations - June 2019

Drawing No. 1702 - 119b - Bungalow Visualisations - June 2019

Drawing No. 1702 - 121a-08/18 - Principal house Context views - June 2018

Drawing No. 1702 - 121b - Principal house Context views - June 2019

Drawing No. 1702 - 122a-08/18 - Principal house Context views - June 2018

Drawing No. 1702 - 122b - Principal house Context Views - June 2019

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Drawing No. 1702 - 123a-08/18 - Principal house Context views - June 2018

Drawing No. 1702 - 123b - Principal house Context views - June 2019

Drawing No. 1702 - 124b - Bungalows Context views - June 2019

Drawing No. 1702 - 125b - Comparison with existing consents - June 2019

Drawing No. 1702 - 126b - Volume calculations overview - June 2019

Drawing No. 1702 - 127b - Volume calculations Principal house - June 2019

Drawing No. 1702 - 128b - Volume Calculations bungalows - June 2019

Drawing No 312.3 - Landscape Scheme - Prepared by DJOGS 24-04-2018

Drawing No. KPC111_LS Survey at Foxhill Farm

Drawing No. 9256a - Topographical Survey 23-05-2017

Heritage Statement - Prepared by Philip E Heath

Planning Design and Access Statement - Prepared by CT Planning

Planning Statement - Prepared by CT Planning

Bat Assessment Prepared by Ecolation dated 2017-06

3A. Prior to the development first coming into use, all access ways, parking and vehicle manoeuvring areas shall be consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain. The access road shall be constructed to a specification capable of accommodating a 26 tonne refuse wagon, full details of which shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To define the permission.

3B. The development shall not be constructed otherwise than in accordance with the agreed details and thereafter 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 Saved UDP policies GP2, T7 and T13.

4A. Notwithstanding the information included on the deposited plans and the application form prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved, full details of the buildings facing materials, including bricks, render, roof tiles, sedum roof covering, windows, door, rainwater products and soffits, illustrating the colour, size, texture and specification to be used within the development hereby approved shall be submitted to and approved by the local planning authority.

4B. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

REASON: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

5A. Notwithstanding the details provided, no development or site clearance shall commence until full details of landscaping are submitted to the Local Planning Authority and approved in writing. Landscaping should comprise mainly species and habitats native to the immediate neighbourhood. Full details shall be provided of:

- Preparation of land for planting.
- Tree protection details to BS5837:2012- Trees in Relation to Design, Demolition and Construction – Recommendations standards including root protection zones and measures to avoid damage to existing trees and hedgerows (including those outside the planning application redline on land identified on the blue line plan titled 'Foxhills Farm, Beacon Road, Aldridge. Walsall. WS9 0QP. 4090.88 Location Plan: Scale 1:5000@A4: January 2016).
- Specification and depths of topsoil/ subsoil/ growing medium and any mulches to demonstrate that the planting proposed will grow in the locations shown.
- Locations of all planting.
- Density/ numbers of all planting/ sowing.
- Specifications for all planting to include: full details of sizes/ container volumes/ seed mixes/ plant numbers/ provenance/ botanical and English names and methods of planting.
- Locations and full specifications of all hard landscaping/ lighting and drainage, including paving and fencing. (Drainage must be carried out to sustainable urban drainage systems principles.)
- Any phasing.

5B. The development shall not be constructed otherwise than in accordance with the agreed details and thereafter retained for the life of the development in accordance with the landscape management plan.

Reason: To provide an attractive and functional setting for the proposed development and contribute to the ecological diversity of the wider site providing green infrastructure for a range of species of animals and plants within the wildlife corridor.

6A. Prior to the commencement of the development, full engineering details of the proposed alterations to the access arrangements on Beacon Road, including sections through the vehicular access showing gradients between Beacon Road and the access road, construction specifications, demarcation along the highway boundary, removal and reinstatement of the existing redundant access back to a verge, shall be

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submitted to approved in writing by the Local Planning Authority in consultation with the Highway Authority.

6B. Prior to the first occupation of any dwelling on the development, the highway infrastructure works detailed in part A of this condition above shall be fully implemented in accordance with the approved details and to the satisfaction of the Local Highway Authority and remain thereafter.

Reason: To ensure the satisfactory completion and operation of the access and in the interests of highway safety.

7A. Prior to the commencement of development, including demolition a Construction Working Plan shall be submitted for written approval of the Local Planning Authority. The plan shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary porta-cabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
- xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

7B. The approved Construction Working Plan shall be implemented upon commencement of works and shall be maintained until the site is completed.

Reason: In order to minimise potential disruption to the free flow of traffic on Beacon Road and in the interests of highway safety during the period of construction.

8A. Prior to the commencement of the development hereby approved drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted to and approved in writing by the Local Planning Authority.

8B. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

REASON: To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

9A. Bat survey work has found a relatively low risk that bats may be present in the buildings within the site (as identified in the bat report by Ecolocation dated 2017-06) and the following precaution shall be taken when implementing the planning permission:

1. Contractors undertaking demolition works shall be made aware that bats may be present and undertake demolition works in the expectation that bats may be found.
2. Contractors undertaking demolition works work carefully with hand tools when demolishing parts of the buildings where there is a risk that bats may be found.

If no bats or evidence of bats are found during these operations, the approved works can continue.

9B. If bats or evidence of bats are found during these operations:

1. bats should not be handled or touched and the vicinity of the roost shall be immediately reinstated.
2. no further destructive works shall be carried out to the building until the need for Natural England licence has been established.
3. within one week of finding bats or evidence of bats, a written report by the supervising ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation
4. work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued

Reason: To conserve local bat populations.

10. Notwithstanding the details provided on the submitted plans and no development shall commence on site until Tree protection measures as detailed in British Standard 5837:2012 shall be implemented around the oak tree and hedgerow root protection area and shall be retained until the completion of the development. The land so enclosed shall be kept clear of all contractors' materials and machinery at all times.

Reason: To safeguard the tree/hedgerows to be retained on the site.

11. Notwithstanding the information shown on submitted plans, the development hereby approved shall not be constructed otherwise than to meet the following minimum security measures and thereafter the security measures shall be retained:

- i. Rear access alleyways should have walls/fencing, which is of a robust construction and at a height of 2.1m, with 2.1m gates into each garden served by the rear alleyway, the gates should be key lockable from both sides. The access point to the rear alleyway itself needs to be gated to the same specifications, with a self-closing mechanism incorporated to maintain the security of the gate; the gate should be sited as near to the front building line as possible.
- ii. All ground floor windows and any accessible windows should have at least one pane of 6.4mm laminated glass. This includes French doors and patio doors.
- iii. PAS 24:2012 doors should be on all external entrance and exit doors.
- iv. A minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond standard certification should be used on all door locks.
- v. Where thumb turn locks are to be installed these should be those that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks.
- vi. No Lead or metal should be used on the ground floor as the West Midlands is suffering high levels of metal theft where possible lead substitute products should be used.
- vii. All ground floor windows and any accessible windows should comply to BS7950 or WCL4 standards and have at least one pane of 6.4mm laminated glass. This includes French doors and patio doors.
- viii. All door sets both external and internal should comply to PAS 24:2012 doors.
- ix. A minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond standard certification should be used on all door locks.
- x. Where thumb turn locks are to be installed these should be those that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks.
- xi. All ground floor front windows should have an area of defensible space across their width, made up of densely planted shrubs, suitable for the environment they are to be planted in, to provide a buffer area between the windows and other public or private space, making it more difficult for offenders to access such windows.

- xii. Where plants / shrubs are to be used in front of windows or around parking spaces the plants should be such that they grow to no more than 1m in height when mature. Plants and shrubs should also suit the environment they are to be located in terms of soil and light.
- xiii. Perimeter and Boundary fencing should be at least 2.1m in height, the fencing should also be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. 2.1m fencing can include 300mm trellis topping in order to offer protection of the vulnerable rear of the properties. Any fixing should be made of galvanized steel or stainless steel with a design life to match the timber components between panels / slats around posts, should create a secure mechanical bond to resist attack by pushing, pulling and lifting.
- xiv. All the buildings on this development should be suitably fitted with an intruder alarm.

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

12. The development hereby approved shall not be constructed otherwise than to meet the following 2.4m x 120m visibility splay at the new access point shown drawing no. David Tucker drawing no. 14322-04 dated May 2015, shall at all times be kept free of any structures or planting above 600mm in height above carriageway level.

Reason: In the interests of highway safety.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders:

- no additional side facing windows or doors other than those approved by this permission,
- no conversion of the garages to preclude the use of parking a motor vehicle within
- no enlargements, additions or other alterations, as defined by Classes A to E of Part 1 of Schedule 2 of the Order, shall be constructed.

Reason: To ensure the Local Planning Authority has control over the development in the interests of retaining sufficient levels of amenity and parking provision for occupiers of bungalows hereby approved, and to consider the impact on the openness of the green belt and consider the harm to the conservation area, in accordance with UDP Policy GP2, ENV2, ENV3, ENV29, T7 and T13.

Notes for Applicant

- 1. Ecology notes
To avoid the risk to nesting birds, site clearance and dismantling works should be undertaken outside the bird nesting season. The bird nesting season extends between mid-February and September inclusive but is weather

dependant and nesting may take place outside this period. If this is not possible no site clearance works should be undertaken until the site has been surveyed for nesting birds by a qualified and experienced ecologist. If nesting birds are discovered, clearance works should be delayed until the young have fledged.

2. Secure by Design (Police Notes)
Secure By Design specifications will significantly increase the security of the building (doors and windows). Information can be found at:

http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf

All external door sets should comply to PAS 24 2012 standards.

3. Highway Authority Notes
 1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
 2. The applicant will be expected to enter into either an agreement under S278 of the Highways Act 1980 with the Highway Authority or obtain a Road Opening Permit from the Highway Authority for all works within the existing public highway.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jan-2020

Plans List Item Number: 10.

Reason for bringing to committee: Call in by Cllr Craddock on the grounds that the proposed development will improve the plot and enhance the area.

Location: 82, FRIEZLAND LANE, BROWNHILLS, WALSALL, WS8 7DA

Proposal: ERECTION OF 2 NO. DETACHED TWO STOREY HOUSES ON SIDE GARDEN LAND.

Application Number: 19/0761

Applicant: Mr Lee Warke

Agent: Spooner Architects

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

Case Officer: Devinder Matharu

Ward: Aldridge North And Walsall Wood

Expired Date: 06-Aug-2019

Time Extension Expiry: 31-Jan-2020

Recommendation Summary: Refuse



Shire Oak School
(secondary)

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Proposal

Erection of 2 no. detached two storey houses on side garden land.

The proposed houses would be detached measuring 6m by 9.8m with a rear two storey wing projecting 1.8m beyond the rear elevation. The eaves would be 5.8m and the total height 7m.

The houses would be set 0.6m further back than 82 Friezland Lane.

The design would incorporate a bay window, tiled canopy across the frontage and pitched gable details above the porch and first floor main window. Plot 2 would have secondary side facing windows fronting St Pauls Coppice.

The proposed house adjacent 82 Friezland Lane would project 2.2m beyond the rear of number 82 and then stepping in to step out again.

At the closest point to St Pauls Coppice plot 2 would be positioned less than a metre away from the side boundary and at the furthest point the house would be set approximately 4m away.

A rear garden of 74 square metres for plot 1 would be provided and a total garden area of 73 square metres for plot 2.

Parking for the proposed plots would be to the rear of the plots accessed off St Pauls Coppice. .

Number 82 Friezland Lane would retain approximately 111 square metres of amenity space.

Amended plans have been submitted which amend the rear parking spaces.

A Design and Access statement has been submitted addressing the proposal.

Site and Surroundings

Number 82 Friezland Lane is located on the northern side of Friezland Lane, a detached house located on the western side of the plot. The eastern side of the plot is a side garden which is enclosed by an overgrown hedge fronting both Friezland Lane and St Pauls Coppice.

Number 82 Friezland Lane is a two storey detached rendered property with a two storey rear wing. The application site is set at a higher level at Friezland Lane and the rear garden slopes down to the north adjacent number 42 St Pauls Coppice.

Numbers 84 and 86 Friezland Lane are bungalows. The houses opposite number 82 are two storey dwellings.

The houses along St Pauls Coppice are two storey dwellings. Number 42 St Pauls Coppice is a bungalow with a flat roof garage closest to the rear boundary of number 82 Friezland Lane.

The character of the area along both Friezland Land and St Pauls Coppice is one where there are a mixture of housing types from bungalows, Victorian two storey dwellings to modern two storey dwelling. The dwellings are staggered with some being set further forward fronting Friezland Lane and other being set back to provide long front gardens and driveways. The boundaries of number 84 Commonside and 75 Friezland Lane are set back with an area of open space adjacent the highway.

Opposite the application is the junction of Commonside with Friezland Lane.

The site is located 660metres from Street Corner Local Centre.

Relevant Planning History

19/0814 Lawful Development Certificate for proposed first floor and two-storey rear extensions. Granted October 2019.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

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

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

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV11: Light Pollution
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV25: Archaeology
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- HOU2: Housing Density, Type and Accessibility
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

T4: The Highway Network

Supplementary Planning Documents

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- 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

Police- Objection as the design is not secure by design. They also state there is no natural surveillance and vulnerable to vehicle crime and residential burglary. Residential burglaries occur from the rear. People by nature will park to the nearest

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entry point to the house, in this case road side parking near the junction. The two parking bays allocated one behind the other will result in one vehicle being blocked in and as such likely not to be utilised by residents. If the parking spaces are not used and due to the secluded nature of them will become a hot spot for anti-social behaviour and fly tipping.

Severn Trent Water – No objection

Fire Officer – No objection subject to compliance with Building Regulations

Transportation – No objection subject to planning condition regarding access and surface water run-off.

Representations

One letter has been received objecting to the proposal on the following grounds:

- Blind corner for traffic
- Houses likely to increase risk

Call in by Cllr Craddock on the grounds that the proposed development will improve the plot and enhance the area.

Determining Issues

- Principle of development
- Design and character of the area
- Impact upon neighbouring occupiers
- Access and parking
- Local Finance Considerations

Assessment of the Proposal

Principle of development

The revised NPPF says the use of previously developed land that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. The NPPF defines previously developed land as land, which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

The site is previously developed land as defined in the NPPF. The NPPF sets out the Government's objective of boosting the supply of homes (para 59) and promoting the effective use of land in meeting the need for homes and other uses, while safeguarding

and improving the environment and ensuring safe and healthy living conditions (chapter 11, especially paras 117 and 118).

The NPPF also says that housing applications should be considered in the context of the presumption in favour of sustainable development. There are three elements to sustainable development, economic, social and environmental. For economic: the need to ensure that sufficient land of the right type is available in the right places and at the right time. For social: to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment and environment. For environmental: contributing to protecting and enhancing our natural, built and historic environment, including making effective use of land assisting with biodiversity and minimising waste and pollution and adapting to climate change.

In Walsall, the five year requirement of housing supply is currently being met through the allocation of housing land and granting of planning permission (which is significantly brownfield land). The Government published the Housing Delivery Test in February 2019, which confirms that delivery over the 3 years 2015-18 still equalled 99% of Walsall's housing need being met. The SHLAA states Walsall is currently exceeding the rate of development expected by the BCCS and the total number of dwellings expected to be completed by 2026 is greater than the total BCCS target. However, a total of 5,348 dwellings still need to be completed over the 9 year period 2017-2026 to meet the minimum figure required by the BCCS, whilst the requirement for the next 5 years, 2017-2022, is 2,899 dwellings (460 x 4, plus 921 x 1, plus a 5% buffer as required by the NPPF).

The SHLAA goes further to state assessments should consider all sites capable of delivering 5 or more dwellings or economic development on sites of 0.25ha. The complex nature of the built-up area of Walsall means that there are many small sites that could potentially accommodate additional homes.

However, even though housing need is being met some housing development on windfall sites is supported in the SAD provided it meets the requirements in respect of sustainable development.

In this instance, whilst the site is classed as previously developed land, the proposal does not necessarily present sufficient land of the right type in the right place for economic purposes. As such, the proposal would be contrary to this element of sustainable development as set out in the NPPF.

With regards to the social aspect of sustainable development, Walsall is currently meeting its 5 year housing land supply and whilst windfall sites under the SAD are supported in principle, it is considered in this instance the proposal fails to provide a well designed environment. As such, the proposal would be contrary to this element of sustainable development as set out in the NPPF.

The proposal is in a sustainable location being within walking distance of Street Corner Local, however, the development is not a sustainable form of development if it fails to consider the environmental role - protecting and enhancing our natural, built and historic environment. The report considers this further.

Design and character of the area

The character of the area is one where dwellings are set back with pockets of open space at prominent corners. The development of this open space would be out of character with the existing pattern of development where it would bring built development closer to the highway along St Pauls Coppice eroding the open space and spaciousness at the corner.

The layout of the proposed dwellings is contrived to squeeze two dwellings into an irregular shaped parcel of land where the footprint dominates the site, resulting in a cramped form of development contrary to the existing character of the area.

The building to plot ratio of the proposed dwellings would be out of character with the building to plot ratio of the existing dwellings along both Friezland Lane and St Pauls Coppice.

Whilst the proposed development provides rear gardens of 73 and 74 square metres, the existing dwellings within both Friezland Land and St Pauls Coppice have rear gardens that exceed the minimum requirements. As such, proposed dwellings would be out of character with the existing pattern of development where houses have long rear gardens.

The Police have objected to the proposed development on the grounds of the proposed development does not meet secure by design guidance, in particular reference to the proposed rear parking areas having no natural surveillance. They also state that it is unlikely that these parking areas will be utilised and as such would not be used as hot spots for anti social behaviour and fly tipping. Whilst, amended plans have been submitted, they make minor amendments to the proposed parking areas, which do not overcome the Police's objection. Furthermore, the proposed amenity areas would be secured by 1.8m high or similar height fencing; this would result in the parking spaces not being visible from the proposed dwellings.

The planning agent was advised that a single dwelling on the site may be more acceptable as it allows for an improved design more in keeping with the character of the surrounding area.

Impact upon neighbouring occupiers

The proposal seeks to provide parking spaces for plot 2 adjacent the rear garden of plot 1 reducing the level of amenity for the occupiers of plot 1 from the noise and general disturbance from the comings and goings of vehicles in close proximity to this space.

The proposed development also seeks to provide parking spaces for plot 1 in close proximity to the rear garden boundary to 82 Friezland Lane. It is considered that the use of this parking space from the noise and general disturbance from the comings and goings of vehicles in close proximity to this space would unduly harm the amenities of these existing occupiers.

The submitted plans show that plot 1 meets the 45 degree code from the nearest ground floor habitable room at 82 Freizland Lane.

There is a secondary habitable room windows on the ground floor of plot 1 facing the side blank wall of 82. It is considered this would not unduly harm the amenities of these neighbouring occupiers.

Access and parking

The proposed three bedroom dwellings require two off road parking spaces in accordance with Policy T13 of the UDP, which the scheme provides.

The neighbouring occupier has raised concerns about the blind corner and the increased risk of traffic. There is no evidence to suggest that a further two dwellings would have a significant impact on traffic generation to impact upon highway safety.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes two new homes.

The Government has indicated that, for 2018-19, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2018-19 the total payments, taking account of completions over the last 4 years, are expected to amount to £3,637,301.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

Conclusions and Reasons for Decision

The proposed development is not a sustainable form of development as it fails to present sufficient land of the right type in the right place for economic purposes, fails to provide a well-designed environment for social purposes and fails to protect and

enhance the built environment. As such, the proposal is contrary to paragraph 8 of the NPPF.

The layout of the proposed dwellings are contrived to squeeze two dwellings into an irregular shaped parcel of land resulting in a cramped form of development where the building to plot ratio and amenity space standards of the proposed development would be out of character with the building to plot ratio and amenity space standards of the existing houses along this section of both Friezland Land and St Pauls Coppice. As such, the proposal is contrary to the NPPF, policies HOU2, ENV2 and ENV3 of the BCCS and saved policies GP2, ENV14 and ENV32 of the UDP, Policy HC2 of the SAD, and Policies DW1 to DW10 of Designing Walsall SPD.

The proposed parking areas to the rear of the proposed dwellings would not meet secure by design standards in that there would be no natural surveillance of these parking areas. It is unlikely that these parking areas will not be utilised and as such would be used as hot spots for anti social behaviour and fly tipping. As such, the proposal is contrary to the NPPF, policies HOU2, ENV2 and ENV3 of the BCCS and saved policies GP2, ENV14 and ENV32 of the UDP, Policy HC2 of the SAD, and Policies DW1 to DW10 of Designing Walsall SPD.

The proposal seeks to provide parking spaces for plot 2 adjacent the rear garden of plot 1 reducing the level of amenity for the occupiers of plot 1 from the noise and general disturbance from the comings and goings of vehicles in close proximity to this space.

The proposed development also seeks to provide parking spaces for plot 1 in close proximity to the rear garden boundary to 82 Friezland Lane. It is considered that the use of this parking space from the noise and general disturbance from the comings and goings of vehicles in close proximity to this space would unduly harm the amenities of these existing occupiers. As such, the proposal is contrary to the NPPF, policies HOU2, ENV2 and ENV3 of the BCCS and saved policies GP2, ENV14 and ENV32 of the UDP, Policy HC2 of the SAD, and Policies DW1 to DW10 of Designing Walsall SPD.

Given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Refuse

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal. Officers have given the planning agent options to overcome concerns but these have not been pursued.

Recommendation

Refuse

Reasons for Refusal

1. The proposed development is not a sustainable form of development as it fails to present sufficient land of the right type in the right place for economic purposes, fails to provide a well-designed environment for social purposes and fails to protect and enhance the built environment. As such, the proposal is contrary to paragraph 8 of the NPPF.
2. The layout of the proposed dwellings are contrived to squeeze two dwellings into an irregular shaped parcel of land resulting in a cramped form of development where the building to plot ratio and amenity space standards of the proposed development would be out of character with the building to plot ratio and amenity space standards of the existing houses along this section of both Friezland Land and St Pauls Coppice. As such, the proposal is contrary to the NPPF, policies HOU2, ENV2 and ENV3 of the BCCS and saved policies GP2, ENV14 and ENV32 of the UDP, Policy HC2 of the SAD, and Policies DW1 to DW10 of Designing Walsall SPD.
3. The proposed parking areas to the rear of the proposed dwellings would not meet secure by design standards in that there would be no natural surveillance of these parking areas. It is unlikely that these parking areas will be utilised and as such would be susceptible to anti-social behaviour. As such, the proposal is contrary to the NPPF, policies HOU2, ENV2 and ENV3 of the BCCS and saved policies GP2, ENV14 and ENV32 of the UDP, Policy HC2 of the SAD, and Policies DW1 to DW10 of Designing Walsall SPD.
4. The proposal rear parking spaces for plot 2 adjacent the rear garden of plot 1 would reduce the level of amenity for the occupiers of plot 1 from noise and general disturbance from the comings and goings of vehicles in close proximity to this space including cars doors slamming, cars revving, car radios, people talking etc. Furthermore, the proposed rear parking spaces for plot 1 in close proximity to the rear garden boundary to 82 Friezland Lane would reduce the level of amenity for the occupiers of plot 1 from noise and general disturbance from the comings and goings of vehicles in close proximity to this space including cars doors slamming, cars revving, car radios, people talking etc. As such, the proposal is contrary to the NPPF, policies HOU2, ENV2 and ENV3 of the BCCS and saved policies GP2, ENV14 and ENV32 of the UDP, Policy HC2 of the SAD, and Policies DW1 to DW10 of Designing Walsall SPD.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jan-2020

Plans List Item Number: 11.

Reason for bringing to committee: Significant Community Interest

Location: BROWNHILLS WORKING MENS CLUB, 8, HEDNESFORD ROAD, BROWNHILLS, WALSALL, WS8 7LS

Proposal: ERECTION OF 4 HOUSES AND 1 BUNGALOW WITH ACCESS OFF HEDNESFORD ROAD AND LAWNOAKS CLOSE (REVISED SCHEME FROM 18/0687)

Application Number: 19/1115

Applicant: Mr R Dunkley

Agent: Mr John Mason

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

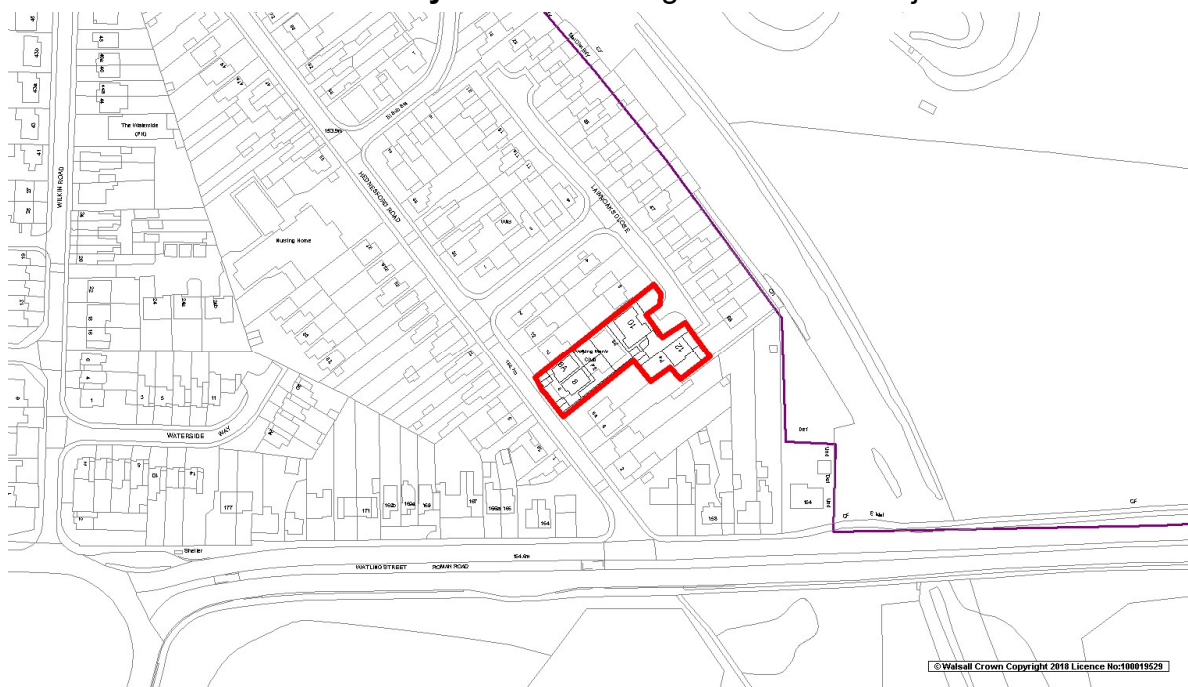
Case Officer: Barbara Toy

Ward: Brownhills

Expired Date: 13-Nov-2019

Time Extension Expiry: 17-Jan-2020

Recommendation Summary: Grant Planning Permission Subject to Conditions



Proposal

This is a revised application following an approval in 2018 for residential development of the site to provide two 4 bed detached houses (plots 1 and 2) fronting Hednesford Road and two detached bungalows set to the rear fronting Lawnoaks Close. Plot 3, a 3 bed bungalow set to the rear of plots 1 and 2 and plot 4 a 2 bed bungalow set to the rear of 6 and 6a Hednesford Road, both plots 3 and 4 have approved vehicle access and parking off Lawnoaks Close

This application now proposes the replacement of the bungalow at plot 3 with a pair of 4 bed detached houses (the same design as plots 1 and 2). In order to accommodate these amendments, the site has been extended to include land to the north west of the turning head in Lawnoaks Close and a vehicle access created adjacent to plot 2 off Hednesford Road.

Plot 3 would have 3 off street parking spaces to the side, accessed from the new vehicle access driveway off Hednesford Road and plot 4 would have 4 off street parking spaces accessed off Lawnoaks Close.

The approved bungalow (formerly plot 4) is now plot 5 with its parking area off Lawnoaks Close amended to provide an additional space so there are 3 in total.

Since the previous approval in 2018 the Working Men's Club has been demolished, the houses at plots 1 and 2 have been constructed and the bungalow to the rear (formerly plot 4) has also been constructed.

The proposals would be constructed from materials to match the three units already constructed and the design of the houses would match the existing houses built at plots 1 and 2.

Site and Surroundings

The site sits on the eastern side of Hednesford Road and extends to the east to provide a frontage to Lawnoaks Close.

The site is previously developed land, formerly occupied by Brownhills Working Men's club to the frontage of Hednesford Road with a car park to the rear of the building accessed off Hednesford Road.

The site is surrounded by residential properties in both Hednesford Road and Lawnoaks Close. The properties in Hednesford Road comprise a variety of styles both semi-detached and detached properties. The houses in Lawnoaks Close are of a more modern design and comprise semi-detached houses.

Relevant Planning History

18/0687, residential development 2 x houses (4 bed) and 2 x bungalows (2 bed and 3 bed) GSC 28-12-18.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV11: Light Pollution
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV40: Conservation, Protection and Use of Water Resources
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

Supplementary Planning Document

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW9 High Quality Public Realm

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 subject to conditions relating to surfacing and drainage of parking areas, widening of footway crossings for plots 1 and 2 and new vehicle crossing in Lawnoaks Close

West Midlands Police – No objections, note to applicant re Secure by Design – New Homes

Severn Trent Water – No objections, drainage condition and note to applicant recommended

Fire Officer – Compliance with Building Regulations Part B and national guidance.

Representations

Seven objections received, one includes a number of photos of current parking situation in Lawnoaks Close.

Objections:

- There should be no access to new properties off Lawnoaks Close
- Already parking issues in Lawnoaks Close particularly in evenings and weekends
- Development will result in no on street parking for existing residents and impact on highway safety and residential amenity
- Insufficient access for emergency vehicles in Lawnoaks Close
- Struggle to get on and off driveways in Lawnoaks Close due to on street parking
- Insufficient parking to meet the needs of the development
- Access point and layby in Lawnoaks Close used for parking by existing residents
- Access should be off Hednesford Road not Lawnoaks Close
- Lawnoaks Close is a cul-de-sac with restricted access and is a safe place for children
- Safety, security and privacy to existing residents in Lawnoaks Close from the development
- Mental stress and suffering fearing the impact of the development on life and home
- Loss of privacy and overlooking
- Already endured nearly a year of building works and the inconvenience caused
- Don't want another summer of not being able to enjoy garden without dust, loss of privacy and overlooking from builders
- Loss of outlook
- Loss of light and overshadowing

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Determining Issues

- Principle of the Development
- Design and Layout
- Impact on the amenities of the surrounding occupiers
- Parking and Access
- Local Finance Considerations

Assessment of the Proposal

Principle of the Development

The site is situated in a residential area in a sustainable location with good bus routes and local services. The principle of the loss of the community facility (working men's club) and redevelopment for residential purposes was established under the previous approval.

Design and Layout

The proposed revised layout would provide 2 x four bed detached houses in place of a 3 bed bungalow previously approved. Whilst the proposals would now provide 2 storey properties in place of a single storey property with an increased overall height from 5.45m to 8.6m, the increased footprint would only be 12sqm.

The houses would have rear private gardens of 81sqm and 97sqm exceeding the 68sqm required by Appendix D and would not impact on the rear gardens of plots 1 and 2.

The separation between 8 Lawnoaks Close and plot 4 would be the same as that previously approved, and the frontages of the houses would sit in a similar position to the approved bungalow frontage.

The house design would be identical to those at plots 1 and 2, having a gable roof with projecting front gable feature and canopy roof over the front door and would be constructed from materials to match the three plots already constructed.

The scheme also now incorporates an access drive off Hednesford Road in the same position as the previous vehicle access to the car park of the working men's club, adjacent to the boundary with 6a Hednesford Road. This access would provide access for the parking for plot 3 only (3 spaces). The creation of the access results in amendments to the frontages of plots 1 and 2, with a reduction in the garden space on the frontage and a reduction in the parking for plot 1 by one space. Whilst it is disappointing at the loss of landscaping to the Hednesford Road frontage, the proposals still result in an improvement to the frontage over the previous situation, as the working men's club had galvanised access gates and a 1.8m close boarded fence

to the frontage. Paving of the frontage is a characteristic of other properties within the immediate vicinity and is therefore considered appropriate.

The proposals would result in the loss of some hedging at back of pavement in Lawnoaks Close, whilst this would reduce the natural green element from the street scene it would improve visibility at the turning head within the close, and no consent would be required to remove this hedging.

The design and layout of the development is considered appropriate.

Impact on the amenities of the surrounding occupiers

The separation distance between the two new houses and plots 1 and 2 would be 22m and 21.5m respectively, whilst this results in a marginal shortfall from the 24m guidance in Appendix D of Designing Walsall, this is similar to the separation on the previous approval and it is considered that the proposals would have no additional adverse impact on the amenities of the future occupiers over that of the previous approval.

Whilst the rear elevation of the two new houses would sit further back than the previous bungalow, the proposals would comply with the 45 degree code in relation to 8 Lawnoaks Close.

The proposed access drive for plot 3 would follow the previous access and driveway used by the working men's club for access to their car park. The driveway would be used by plot 3 only and so would result in less vehicle movements than that previously for the club. The driveway is separated from the house at 62 Hednesford Road by 5m wide landscaping. It is considered that the access would have no additional adverse impact on the amenities of the occupiers of 6a Hednesford Road over that of the previous situation.

It is considered that the proposals would have no additional adverse impact on the amenities of the surrounding residential occupiers over the previous approval or the previous use of the site as a working men's club.

Whilst it is recognised that existing residents may suffer noise and disturbance during construction of the new properties, once they are completed and occupied the dwellings would blend in with the existing residential nature and activity within the cul de sac and it is considered would have no additional adverse impact on the amenities of the surrounding occupiers over that of the previous use of the site as a working men's club with a car park area adjacent to Lawnoaks Close. Noise and disturbance during construction would be controlled through a Construction Management Plan and through separate legislation. Safety and security for existing residents would not be compromised.

Parking and Access

The parking for plots 1 and 2 would remain unaffected by the proposed amendments to provide an access drive to the side of plot 2.

The new access to the side of plot 2 will provide access to 3 off street parking spaces for plot 3 to the side of the new house. Whilst the access would be quite narrow, this is considered acceptable as only plot 3 would utilise the access and would have control over comings and goings.

Plot 4 would have 4 off street parking spaces in the form of tandem spaces (exceeding the T13 requirement of 3 spaces) with direct access off Lawnoaks Close, which would have no impact on the existing turning head within the close. The bungalow already built (now plot 5) would continue to have access off Lawnoaks Close and the revised layout would allow for an additional space. Plots 4 and 5 both accessed off Lawnoaks Close, would each have an additional space over and above the requirements of T13, which would reduce pressure for additional on street parking within Lawnoaks Close.

The previous application granted consent for access to both plots 3 and 4 off Lawnoaks Close, the proposals would continue to provide access for two additional properties which was accepted in principle on the previous approval and would not impact on the operation of the cul de sac.

Objectors have raised concerns about the on street parking within Lawnoaks Close. However, as the proposal provides sufficient off-street parking for the new dwellings in order to comply with UDP policy T13 there is no reason to consider whether the proposals would result in further pressure from on-street parking from the development site.

The proposals would not impact on the existing turning head within Lawnoaks Close, the two access points for the new units would sit either side of the turning head. Despite comments from objectors regarding parking, it should be noted that the turning head should remain available for turning and not used for parking by existing residents in the close.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 5 new homes.

The Government has indicated that, for 2018-19, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years

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from completion of the dwelling. In 2018-19 the total payments, taking account of completions over the last 4 years, are expected to amount to £3,637,301.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

Conclusions and Reasons for Decision

The principle of residential development on the site was established under the previous approval in compliance with Policy HC2 of the SAD.

The proposed revised design and layout to include 2 x 4 bed houses in place of an approved bungalow is considered appropriate and in compliance with policies GP2 and ENV32 of the UDP.

The new houses would sit in a similar position to the previously approved bungalow and would comply with the 45 degree code. Whilst the separation distance between the new houses and plots 1 and 2 would have a marginal shortfall from the 24m required by Appendix D this is the same as that previously approved and it is considered that the proposals would have little additional impact on the amenities of the future occupiers over that of the previous approval.

It is considered that the proposals would have no adverse impact on the amenities of the surrounding occupiers over that of the previous approval, in compliance with Policies GP2 and ENV32 of the UDP and Designing Walsall SPD.

The level of parking proposed and the revised access arrangements are considered acceptable and in compliance with policies GP2 and T13 of the UDP and it is considered that the proposals would have no adverse impact on the safety and operation of Lawnoaks Close.

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 subject to conditions

Conditions and Reasons

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

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

2. The works hereby approved shall not be carried out otherwise than in accordance with the following drawings:

- Proposed Block Plan and Site Layout drawing number 2200-10C received 13/12/19
- Proposed Plans and Elevations drawing number 2200-11B received 13/12/19

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 development drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority.

3b. The scheme shall not be implemented otherwise than in accordance with the approved details before the development is first brought into use. This is 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.

Reason: To ensure the satisfactory dispersal of foul and surface water in accordance with UDP policy ENV40

4a. Prior to the first occupation of any dwelling on the development, the parking, access and 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.

4b. 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.

Notes for Applicant

Severn Trent

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently

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adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

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

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 0345 266 7930

West Midlands Police

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

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

Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the dropped kerb footway crossing works within the public highway. For further information please contact the Traffic Management Team on 01922 654675.
3. Prior to the first occupation of Plot 1 and Plot 2, the existing vehicular footway crossings shall be suitably widened and extended to align with the new access points. The works shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008. All works within the public highway shall be in accordance with all statutory requirements
4. Prior to the first occupation of Plots 4 and 5, a new vehicular crossing shall be installed in Lawnoaks Close to align with the new access point. The dropped kerb works, which shall include appropriate demarcation along the highway boundary, shall

be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance with all statutory requirements



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jan-2020

Plans List Item Number: 12.

Reason for bringing to committee: Significant Community Interest

Location: LAND OFF MONTGOMERY ROAD, BENTLEY

Proposal: DEMOLITION OF THE EXISTING DISUSED GARAGES AND PROPOSED CONSTRUCTION OF A PAIR OF SEMI-DETACHED TWO STOREY HOUSES WITH ASSOCIATED PARKING AND GARDEN SHEDS.

Application Number: 19/0611

Applicant: WALSALL HOUSING GROUP LTD

Agent: Izzy Kendrick-Jones

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

Case Officer: Helen Smith

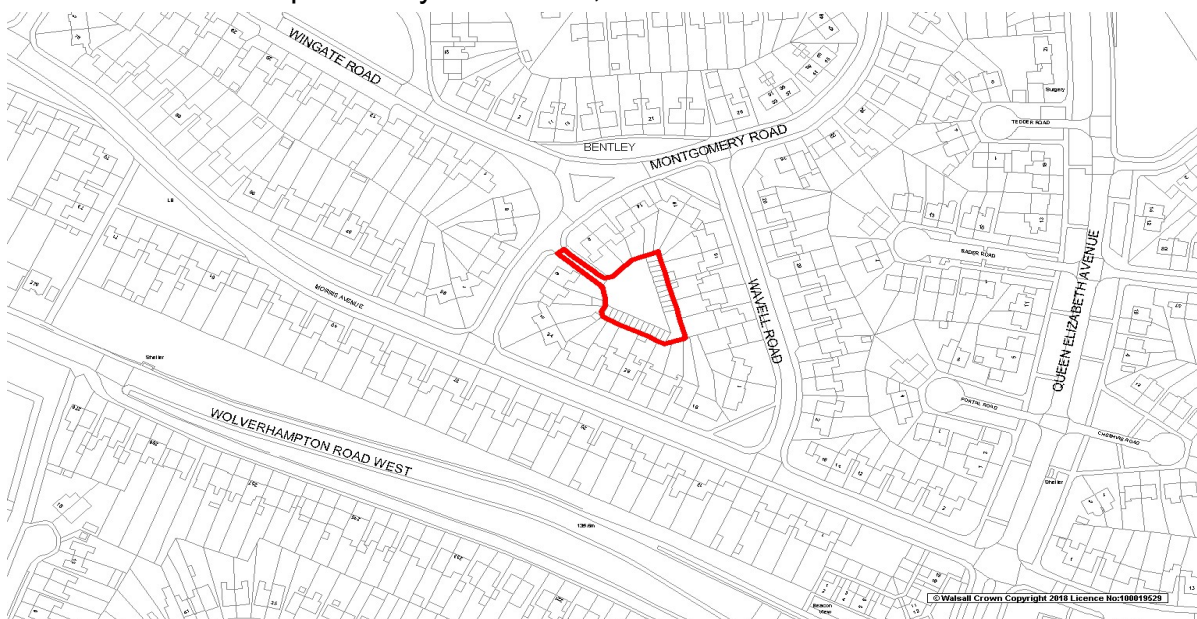
Ward: Bentley And Darlaston North

Expired Date: 15-Jul-2019

Time Extension Expiry:

Recommendation Summary: Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to conditions (including any amendments or additional conditions required by consultees) and subject to securing a S106 agreement to provide a Landscape Management Plan for the in perpetuity maintenance of the hard and soft landscaping And;

- No new material considerations being received within the consultation period;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;



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Proposal

This application proposes the erection of a pair of 3 bedroom affordable semi-detached houses with associated parking and garden sheds on the site of 23 former lock up garages.

The houses would be set back 53 metres from Montgomery Road with the same access to the former garages utilised for this development. There are small landscaped areas to the front of the properties and driveway parking for two cars for each property. The proposed rear private garden for Unit 1 is 248m² and 208m² for Unit 2. Bin storage, patio areas and rotary driers would be provided in each rear garden.

The existing footpath to the site is in Highways ownership and the planning agent has confirmed WHG are considering purchase of this land.

This site forms part of a large project by the applicant to redevelop former garage courts to provide new homes, utilising the efficiencies and benefits of AMC (Advanced Methods of Construction). This means that the majority of house construction takes place in a factory using a hybrid of pods and panels. The central pods containing the kitchen and bathrooms are structurally formed from LSF (lightweight steel frame) to which a series of LSF panels wrapped in insulating material with the uPVC windows and composite doors inserted in the factory. The entire unit would be wrapped in brick slips, render or cladding, which can be varied to be site specific. On site the central pods would be placed on the foundations and the panels then fixed to the pods to provide the finished house, ready to move in to. The pitched, tiled roofs (with solar panels) would also be brought to site in panels and put together on site.

Each house would have a footprint of 5.51m x 9.66m with a maximum height of 8.2m and would have no side facing windows. At this site the bricks would be multi red with grey concrete roof tiles. An existing tree would be retained within the proposed rear garden of Unit 2.

The scheme has been amended since submission to change the layout to provide improved security on the site and retain and extend the existing footpath.

Certificate B has been completed and the requisite notice served on the Local Highways Authority in respect of land not in the applicants' ownership i.e. footpath into the site.

The application is supported by the following documents;

Design and Access Statement by Northmill Associates Ltd which states;

- The proposal is compliant with surrounding uses and relevant local and national planning policy

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- Present and appropriate development density
- Helps to meet the demand for 3 bedroom affordable family homes identified in the area
- Fit within the existing built context, without detrimental impact on the amenity enjoyed by neighbouring properties
- Transform an underutilised brownfield site and improve the appearance of the area

Consultants Coal Mining Report by the Coal Authority dated 16/8/19 which;

- is a report based on and limited to the records held by the Coal Authority
- site is within an area of historical coal mining activity
- site is within an area of previous interest and is close to where the Coal Authority has investigated and where necessary remediated mine entries and/or shallow coal mine workings following specific reported hazards

Coal Mining Risk Assessment by The Coal Authority deposited 30/09/19 which states;

- Area subject to past coal mining activity
- Local presence of recorded shallow mine workings
- Risk to the site from legacy mining features is high
- Investigation works included in section 4a of the report should be undertaken prior to development commencing
- Detailed Gas Risk Assessment required by the developer

Supporting Technical Information by Northmill Associates Ltd deposited 08/03/19

Site and Surroundings

The site is situated on the eastern side of Montgomery Road and comprises a former court of 23 lock up garages. The garages have already been demolished and site secured with a gate. The site measures 0.08 hectares and is owned by WHG.

The site is bordered by the rear private gardens of pairs of semi-detached houses fronting Montgomery Road, Wavell Road and Morris Avenue. Houses backing onto this site have ground and first floor rear facing habitable room windows and fencing or hedges along the rear garden boundaries with the site.

The site sits in a long established residential area comprising a mix property styles in both WHG and private ownership.

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 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean ‘preferentially’. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV40: Conservation, Protection and Use of Water Resources
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

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Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

T4: The Highway Network

T5: Highway Improvements

AAPT5: Car parking

Supplementary Planning Document

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character
- DW10 Well Designed Sustainable Buildings
- Appendix D

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

Pollution Control – no objections subject to the inclusion of planning conditions in respect of asbestos, ground conditions and compliance with the Black Country Air Quality SPD

Transportation – No objections subject to the inclusion of a Grampian Condition in respect of alterations to the access drive to the site and conditions in respect of surface water drainage and parking.

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Coal Authority – No objections subject to the inclusion of a planning condition requiring site investigation works prior to commencement of the development.

Severn Trent Water – No objections subject to the inclusion of an informative note for the developer regarding public sewers. A drainage condition is not required in this instance.

Design out Crime Officer, West Midlands Police – no objections subject to compliance with Approved Document Q under Building Regulations in respect of door and window certification.

Fire Officer – No objections subject to the inclusion of an informative note including their requirements

Representations

Officers' comments in italics

Comments below received in response to the initial drawings;

A petition organised by residents which includes 21 signatories has been received objecting to the proposal on the following grounds;

- Impact on privacy
- Security of houses, sheds and gardens at risk
- Noise pollution from cars (*this site was formerly a garage court with 23 garages for domestic vehicles and whilst this site has not been in use for a while it is considered the impacts of parking for two houses would be limited*)
- Devaluation of property (*not a material planning consideration*)

Comments from 5 residents have been received with the following objections;

- Is the hedge next to 8 Montgomery Road being taken out and replaced with fencing? (*the drawings indicate the retention of a hedge to the rear of no. 8*)
- Reduction of light and too close to no. 8 Montgomery Road and 24 Morris Avenue
- Reduction of house values (*not a material planning consideration*)
- Impact of entrance on perimeter hedge
- Overlooking
- Opening the access will lead to anti-social behaviour
- Tenants may not have pride in their homes if they don't own it (*not a material planning consideration*)
- Impact on privacy
- Loss of light

- Noise and mess from construction work (*Given the modern techniques of construction that the applicant is promoting, it is considered this would limit noise and disturbance to neighbours. Generally, the planning inspectorate take the view that small scale developments have limited impacts and there is third party legislation that can deal with noise and disturbance*)
- Security of rear garden
- Problem families have moved into the area and the estate is being slowly run down by this don't care council who care more about the town centre than housing estates (*not a material planning consideration*)
- Get out of your cosy offices and come and see the mess you are causing to honest hard-working families (*not a material planning consideration*)
- Noise pollution i.e. vehicles (*Vehicles from two houses are considered to bring less noise pollution than a parking court*)

Comments below received in response to the amended drawings;

A second petition organised by residents which includes 22 signatories has been received objecting to the proposal on the following grounds;

- Loss of privacy to homes
- What are minimum privacy offsets? (*minimum recommended separation distance referred to in Appendix D of Designing Walsall SPD*)
- Loss of security following removal of gates
- Noise pollution from cars (*this site was formerly a garage court with 23 garages for domestic vehicles and whilst this site has not been in use for a while it is considered the impacts of parking for two houses would be limited*)
- Devaluation of property (*not a material planning consideration*)

Determining Issues

- Principle of the proposed use
- Design of the Proposal and Impact on the Character of the Area
- Impact on the amenities of the surrounding occupiers
- Ground Conditions
- Access and Parking
- Planning Obligations
- Local Finance Considerations

Assessment of the Proposal

Principle of the Proposed Use

The site comprises previously developed land situated in a well-established residential area, within walking distance of the local shops at Bentley Local Centre which is less than 173 metres from the site (*as the crow flies*). Regular bus services are situated within walking distance of the site and the site is considered to be in a sustainable location.

This application is supported by NPPF paragraphs 117 and 118 in that it will involve the more effective use of under-utilised land.

The principle of the provision of two new residential properties at the site is considered appropriate and accords with the aims of both national and local policies.

Design of the Proposal and Impact on the Character of the Area

Neighbouring properties consist of pairs of 1950's/60's semi-detached houses with a plain and simple design and a mix of hipped and gable roof designs.

The proposed houses with a brickwork face and gable roofs would pick up on the characteristics of the properties in the immediate vicinity however the proposed new window design would have a contemporary appearance to the properties however in this location this is considered appropriate. The width of the properties and plot sizes are considered appropriate and compatible with the character of the area.

The amended proposed layout means that the two new houses would be visible from Montgomery Road which is considered provides passive surveillance and improves security for these two dwellings and the immediate surroundings.

The advanced method of construction proposed would provide modern, efficient, high standard, affordable housing with a short on site construction period.

The Planning Agent has confirmed that the public grassed areas would be maintained by WHG and the provision of S106 agreement to provide a Landscape Management Plan for the in perpetuity maintenance of the hard and soft landscaping within the development site would be required.

The houses would be characteristic of others in the area, addressing the street, with front gardens/driveways and private rear gardens. Both rear private amenity spaces would exceed the recommended minimum garden area of 68m² as referred to in Appendix D of Designing Walsall SPD and is characteristic of other properties in the area. The amended design and layout of the development is considered appropriate and in compliance with policy.

Details of the proposed sheds have not been provided and a planning condition requiring further information can be included to meet the 6 tests and to define the planning application.

The existing access would become a shared surface to make it easier for the refuse vehicle to access the development.

The proposal demonstrates the re-use of brownfield land and saved UDP Policy ENV14 encourages the reclamation and development of derelict and previously developed land wherever this is technically feasible. In this instance it is considered that the re-use of this site for residential purposes would be a positive re-cycling of derelict land within an urban area.

Impact on the Amenities of the Surrounding Occupiers

The proposed layout means that the new houses and gardens would back on to and sit at an angle to the ends of rear gardens of houses in Montgomery Road, Wavell Road and Morris Avenue the houses themselves however would be no closer to the existing properties than the original garages.

The separation distances between the rear of 24, 26 and 28 Morris Avenue, 9, 11 and 13 Wavell Road and 8 and 10 Montgomery Road would be less than the recommended minimum separation distance of 24 metres between facing habitable room windows by up to a maximum of 7.6 metres between proposed unit 1 and the rear elevation of 11 Wavell Road.

Whilst these relationships would be less than the guidance recommends in Appendix D of Designing Walsall SPD, it is considered in this instance that the angled relationship between these 7 neighbouring properties and the proposed new dwellings along with the existing boundary treatments would provide sufficient mitigation to protect residents' privacy and amenity.

The separation distances of 16.4 metres plus between the proposed two new houses and neighbouring properties is considered would limit any loss of light to neighbouring properties.

The relationship between the proposals and the existing houses is considered appropriate and characteristic of other properties within the area.

A planning condition requiring the submission of a Construction Management Plan prior to the commencement of any development, if approved, can be included to control disturbance to neighbours during the construction period to meet the 6 tests.

Whilst the 23 garage court is currently not in use it is considered that the reduced number of vehicle movements expected for two houses would be less than those associated with a garage court if this was brought back into its original use.

The plans show that the public footpath and existing low wall next to 8 Montgomery Close would remain and it is considered any impacts on the existing boundary hedge would be limited.

Residents have not provided any evidence that anti-social behaviour would increase as a result of the construction of two new dwellings on this derelict site. The Police support this proposal and it is considered that an occupied and controlled development is likely to improve security for neighbouring houses, gardens and sheds through passive surveillance.

To protect resident's amenity a planning condition can be included to remove householder permitted development allowances for extensions, roof alterations and enlargements and outbuildings not included as part of this proposal because of the constraints of the site and proposed limited separation distances.

Ground Conditions

The Coal Authority has confirmed that the site falls within the defined Development High Risk Area and a Coal Mining Risk Assessment has been provided in support of this application.

The Coal Authority records indicate that the application site has been subject to both recorded and historic unrecorded underground coal workings at shallow depth and the zone of influence of two recorded mine entries extends into the western and eastern part of the site. The Coal Authority hold no treatment details for these mine entries and due to plotting inaccuracies, there could be some deviation, by several metres, from the inferred positions. Whilst unlikely to be within the site, the zone of influence from these mining features could affect this development. In addition, the Coal Authority has in the past been called upon to deal with three surface hazards within 50m of the planning boundary site.

Having reviewed the available evidence, the Coal Authority considers that the site is currently at a medium to high risk due to the presence of both recorded and unrecorded shallow coal mine workings and the presence of an off-site mine entry: 398298-025. In order to mitigate the risks from former coal mining activity, appropriate recommendations have been made that intrusive ground investigations are required.

The nature and extent of the ground investigation works will require the Coal Authority's written consent / agreement from our Licensing and Permitting team as part of the permitting process.

Once the exact ground conditions have been confirmed, the applicant's technical consultants can design the mitigation strategy which may include ground stabilisation works / foundation design / gas protection measures to ensure that the development will be safe, stable and suitable for the development proposed (NPPF paras 178-179).

The Coal Authority requires the inclusion of a planning condition requiring site investigation works prior to commencement of the development.

Pollution Control Team require the inclusion of planning conditions to address the potential impact from land contamination to meet the 6 tests and to ensure the safe development of the site.

Access and Parking

The proposals would provide 2 off street parking spaces for each house in compliance with UDP saved policy T13. Each property would have its own driveway with vehicle access from Montgomery Road

Access from Montgomery Road would be via a shared surface driveway with the existing bell-mouth entrance being altered to a dropped kerb in accordance with Highway recommendations. The inclusion of a Grampian condition for these works will be required and a condition in respect of surface water drainage details for the shared surface.

Whilst the loss of the former garages has reduced the level of parking available for the existing residents, the site has already been cleared and secured and not available for use for some months. Several the existing properties within the vicinity have their own off-street parking facilities and for the remainder there are no parking restrictions within the local streets so on-street parking is available.

The proposed scheme includes details of indicative street lighting which can be refined by the inclusion of a planning condition that meets the 6 tests if the proposal is approved.

Planning Obligations

The provisions of an in perpetuity Management Strategy for the areas of open/amenity space within the development site would be required and this would be agreed with a S106 agreement.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 2 new homes.

The Government has indicated that, for 2019-20, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2019-20 the total payments, taking account of completions over the last 4 years, are expected to amount to £2,911,601.

The weight that should be given to this, including in relation to other issues, is a matter for the decision-maker.

Conclusions and Reasons for Decision

This is a previously developed site is situated in a residential area in a sustainable location. The principle of residential development of the site is therefore considered appropriate and complies with Policies HOU2 and CSP4 of the BCCS, Policy HC2 of the SAD and H3 and ENV14 of the UDP. This application is supported by NPPF paragraphs 117 and 118 in that it will involve the more effective use of under-utilised land.

The layout is considered acceptable and in compliance with policies GP2, ENV32 and T13 of the UDP and Appendix D of Designing Walsall.

The design of the new properties is considered appropriate and picks on key characteristics of the surrounding properties and would comfortably within the street scene, in compliance with policy ENV32 of the UDP. The advanced method of construction proposed would provide modern, efficient, high standard, affordable housing with a short on site construction period.

Access and parking arrangements would comply with policies GP2 and T13 of the UDP. A Grampian condition is recommended to secure highway improvements for pedestrian safety is considered appropriate and reasonable in this instance

It is considered that the development would have no adverse impact on the amenities of the surrounding occupiers in compliance with policies GP2 and ENV32 of the UDP and Appendix D of Designing Walsall.

Taking into account the above factors it is considered that the application should be recommended for approval. The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the layout and design to improve security and control of the site, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Recommendation: Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to conditions (including any amendments or additional conditions required by consultees) and subject to securing a S106 agreement to provide a Landscape Management Plan for the in perpetuity maintenance of the hard and soft landscaping

PAGE 209 OF 230

And;

- No new material considerations being received within the consultation period;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;

Conditions and Reasons

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

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

2. The development shall not be carried out otherwise than in accordance with the following approved plan:

- Site Location Plan, drawing no. L(00)001 Revision P2, deposited 26/09/19
- Unit 1 and 2 – Proposed Roof Plan, drawing L(01)033 Revision P2, deposited 26/09/19
- Proposed Site Plan, drawing no. L(00)101 Revision P6, deposited 20/12/19
- Proposed Site Plan, Wider Context, drawing no. L(00)102, deposited 20/12/19
- Existing Site Plan, drawing no. L(00)002 Revision P2, deposited 26/09/19
- Unit 1 and 2 – Proposed Ground Floor Plan, drawing no. L(01)001 Revision P2, deposited 26/09/19
- Unit 1 and 2 – Proposed First Floor Plan, drawing no. L(01)002 Revision P2, deposited 26/09/19
- Unit 1 and 2 – Elevation A, drawing no. L(02)001 Revision P2, deposited 26/09/19
- Unit 1 and 2 – Elevation B, drawing no. L(02)002 Revision P2, deposited 26/09/19
- Unit 1 and 2 – Elevation C, drawing no. L(02)003 Revision P2, deposited 26/09/19
- Amended Design and Access Statement deposited 26/09/19
- Coal Mining Risk Assessment, deposited 30/09/19
- Groundsure Screening and Coal Authority Report dated 27/11/18

Reason: To ensure 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 require).

3. a) Prior to the commencement of any part of the development hereby approved including demolition, site clearance and site preparation, the bell mouth entrance to the site will be modified to a dropped kerb entrance as per the Proposed Site Plan drawing no. L(00)101 Revision P6 deposited on 20/12/19.

3: b) The constructed new access shall thereafter be retained and available for use by members of the public.

Reason: To improve accessibility to the site in accordance with saved UDP Policies GP2, T8 and T10

4: a) Prior to commencement of the development hereby approved

- the undertaking of the scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity (shallow coal workings and to prove the presence or otherwise of recorded mine entry 398298-025;
- The submission of a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary, including the calculated shaft exclusion area (no build zone) for mine entry 398298-025;

4: b) The development shall not be carried out otherwise than in accordance with the identified remedial works and mitigation measures.

Reason: To ensure the safety and stability of the development and to comply with NPPF Paragraph 178 and 179 and saved policies GP2 and ENV14(c) (ii) of Walsall's Unitary Development Plan.

5: a) Prior to commencement of the development hereby approved until, the results of an intrusive site investigation works shall be undertaken in accordance with the submitted Coal Mining Assessment by The Coal Authority dated 19/8/19 deposited on 30/9/19 and a report created to be submitted to and agreed in writing with the local planning authority, that assesses the ground conditions on the site and establishes the risks posed to the development by past coal mining activity including shallow coal workings and to prove the presence or otherwise of recorded mine entry 398298-025 and include the findings from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary to ensure the safety and stability of the development, including the calculated shaft exclusion area (no build zone) for mine entry 398298-025.

5: b) The development shall not be carried out otherwise than in accordance with the approved mitigation details, with a validation report submitted to the local planning authority to be agreed in writing prior to the first occupation of any dwelling to demonstrate the remedial works have been carried out and shall thereafter be retained.

Reason: To ensure the safety and stability of the development and to comply with NPPF Paragraph 178 and 179 and saved policies GP2 and ENV14(c)(ii) of Walsall's Unitary Development Plan.

6: Prior to the commencement of the development hereby approved and in order to address potential impact from asbestos;

6: a) Prior to commencement to the development a pre-demolition asbestos survey in accordance with HSG264 shall identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use supported by an appropriate mitigation scheme to control risks to future occupiers, written by a suitably qualified person, shall be submitted to and agreed in writing by the Local Planning Authority.

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

6: c) Prior to the first occupation of any of the residential units hereby approved, a written Validation Report shall be submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure the proper investigation and risk mitigation of the site, to protect amenities of the locality and the future occupants of the site

7: a) Prior to the commencement of development including demolition a Construction Working Plan shall be submitted for written approval of the Local Planning Authority. The plan shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary porta-cabins and welfare facilities for site operatives
- vii. Site security arrangements including hoardings
- viii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix. Measures to prevent flying debris
- x. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
- xi. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

xii. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

7: b) The approved Construction Working Plan shall be implemented upon commencement of works and shall be maintained until the site is completed.

Reason: To protect the amenities of the surrounding occupiers and minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway due to the access constraints to the site, in the interests of amenity and highway safety in accordance with Policy GP2, ENV32, T7 and T13 of the UDP.

8: a) Prior to the commencement of any building or engineering operations of the development hereby approved details of the proposed finished floor levels, ridge and eaves heights of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measures against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties.

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

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

9: a) Notwithstanding the details submitted and prior to the formation and laying out of the proposed shared surface hereby approved details of how surface water will be drained within the application site shall be submitted to and approved in writing by the Local Planning Authority.

9: b) The development hereby approved shall not be carried out otherwise than in accordance with the approved scheme and shall thereafter be retained.

Reason: To ensure water does not run onto the highway and to avoid increased surface flooding to comply with Walsall's Unitary Development Plan saved policies GP2 and ENV40.

10: a) Notwithstanding the details as submitted and prior to the commencement of the hereby approved development above damp-proof course until a plan is submitted to and agreed in writing with the Local Planning Authority that provides details of the proposed garden sheds to be provided and their location.

10: b) The development shall not be carried out otherwise than in accordance with the approved details, to be available prior to the first occupation of the houses hereby approved and shall thereafter be retained.

Reason: To define the planning permission.

11: Prior to the first occupation of any dwelling on the development the Applicant shall agree an Air Quality Low Emission Scheme in writing, with the Local Planning Authority, to install electric-vehicle charging points and Ultra-Low NOx boilers.

- i. The agreed scheme shall be implemented, in accordance with the approved details, before the development is first brought into use.
- ii. Prior to the first occupation, the applicant shall provide a written Low Emission Scheme Validation Statement to the Local Planning Authority that demonstrates scheme has been installed as agreed.

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

12: a) Prior to the first occupation of any dwelling on the development, the parking spaces serving that dwelling shall be 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.

12: b) The parking spaces 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.

13: a) Prior to the first occupation of any dwelling written details shall be submitted to and approved in writing by the Local Planning Authority on how the requirements of the Black Country Air Quality SPD will be implemented.

13: b) Prior to the first occupation of any dwelling a written validation statement shall be submitted to and agreed in writing with the Local Planning Authority demonstrating the agreed measures have been installed.

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

14: a) Prior to the first occupation of any dwelling written details shall be submitted to and approved in writing by the Local Planning Authority of the proposed street lighting provision shown as indicative only on drawing no. L(00)101 Revision P3 and deposited on 26/09/19 (please refer to informative note no. 8).

14: b) The agreed scheme shall be fully implemented in accordance with the approved details before the development is first brought into use.

Reason: In the interest Highway Safety and to define the planning application

15: a) Prior to the first occupation of any dwelling on the development, the parking spaces serving that dwelling 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.

15: b) The parking spaces 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.

16: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no side facing windows, doors, or other openings other than those shown on the approved 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 the Walsall's Unitary Development Plan.

17: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house;

- Class A (enlargement, improvement or other alterations),

- Class B (additions to the roof),

- Class C (other alterations to the roof),

- Class E (building incidental to the enjoyment of a dwelling house), shall be installed in any part of this hereby approved development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

Notes for Applicant

1. Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

2. The applicant will be expected to either enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority or obtain a Road Opening Permit from the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.

2. Air Quality SPD

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

The electric vehicle charging point provision for residential premises is a charging point per residential premise or Units with unallocated parking e.g. apartments – 1 charging point per 10 spaces, complying with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw.

Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded.

The charging unit is to be supplied by its own independent radial circuit.

Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following:

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

Ultra-low NOx boilers discharge NOx at or below 40mg/kWh. The latest models are future-proofed to the European

Union's Energy-related Products Directive 2018 NOx levels. At the same time, they meet the EU standard EN15502 Pt 1 2015 Class 6 for NOx, and may be eligible for maximum BREEAM credits, helping contribute to a higher environmental building rating.

3. Contaminated Land

CL1

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2018; British Standard BS10175: 2011+A2:2017 'Investigation of potentially contaminated

sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA

C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2

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

CL3

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

4. HSG264 – 'Asbestos: The survey guide', Health and Safety Executive ISBN 978 0 7176 6502 0

5. Severn Trent Water

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

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent. Contact details Planning.apwest@severntrent.co.uk 01902 793851- Asset Protection (West)

Severn Trent Water - Waste Water Services Tel: 01902 793851

email: Planning.apwest@severntrent.co.uk

6. West Midlands Police – Design out Crime

Notwithstanding the above West Midlands Police recommends that in order to satisfy Building Regulations requirements under Approved Document Q that the doors and windows fitted are 3rd Party certified by a recognised UKAS certification house. Approved Document Q sets out several requirements for developers and requirement Q1 states reasonable provision must be made to prevent unauthorised access to any dwelling or part of a dwelling where access can be gain to a flat.

As part of this doors and windows which could be accessed will need to resist physical attack by a casual or opportunist burglar. They therefore must be sufficiently robust, fitted with appropriate hardware and most importantly be proven to have security performance. There are 3 ways to comply with this statutory requirement;

1 - Test evidence - but all variants of size etc. must be tested and the builder / developer / architect are responsible for reviewing this test data. It must be for the product and the size installed with relevant hardware. Failure may lead to non-compliance with Building Regulations

2 - Third Party Certification - The manufacturer can obtain and provide evidence that the product has been tested and certified by a recognised UKAS body. Compliance to the current PAS 24 standard should be shown.

3 - Product is designed in compliance with Appendix B - this only applies to doors built to a predetermined specification.

All doors should be PAS 24; 2016 certified as should all easily accessible windows.

Approved Document Q defines easily accessible a 'A window or doorway any part of which is within 2m vertically of an accessible level surface such as the ground or basement level or an access balcony, or a window within 2m vertically of a flat or sloping roof (with a pitch of less than 30 degrees that is within 3.5m of ground level.

Water supplies for firefighting should be in accordance with ADB Vol 2, Sec 15 and “National Guidance Document on the Provision for Fire Fighting” published by Local Government Association and WaterUK:

<https://dl.dropboxusercontent.com/u/299993612/Publications/Guidance/Firefighting/national-guidance-document-on-water-for-ffg-final.pdf>

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

7. West Midland Fire Service

Approved Document B, Volume 1, Dwelling-houses, 2019. Requirement B5: Access and facilities for the fire service. These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010

Requirement

Access and facilities for the fire service B5.

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

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

Intention

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

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

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

Section 13: Vehicle access

Provision and design of access routes and hard-standings

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

13.2 For flats, either of the following provisions should be made. a. Provide access for a pumping appliance to within 45m of all points inside each flat of a block, measured along the route of the hose. b. Provide fire mains in accordance with paragraphs 13.5 and 13.6.

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

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

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

Water

Water supplies for firefighting should be in accordance with ADB Vol 1, Sec 14 and "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK:

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

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

Sprinklers

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

a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:

B) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

The approval of Building Control will be required to Part B of the Building Regulations 2010. Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 1, Section 7)

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

8. Street Lighting

Please contact Amey for advice regarding the new street lighting prior to submitting the required details in respect of planning condition no. 12. Their contact is Heidie Coombs, Principal Operations Manager, Walsall Streetlighting on t. 0121 568 3676, m. 07525 910464 e. heidie.coombs@amey.co.uk Amey, Unit 6 Crescent Works Ind Park, Willenhall Road, Walsall, WS10 8JR

9. Highways

The Applicant must ensure that no soil or other debris is washed or placed within the highway. Failure to prevent this incident could result in an offence and a notice being served on the Applicant under Section 151 of the Highways Act 1980.

The Applicant must ensure that no water is discharged onto the highway. Failure to prevent this discharge could result in an offence and a notice being served on the Applicant under Section 163 of the Highways Act 1980.

The Applicant will be expected to enter into an agreement under Section 278 of the Highways Act 1980 with the Local Highway Authority for all works within the existing public highway. For further advice please contact the Highway Development Control Team on 01922 655 927.

ECONOMY AND
ENVIRONMENT

24 JUN 2019

RECEIVED

13, Wavell Road
Bentley
Walsall
WS2 0EF
Tel No: 07986 205001

22.06.19

Dear Helen Smith,

Please find enclosed a petition from the residents of Wavell Road, Montgomery Road and Morris Avenue, Bentley, Walsall. The petition relates to the proposed construction (planning application No. 19/0611) of two semi-detached two storey houses to be built on the land off Montgomery Road, Bentley.

The residents have signed in objection to the proposed construction for the following reasons.

- 1) The intrusion into the **privacy** of the residents especially in the two areas the buildings are proposed. You say 'minimum privacy offsets have been observed', what does minimum mean? As from our point of view the distance proposed for the buildings from our boundaries would give the residents views into homes not just gardens.
- 2) **Security** – As outlined above, the residents of the proposed buildings would be able to see into all the gardens/buildings backing onto them, which puts the security of our homes and out buildings i.e. sheds, at risk. You will also be removing the current security gates that lead into the land off Montgomery Road, opening it up for anyone to walk through that area into our gardens/homes.
- 3) **Noise pollution** - You have given access for two cars to each proposed property, which will enhance the noise in this area. We brought our homes because the layout meant we did not have to listen to the traffic in the street but this proposal will ensure we are surrounded by the noise and pollution of cars.
- 4) **Devaluation of property** – if you take all of the above into account it will have an impact on the value of our homes should we decide to sell.

We politely request that you reject planning application No.19/0611 on the reasons stated above.

Yours Faithfully,

Mark Smith

ECONOMY AND
ENVIRONMENT

20 DEC 2019

RECEIVED

13, Wavell Road

Bentley

Walsall

WS2 0EF

Tel No: 07486 883912

19th December 2019

Dear Ms Smith,

Please find enclosed a petition from the residents of Wavell Road, Montgomery Road and Morris Avenue, Bentley, Walsall. The petition relates to the proposed construction of two semi-detached two storey houses to be built on the land off Montgomery Road, Bentley application No. 19/0611.

Although amendments have been made to the original plan, we still feel they do not address our original objections as laid out below. We appreciate the need for additional housing in Bentley, but surely it should be appropriate to the land you are planning to use. We do not believe the land at the rear of our homes is appropriate for the properties planned. A number of the petitioners would accept single storey buildings i.e Bungalows, if the land is required for building purposes.

The residents have signed in objection to the proposed construction for the following reasons.

- 1) The intrusion into the privacy of the residents especially in the two areas the buildings are proposed. You say 'minimum privacy offsets have been observed', what does minimum mean? As from our point of view the distance proposed for the buildings from our boundaries would give the residents views into homes not just gardens.
- 2) Security – As outlined above, the residents of the proposed buildings would be able to see into the gardens/buildings backing onto them, which puts the security of our homes and out buildings i.e. sheds, at risk. You will also be removing the current security gates that lead into the land off Montgomery Road, opening it up for anyone to walk through that area into our gardens/homes.
- 3) Noise pollution - You have given access for cars to each proposed property, which will enhance the noise in this area. We bought our homes because the layout meant we did not have to listen to the traffic in the street but this proposal will ensure we are surrounded by the noise and pollution of cars.
- 4) Devaluation of property – if you take all of the above into account it will have an impact on the value of our homes should we decide to sell.

We would like you to take all of the above into consideration when making your decision and reject the the proposed application 19/0611 on the above objections.

Yours Faithfully,

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Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Jan-2020

Plans List Item Number: 13.

Reason for bringing to committee: Called in by Councillor Perry who considers the breach of 45 degree code guidelines marginal and may be overturned on appeal and notes there are other examples on the estate.

Location: 36, RAILSWOOD DRIVE, PELSALL, WALSALL, WS3 4BD

Proposal: FIRST FLOOR SIDE EXTENSION

Application Number: 19/1104

Applicant: Mr J Reeves

Agent:

Application Type: Full Application:
Householder

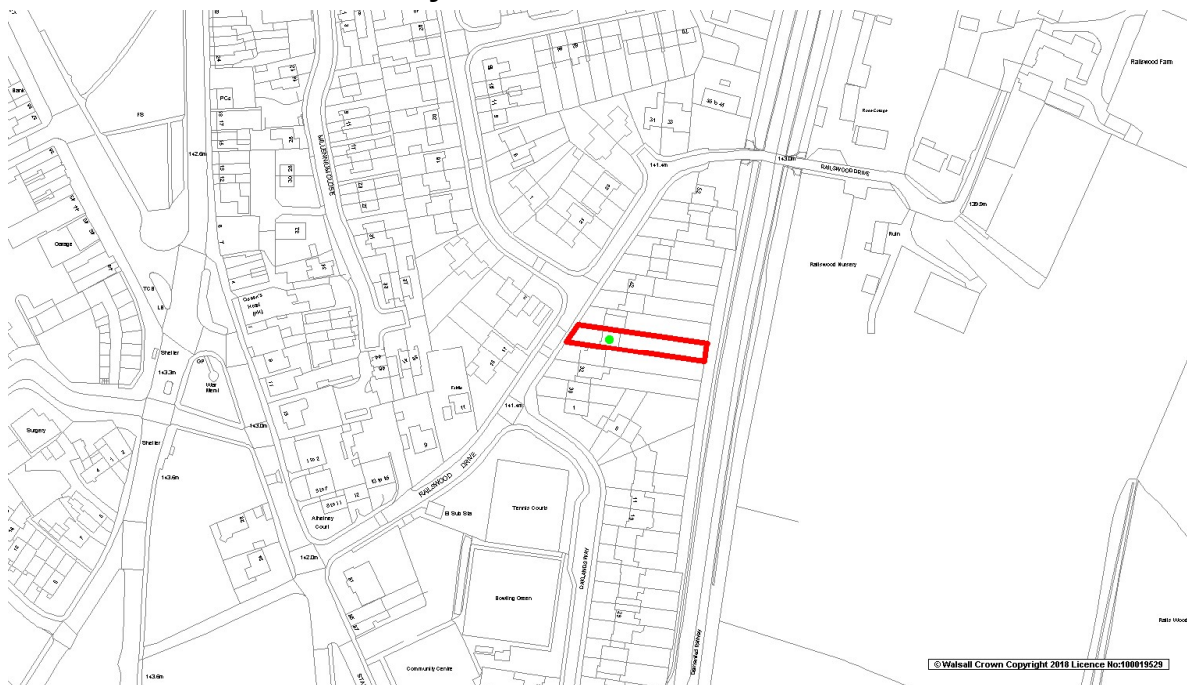
Case Officer: Sheila Denison

Ward: Pelsall

Expired Date: 28-Oct-2019

Time Extension Expiry: 16-Jan-2020

Recommendation Summary: Refuse



Proposal

The proposal is for a first floor side extension over the existing garage to create an extra bedroom.

The dimensions are as follows:

2.4m wide

6.8m long

2m to the eaves (4m high overall with a pitched roof that is 0.4m lower than the original roof)

With a front facing window 1.5m wide and a rear facing window 1.2m wide.

Site and Surroundings

The dwelling is the right hand of a pair of semi-detached dwellings with a flat roof garage to the side. The properties on this side of the street are stepped forward from each other from north to south.

The following properties all have first floor side extensions and are all the left hand dwelling of the semi-detached pairs.

No's 30 - BC32439P granted 8/8/91, 34 - BC14595 granted 7/2/1990 and 42 - BC40473P granted 10/02/94

Within the street scene all the dwellings are of a similar design and type.

The trees at the bottom of the gardens on no's 52 – 30 and no's 5 and 11 Oaklands Way all have tree preservation orders on them.

The land behind Railswood Drive and Oaklands Way is green belt land.

Relevant Planning History

Application house – None

34 Railswood Drive - BC14595 - Erection of a bedroom over garage - granted 07/02/1990

38 Railswood Drive - 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

PAGE 226 OF 230

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 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- 3.2 to 3.5 The Countryside and Green Belt
- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Supplementary Planning Document

Conserving Walsall's Natural Environment

NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- DW3 Character

Consultation Replies

None

Representations

A neighbour objection has been received: *Officers comments in italics*

- The impact upon the outlook, privacy and amount of light we experience, particularly in respect of the first floor bedroom window and ground floor kitchen window that we have on our rear elevation. Both of these windows are approximately 650mm from the boundary and the proposed line of the extension. – *The proposed extension breaches the 45 degree code and there is a loss of outlook*
- The proposed extension would devalue the property /affect the saleability due to overlooking – *This is not a material planning matter*
- The method of construction and would question whether the existing foundations will carry any additional load of a first floor extension. Structural cracking is also evident at present – *This is not a material planning matter*
- Would a Party Wall Agreement would be required, due to the proximity of the works – *This is not a material planning matter*

Determining Issues

- Design and Character of the Area
- Amenity of nearby residents
- Parking and access

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Assessment of the Proposal

Design and Character of the Area

The proposal introduces what would be the first extension to first floor on any right hand dwelling pair in the immediate street scene. However, as the materials and design are in proportion with the original dwelling and would not result in terracing this would be acceptable were it not for matters referred to below.

Amenity of nearby residents

The proposed extension contravenes the 45 degree code guidelines as it projects beyond the 45 degree line drawn from the centre point of the rear bedroom window in the first floor extension at no 34. This is contrary to policies GP2 and ENV32 and to Appendix D of Designing Walsall SPD as it will cause loss of outlook to the neighbouring property. Whilst the applicant considers the neighbours window to be secondary as there is a window in the front elevation of the extension at no 34 that serves the same room, this is still a main habitable room window and cannot be disregarded.

For this reason it is considered the proposed first floor extension has a detrimental amenity impact to the neighbouring property and does not comply with Appendix D of Designing Walsall's SPD in regards to loss of outlook, light and shadowing. The impact on privacy is limited as the extension window would be too acute to view the neighbour's bedroom.

Officers have suggested an alternative loft conversion that could provide the space using permitted development rights but to date the applicant has been unwilling to consider this.

The adjoining neighbour no 32 is unaffected as the extension would not be visible beyond the front of rear elevation of the existing house.

Parking and access

The proposal adds a further bedroom to the dwelling to a four bedroomed property Transport and Parking T13 of the Saved Policies of Walsall Unitary Development Plan state 3 spaces for vehicles, the front of the property has adequate hardstanding for this.

Conclusions and Reasons for Decision

The proposed extension would harm the neighbouring property in terms of amenity, outlook and loss of light due to the breach of the 45 degree code guidelines.

Given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant and in this instance are unable to support the proposal.

Recommendation

Refuse

Reasons for Refusal

1. The proposed extension by virtue of the breach of the 45 degree code guidelines in respect of the rear facing bedroom window at no 34 would have an adverse impact on outlook and daylight for this neighbour and would be harmful to residential amenities contrary to the National Planning Policy Framework; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, and ENV32 and Designing Walsall SPD.