



Contents Sheet

Item No	Page No	App Number	Site Address	Proposal	Recommendation
1	1	18/1556	LAND WEST OF WALSALL RETAIL PARK, REEDSWOOD WAY, BLOXWICH WARD: BIRCHILLS LEAMORE	PROPOSED DEVELOPMENT COMPRISING OF 2 NO. COMMERCIAL UNITS FALLING INTO B1, B2 AND B8 USE CATEGORIES (WITH ANCILLARY B1 OFFICES), ASSOCIATED CAR AND CYCLE PARKING, SERVICE YARDS, ASSOCIATED ELECTRICITY SUB STATION, DRAINAGE AND INFRASTRUCTURE, EXTERNAL LIGHTING, BOUNDARY TREATMENTS, HARD SURFACING & LANDSCAPING.	Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant Planning Permission Subject to Conditions and subject to; amendment and finalising of conditions; No further comments from the Coal Authority raising material planning considerations not previously addressed or which cannot be mitigated for through condition.

2	27	16/0025	<p>ECLIPSE WORKS, PARKER STREET, BLOXWICH, WALSALL, WS3 2LF</p> <p>WARD: BLOXWICH WEST</p>	<p>PROPOSED DEMOLITION OF EXISTING SINGLE STOREY BUILDINGS, RETENTION AND CONVERSION OF EXISTING TWO STOREY BUILDING AND ERECTION OF 12 NO. DWELLINGS WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPE.</p>	<p>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 provision for urban open space and landscape management plan and subject to overcoming the outstanding objections raised by The Wildlife Trust, Coal Authority and awaiting formal comments from Western Power.</p>
3	55	18/0550	<p>THREE CROWNS INN, SUTTON ROAD, WALSALL, WS5 3AX</p> <p>WARD: ALDRIDGE CENTRAL AND SOUTH, PHEASEY PARK FARM</p>	<p>DEMOLITION OF THE EXISTING 'THE THREE CROWNS PUBLIC HOUSE' AND ERECTION OF 7 NO. DETACHED DWELLINGS (SITE AFFECTS THE SETTING OF PUBLIC RIGHTS OF WAY WAL98)</p>	<p>Refuse</p>
4	79	15/0740/ FL	<p>12 ORWELL ROAD, WALSALL, WS1 2PJ</p> <p>WARD: PADDOCK</p>	<p>DEMOLITION OF EXISTING BUNGALOW, TWO NEW DETACHED HOUSES NEW DORMER BUNGALOW AND OUTBUILDING. RESUBMISSION OF 14/0740/FL</p>	<p>Grant Planning Permission Subject to Conditions</p>

5	91	18/1423	22, OLD OAK CLOSE, ALDRIDGE, WALSALL, WS9 8SE WARD: ALDRIDGE CENTRAL AND SOUTH	TWO STOREY SIDE EXTENSION	Grant Planning Permission Subject to Conditions
6	103	18/0941	42, SLANEY ROAD, WALSALL, WS2 9AF WARD: PLECK	CHANGE OF USE FROM NURSING HOME (C2 USE) TO A 41 X BEDROOM HOSTEL (SUI GENERIS USE) WITH ASSOCIATED AMENITY, RECREATION, TRAINING AND SIGN- POSTING FACILITIES.	Grant Planning Permission Subject to Conditions



Planning Committee

Report of Head of Planning, Engineering and Transportation on 31-Jan-2019

Plans List Item Number: 1.

Reason for bringing to committee: Major Application

Location: LAND WEST OF WALSALL RETAIL PARK, REEDSWOOD WAY, BLOXWICH

Proposal: PROPOSED DEVELOPMENT COMPRISING OF 2 NO. COMMERCIAL UNITS FALLING INTO B1, B2 AND B8 USE CATEGORIES (WITH ANCILLARY B1 OFFICES), ASSOCIATED CAR AND CYCLE PARKING, SERVICE YARDS, ASSOCIATED ELECTRICITY SUB STATION, DRAINAGE AND INFRASTRUCTURE, EXTERNAL LIGHTING, BOUNDARY TREATMENTS, HARD SURFACING & LANDSCAPING.

Application Number: 18/1556

Applicant: Brackley Property Developments

Agent: Andy James

Application Type: Reserved Matters: Major Application

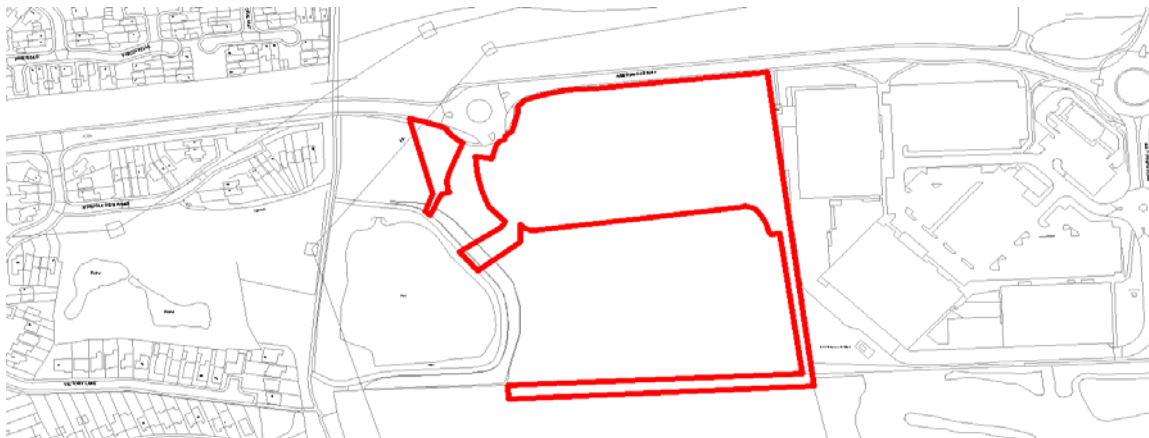
Case Officer: Stuart Crossen

Ward: Birchills Leamore

Expired Date: 14-Feb-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 subject to; amendment and finalising of conditions; No further comments from the Coal Authority raising material planning considerations not previously addressed or which cannot be mitigated for through condition.



Proposal

This reserved matters application follows a previous outline approval for commercial development of the site for B1, B2 & B8 uses (approx. 18,500 sq.m floor space), with access only for determination. The site is adjacent to Public Right of Way Wal44.

The reserved matters to be considered as part of this proposal are as follows:

- Appearance
- Landscaping
- Layout
- Scale

Two units are proposed on the North part of the site where just a single unit was illustrated in the outline application. Unit 1 (1,394 m² GFA) proposes 43 car parking spaces + 1 disabled space to the west of the unit next to the boundary with unit 2, to the south would be space for a drop off area for heavy goods vehicles. Unit 2 (3,252 m² GFA) proposes 42 car parking spaces + 2 disabled spaces to the front of the unit facing west, to the rear would be drop off areas for heavy goods vehicles. The total ground floor area would be 4646m². Unit 2 includes a section with two floors within the main building to provide 480m² of ancillary office space. A covered 5 hoop cycle shelter is proposed for each unit within the car parking area.

The building designs are rectangular predominantly white with some grey sections and a blue edging to the proposed office elevation which would be a prominent feature from the existing island, the office elevation itself would be glass. The height would be up to 10.5 metre high

The access arrangements from Reedswood Way remain the same as the outline approval, the internal road and pathways are different due to the change from a single large unit on the North part to two smaller units. Previously the roadway extended halfway into the site to meet a car park, now it is proposed to extend the width of the site with the proposed units and parking to the North.

Details have been provided of a pedestrian and cycle link from the site to an existing public footpath 44, due to the land level difference this path zig-zags between the application site and public right of way to ensure the slope is accessible. A landscape buffer is proposed to the North of the site next to Reedswood Way.

The Design and Access statement confirms that the land to the South would remain available for future development. The statement concludes that the scheme is appropriate for the site, would provide employment opportunities and represents high quality design.

Site investigation reports, a mine shaft/ coal mining report, remediation reports, air quality assessment, drainage, flood risk assessment and noise impact assessments have been provided in support of the application and are the same as those considered as part of planning permission 17/0992.

Site and Surroundings

The site covers 5.65 hectares. This large vacant site lies to the south of Reedswood Way, west of Reedswood Retail Park. There is a large balancing pond (Reedswood Pool) in the south-western part of the site beyond which lies the public right of way Wal44. The balancing pond and surrounding land including that adjacent to the roundabout to the north, south and west is allocated open space. Beyond these areas are residential areas. The right of way is part of a Greenway that connects the residential areas and open space to the west of the site.

The adjacent commercial area was developed approximately 15 years ago and there is an existing roundabout on Reedswood Way constructed to include a spur to facilitate future development.

Relevant Planning History

BC25178P – Outline: Leisure Park (Waterpark, Health Centre, Cineplex, Hotel, P.H. Restaurants, Multi-Purpose Hall, Petrol Filling Station, Retail Park & Housing) Associated Car Parking, Access, Landscaping & Nature Park GSC 31/03/89.

BC35792P - Vary Condition No.1 of BC25178P (Large Scale Redevelopment) to Extend Period for the Submission of Details by 1 Year to Expire 31/3/93 – Granted 24/06/92.

09/0092/OL - Outline application for residential development (all matters reserved) – Withdrawn July 2009.

10/0610/OL Outline application (all matters reserved) for residential development – Resubmission of 09/0092/OL also affecting public footpath Wal44 – Refused for 2 reasons broadly relating to (1) loss of Best Quality Employment land and (2) failure to undertake adequate marketing to demonstrate why the site cannot be brought forward for employment uses. 03/12/10. Appeal dismissed 28/10/11.

17/0245 - Mounted free-standing marketing sign 4.048m (H) x 2.438m (W) within site – Approved advert for 5 years 08/08/17.

17/0992 – Outline application for commercial development of the site for B1, B2 & B8 uses – GSC 02/05/18.

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

On **planning conditions** the NPPF says:

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

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

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

Reducing Inequalities

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making

- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance Between Employment Land and Housing
- EMP1: Providing for Economic Growth
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- EMP3: Local Quality Employment Areas
- EMP4: Maintaining a Supply of Readily Available Employment Land
- EMP5: Improving Access to the Labour Market
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality
- WM5: Resource Management and New Development

Walsall Site Allocation Document (SAD)

IND2: Potential High Quality Industry. The application site is identified in the SAD as a Vacant Potential high Quality Industrial Site over 0.4ha: IN58 Reedswood Way, Walsall.

IND4: Local Industry Consider for Release

IND5: New Employment Opportunities

OS1: Open Space, Sport and Recreation

LC5: Greenways

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk

T2: Bus Services

T4: The Highway Network

T5: Highway Improvements

Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV11: Light Pollution
- ENV12: Hazardous Installations
- ENV13: Development Near Power Lines, Substations and Transformers
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV32: Design and Development Proposals
- ENV33: Landscape Design

- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- JP8: Bad Neighbour Industrial Uses
- T1 - Helping People to Get Around
- T6 - Traffic Calming
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

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

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

Public Rights of Way – No objections

Pollution Control – No objections - Pollution Control requires that a Working Plan be implemented to control local environmental impacts, to secure installation of ground-gas protection measures and be diligent for unknown contaminated land, measures to comply with the Black Country Air Quality SPD, and comply with noise limits for external machinery/plant.

Transportation – No objections subject to conditions for highway implementation, engineering details, hardstanding, cycle shelters, construction methodology and to ensure the development is in accordance with the submitted travel plan

Local Access Forum – Some concerns about potential cycle traffic to paths, comments shared with Public rights of Way Officer.

The Coal Authority – No objections, confirmation sought that the amended layout accords with previous calculations and comments in relation to discharge of condition 7 of planning permission 17/0992.

Planning Policy – No Objections subject to condition to ensure there is no primary B1 use.

Fire Officer – No objections

Natural England – Confirmation that they have no comments to make.

Environment Agency – No objections subject to condition for the installation of an oil interceptor.

Severn Trent – No objections subject to conditions for drainage.

Police – No comments subject to security conditions

Trees – No comments (consultees are aware that a no comment is taken to be a no objection)

Representations

2 objections received on grounds of noise from the comings and goings of heavy goods vehicles, increased traffic and detrimental to wildlife.

1 comment in support on the grounds that the scheme would resolve anti-social behaviour and that the existing road already has a high volume of traffic.

Determining Issues

- Appearance
- Landscaping
- Layout
- Scale
- Principle of development
- Contaminated Land
- Drainage
- Security
- Conditions

Assessment of the Proposal

Appearance

The outline application approved commercial units and the design of the scheme is typical of this type of development having few features or elevation details. The character of the area is mixed having a nearby residential estate and retail park. The design has more in common with the retail area being of a similar colour, scale and massing. The proposed office would be the most active frontage and is the most prominent facing the existing traffic island.

Landscaping

The proposed landscaping is similar to the masterplan submitted with the outline application and raises no concerns from the tree officer. The landscape buffer proposed to Reedswood Way would minimise any visual impact the development would have to users of the highway.

Layout

Parking and Access

In terms of Unit 1, the development looks to provide almost the maximum UDP parking requirement for the most intensive B1 use. Unit 2 is about 50% of the most intensive B1 use parking requirement but in excess of the B2/B8 uses requirement.

Taking into account the ultimate use of the units is not known and to allow for an element of flexibility, on balance, the Highway Authority considers the overall balance of the parking provision is acceptable.

Cycle shelter provision is provided.

A Travel Plan is to be developed to promote sustainable travel.

Conditions have been requested for details in relation to the footpath and cycle route which can be attached to permission if approved. Additional conditions to ensure the safe implementation of road works can be attached to safeguard highway users.

Public Right of Way

Footpath 44 Walsall, which is also recorded as a Greenway within the SAD and known locally as The Ash Track, runs directly alongside the western site boundary. In respect of this application, Public Rights of Way has no objection to the proposed development, although an adopted link path for level inclusive pedestrian and cycle access must be provided from Reedswood Way, across the application site, and connecting into public Footpath 44 Walsall.

Proposed scheme drawings show provision of new pedestrian and cycle link between the proposed estate roads/ roundabout which connects to the current natural surfaced track around the pool and in turn onto Public Footpath 44 Walsall/ greenway.

Although full details are not currently available, the design and access statement sets out that the full details for the proposed pedestrian and cycle link are to be agreed, and discussions have already commenced in relation to this.

No development will be taking place directly within Definitive Public Footpath 44 Walsall and there are therefore no specific public rights of way conditions or requirements. The new pedestrian and cycle link path can be included within the S273/38 agreement.

Residential Amenity

Pollution Control officers recommend that a Working Plan is submitted on how to minimise impact to nearby premises and the road/footpath network. The Working Plan should include planned operational hours.

‘Noise Impact Assessment’, by Hoare Lee Acoustics, by Hoare Lea Acoustics, Ref: REP-1006890-AM-030717-1, 07/07/2017.

The acoustic consultant made some assumptions on typical noise levels that may be generated within the proposed buildings, and the sound attenuation from the proposed buildings. At this stage, Pollution Control agrees with the methodology used by the consultant and the conclusions derived.

The Consultant advised on noise levels that should not be exceeded by external machinery/plant, to ensure nearby residential premises will not be affected. Based on the background noise measurements, Pollution Control agrees that the levels should not exceed the average level stated by the consultant. However, Pollution Control is of the opinion that the tonal noise character also needs to be considered and therefore is making a requirement that noise levels from the site do not exceed a Noise Rating of 45 decibels, 1 metre from the façade of a residential premise.

‘Air Quality Assessment’, by Air Quality Consultants Ltd, Ref. J2966, July 2017.

The report indicates that the development will not significantly increase the background air quality levels. Pollution Control agrees with the findings of the report.

Walsall Council has adopted the Black Country Air Quality Supplementary Planning Document (SPD).

In summary, the mitigation measures within the SPD range from:-

- Type 1 – installing electric vehicle charging points and low NOx boilers;
- Type 2 – consideration of travel plans, encouraging modal shift, designating parking for low emission vehicles, Fleet Operations strategy for considering and reducing emissions, etc.; and
- Type 3 – for major developments also evaluation of contribution to increased ambient concentrations due to emissions and translating such additional emissions into damage costs.

Conditions can be attached to ensure that electric charging points and low NOx boilers are installed.

Scale

The proposed scale is compatible with the outline approval, only the Northern element of the scheme is being proposed and the two single units would occupy less floor space than the outline permission indicated. The height of 10m would ensure flexibility for future potential occupiers and the operational needs of heavy goods vehicle delivery and it is considered that the distance between the buildings and residential properties is sufficient to not result in any significant loss of light or overbearing impact.

Principle of development

Although the outline established the principle of the development the scheme includes a mix of uses which need further consideration in the context of the now adopted Site Allocation Document. Planning Policy Officers consider that the use should be limited to employment in use classes B1(b), (c), B2 and B8 in accordance with its allocation under SAD Policy IND2 (site IN58) and BCCS Policy EMP2. B1 office should be restricted on the site is because offices are a main town centre use as defined in the NPPF so should be located in centres. A condition can be attached to ensure that the office element is ancillary to the main B2/B8 use which would be acceptable.

Contaminated Land

Since the previous application there is further information available regarding contaminated land which need consideration as part of this reserved matters application.

‘Remediation Report’, by Nolan Associates, Ref: GW/EJS/2015-149, July 2017

The Remediation Report summarises the findings of contaminated land investigations that were undertaken on behalf of Nolan Associates by Johnson Poole and Bloomer Limited. Based on the reported findings, Pollution Control agrees with the proposed measures reported in the Remediation Report, this includes:

Construction workers to wear appropriate PPE to avoid contact with potentially contaminated soils.

Ground gas protection measures to be installed – these need to be agreed in writing with the Local Planning Authority which can be conditioned.

Conditions are recommended to address the ground-gas protection measures and a requirement for a written validation statement to be submitted to the Local Planning Authority. The Condition also includes a requirement for the Remediation Report to be modified and agreed with the Local Planning Authority, if the Developer discovers contaminated soils that were not encountered during the site investigation works.

Drainage

The Environment Agency have reviewed these proposals within the context of Outline permission 17/0992 where they recommended a condition relating to the remediation of any unsuspected contamination, In this instance The Environment Agency support the scheme subject to a condition for the installation of an oil interceptor. Mains sewer connection and surface water drainage can be mitigated through condition in accordance with Severn Trent advice.

Security

The application layout and proposal now provides clarity for security measures The Police consider that it reasonable to believe that the car park will be used by employees who will spend several hours at the location and their vehicles will be left unattended. The Car Park and immediate building perimeter should enclosed with 2.0m anti climb fence – with associated full height access control gate or barrier. This will prevent unauthorised access within the confines of the premises perimeter.

Although the Police recommend defensive planting to the public side of the fencing the landscaping scheme is in accordance with the outline masterplan so it would not be reasonable to insist on a revision in this instance.

The sliding gates that allow access to the loading bays should have certified vehicle mitigation qualities to PAS68 / 69. Shallow footing gates are available. Still on the concept of vehicle mitigation anti-ram bollards in front of building entrances should be considered. There is no natural – formal or informal surveillance and therefore would be offenders would be out of sight once the premises is closed and under cover of darkness. Provision must therefore be made to prevent access and it is reasonable to expect some anti-ram raid mitigation at this site.

As B1/B2/B8 use is requested with no further details of a potential tenant LPS1175 Issue 7 2013 SR3 rating for the building construction and its doors and windows should be adopted – STS202 BR3 offers the same protection for doors and windows. During construction builders should adhere to BS8220 Part 2 and 3 for building security.

Adopting good processes around lighting schemes can reduce the risk of burglary by 20% - Home Office Research. The lighting plan across car park should adhere to BS EN 5489; 2013 or offer a minimum 0.40 Uniformity with lux levels of 10-15 giving a colour rendering of 60 on the CRI 0-100 scale; with photoelectric cell control with manual override. The same quality lighting scheme should cover the loading bay areas.

Whilst there is no mention of alarming the premises, should the premise be alarmed it should meet the requirement of BS EN 50131 Grade 3 or 4 and BS 6799 if wireless and monitored. Likewise if CCTV is installed it should be done so by a suitably qualified SSAIB or NSI registered installer to BS EN 50132.

The above provisions recommended can be attached to planning permission as a condition if granted.

Conditions

Many of the outline permission conditions relate to this reserved matters so are repeated for this permission and updated as set out below.

Condition 3 – Relates to the submission of reserved matters. As this scheme only covers half of the outline site the condition is amended to only relate to the southern part and is time limited to reflect the outline planning decision date.

Condition 4 now includes the additional reserved matters details.

Condition 7a – This was discharged as part of a discharge of conditions application for the outline permission. The Coal Authority have asked for clarity as to whether the findings provided by the applicant still apply to the revised layout of this reserved matters and details from the agent has been passed to them. As this remains unresolved it is appropriate to reapply condition 7a.

Condition 9c – Required the applicant to notify the council 4 weeks prior to works commencing, this element is not now required by Pollution Control Officers and updated accordingly.

Condition 10 – is updated to reflect the Pollution Control comments on this application which now specify what measures are required to meet the Councils air quality SPD.

Condition 15 - is amended to clarify in accordance with planning policy advice to ensure that the primary uses are B2 and B8 and that any B1a use is ancillary.

Condition 19 - is updated to take account of the details provided in this application for a pedestrian/cycle link to the public right of way.

Conclusions and Reasons for Decision

The appearance would be in keeping with the adjacent retail park buildings and is typical in terms of design and materials to other B2 and B8 use buildings. For these reasons the appearance would accord with UDP policy ENV32

The landscaping is considered to be in accordance with the masterplan and complies with UDP policy ENV33

The proposed parking and access road is considered acceptable, conditions can be attached to ensure that the implementation of works is acceptable. For these reasons the scheme accords with UDP policies T7 and T13.

The proposed pedestrian/cycle link subject to further details which can be conditioned is considered acceptable in accordance with UDP policy T8.

Pollution Control Officers have recommended conditions to ensure satisfactory amenity for residents with regard to noise and air quality, the distance and proposed relationship of the development is considered acceptable to comply with UDP policies GP2, ENV10 and the Air Quality SPD.

The proposed scale is compatible with the outline approval and character of this part of Reedswood Way, it is considered that the distance between the buildings and residential properties is sufficient to not result in any significant loss of light or overbearing impact and complies with UDP policies GP2 and ENV32.

The use can be limited to employment in use classes B1(b), B1(c), B2 and B8 by condition in accordance with its allocation under SAD Policy IND2 (site IN58) and BCCS Policy EMP2.

Conditions are recommended to address the ground-gas protection measures and a requirement for a written validation statement to be submitted to the Local Planning Authority. The Condition also includes a requirement for the Remediation Report to be modified and agreed with the Local Planning Authority, if the Developer discovers contaminated soils that were not encountered during the site investigation works. In addition confirmation is sought from the Coal Authority that previous guidance on ground stability apply equally to the approved layout in accordance with UDP policies ENV10 and ENV14.

The Environment Agency support the scheme subject to a condition for the installation of an oil interceptor. Mains sewer connection and surface water drainage can be mitigated through condition in accordance with Severn Trent advice. For these reasons the scheme accords with UDP policy ENV40

Police advice can be conditioned to ensure the satisfactory security of occupants in accordance with UDP policy ENV32.

Conditions are updated where appropriate to reflect the additional details and any previous discharge of conditions.

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

Positive and Proactive Working with the Applicant

Officers have confirmed the application is valid, further information has been requested and received in relation to noise to enable full support to be given to the scheme.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant Planning Permission Subject to Conditions and subject to; amendment and finalising of conditions; No further comments from the Coal Authority raising material planning considerations not previously addressed or which cannot be mitigated for through condition.

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.

3a. Development shall not be commenced on the remaining development site to the south of this reserved matters application as illustrated on the outline application master plan approved under permission 17/992 until details of the following Reserved Matters in relation to that site have been submitted to and approved by the Local Planning Authority:-

- Appearance
- Landscaping
- Layout
- Scale

3b. The above details shall be received no later than 02/05/21

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

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

Outline

- Location Plan (14-050-P02 Rev A) received 21/08/17 (*revision to be updated*)
- Existing & Proposed Access Arrangement (14-050-P03 Rev B) received 08/02/18
- Indicative Development Master Plan (14-050-P01 Rev G) received 08/02/18
- Planning Statement prepared by Woods Hardwick Planning Limited (RM/KJB/3089) (July 2017)
- Remediation Report prepared by Nolan Associates (GW/ES/2015-149)(July 2017) received 20/07/17
- Flood Risk Assessment & Drainage Strategy prepared by Nolan Associates (2015-149-RP-100- Rev 2)(November 2017)
- Landscape & Visual Impact Assessment prepared by Aspect Landscape Planning (July 2017)
- Transport Statement prepared by David Tucker Associates (SJ/NES/17250-01a)(February 2018) received 08/02/18
- Framework Travel Plan prepared by David Tucker Associates (SJT/NES/17250-02)(June 2017) received 08/02/18
- Tree Survey prepared by Rob Keyzor (September 2016) received 20/07/17
- Air Quality Assessment prepared by Air Quality Consultants (July 2017)
- Noise Impact Assessment prepared by Hoare Lea ((July 2017)
- Ecological Assessment & Protected Species Survey prepared by Arbor Vitae Environment Limited (September 2016)

Reserved Matters

- Site Location Plan (14-050-P01 RevB) received 06/12/18
- Site Layout as Proposed (14-050-P03 RevA) received 15/01/19
- Unit 1 – Floor Plan & Roof Plan (14-050-P04 RevB) received 21/01/19
- Unit 1 – Elevations & Typical section– As proposed (14-050-P05 RevB) received 22/01/19
- Unit 2 – Floor Plans & Roof Plan as proposed (14-050-P-06 RevB) received 22/01/19
- Unit 2 – Elevations & Typical section – As proposed (14-050-P07 RevB) received 22/01/19
- Site sections – as Existing and as Proposed (14-050-P08) received 06/12/18
- Planting Plan (6307.ASP.PP.1.0) received 06/12/18
- Planting Plan 1 of 2 (6307.ASP.PP.1.1) received 06/12/18
- Planting Plan 2 of 2 (6307.ASP.PP.1.2) received 06/12/18
- Cycle Shelter (14-050-P09) received 16/11/18
- Design and Access Statement received 16/11/18

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

5a. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority

5b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

6. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Flood Risk Assessment (FRA)/Drainage Strategy 2015-149-RP-100 Rev 2 dated November 2017 and the following mitigation measures detailed within the FRA:

- i. Ensuring the surface water run-off generated by the site will not increase the risk of flooding off-site or on the site itself.
- ii. Provision of an appropriate calculated volume of flood storage in the downstream pond (and within the site) to a 100year + climate change standard.
- iii. 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.
- iv. Ensure suitable sustainable drainage elements are included to protect water quality in the downstream fishing pond.

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

7a. Prior to the commencement of the development a Remediation Statement/Strategy for the site, including a layout plan which identifies appropriate zones of influence for the mine entries on site, and identification of the high wall, and demonstrates how these features relate to the development layout shall be submitted and approved in writing by the local planning authority.

7b. Prior to the commencement of development implementation of any remedial works and/or mitigation measures identified in part (a) of this condition shall be fully completed in accordance with the agreed details.

Reason: To ensure the safe and satisfactory development of the site and address the coal mining legacy on site in accordance with UDP policy ENV10.

8. The development hereby permitted shall not be carried out otherwise than in accordance with the Remediation Report prepared by Nolan Associates reference GW/EJS/2015-149 dated July 2017 and the following mitigation measures detailed within the Remediation Report:

- i. Prior to built development commencing a 'Remediation Statement' setting out the precise details of remedial measures, methodologies, and materials to be used to

- deal with the ground gas present on the site shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- ii. The remedial measures as set out in the 'Remediation Statement' required by part i) of this condition shall be implemented.
 - iii. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation is encountered, development shall cease until the 'Remediation Statement' required by part i) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
 - iv. A Validation Report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

Reason: To ensure safe development of the site, to protect human health, and the environment and to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.

9a. Prior to the commencement of the development of engineering and construction activities a Working Plan to control noise, vibration, dust, debris, and odours shall be submitted to and agreed in writing with the Local Planning Authority.

9b. The Working Plan shall be implemented upon commencement of works and shall be maintained until the site is completed.

9c. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00; and 08.00 to 14.00 on 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; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)*

Reason: To protect existing local amenity in accordance with UDP policy GP2.

10a. Prior to the commencement of use of any buildings approved under reserved matters the applicant provide details of an Air Quality Low Emission Scheme to be approved in writing by the Local Planning Authority, for the installation electric-vehicle charging points and Ultra-Low NOx boilers.

10b. The agreed scheme shall be fully completed prior to use and shall submit 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.

11. Machinery and equipment, either individually or cumulatively, shall be operated or designed not to give rise to noise levels that will result in:

- Plant, equipment, machinery associated with the development shall not give rise to a Noise Rating exceeding NR45 as determined 1 metre from the facade of any occupied residential premises.
- The applicant shall demonstrate compliance with the above acoustic conditions at the written request of the Local Planning Authority. For the purpose of clarity, this shall be determined by measurement and/or calculation.

Reason: To protect the amenity of nearby residential premises in accordance with UDP policy GP2.

12. Prior to either unit first coming into operation, the highway infrastructure works approved under Outline permission 17/0992 (condition 12b) 'Prior to the commencement of works on the new site access road, full engineering details of modified roundabout and access spur including the layout and alignment, widths and levels of the proposed road works together with all necessary drainage arrangements and run off calculations, shall be submitted to the Local Planning Authority for technical approval in writing in consultation with the Highway Authority', shall be fully implemented to the satisfaction of the Highway Authority.

Note: Any alteration to existing street lighting or new street lighting shall be with the agreement of the Council's Public Lighting Manager in consultation with Amey, the Council's street lighting partner.

Reason: To ensure the satisfactory completion and operation of the site access and public highway, in accordance with UDP Policy GP2 and in the interests of highway safety.

13a. Prior to either unit on the development first coming into use, all access ways, vehicle hardstanding, manoeuvring and parking areas serving that unit shall be fully consolidated, hard surfaced and drained together with the clear demarcation of all parking bays. 10% of the bays shall be allocated for the disabled and marked out accordingly.

13b. 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.

14a. Prior to either unit on the development first coming into use, the proposed cycle shelter serving that unit, shall be fully implemented in accordance with the approved details.

14b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

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

15a. Prior to the commencement of the development, a Construction Methodology Statement, as required under Condition 14(a) of Outline permission 17/0992, 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.

15b. 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 and to accord with paragraph 109 of the NPPF.

16. Upon first occupation of either unit on the development, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained with the David Tucker Associates Framework Travel Plan dated 23rd June 2017 shall be developed into a full Travel Plan and shall be implemented, monitored and reviewed for the lifetime of the development, in accordance with the approved Plan, as required under Condition 13 of Outline permission 17/0992.

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

17a. Prior to the commencement of any 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.

17b. This provision shall be retained during construction in accordance with the approved details.

Reason: In order to minimise potential disruption to the free flow of traffic on the Reedswood Way and in the interests of highway safety to accord with NPPF paragraph 109.

18. As part of any additional Reserved Matters submission the total external gross floor area of the entire development shall not exceed 18,500 sq.m and shall be used for Class, B2 General Industry and B8 Storage and Distribution primary use classes (B1(Business uses shall only be ancillary).

Reason: To ensure the vehicular trips to the development are in accordance with those predicted within the submitted David Tucker Associates Transport Assessment date 6th February 2018, in the interests of the free flow of traffic on the public highway and highway safety and to safeguard, and to ensure that B1 Office uses in towns centres are protected, UDP Policy GP2, T1, T7, T13, SAD Policy IND2, T4, BCCS policies EMP2, CEN7, TRAN2 and the NPPF.

19. As part of any Reserved Matters submission full details shall demonstrate the proposed level of parking provision which shall be in accordance with UDP Policy T7 and T13 and the David Tucker Associates Transport Assessment date 6th February 2018.

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

20. As part of any additional Reserved Matters submission, full details of secure cycle shelter provision to serve each unit on the development shall be included, which shall be covered and illuminated.

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

21a. As part of any Reserved Matters submission full engineering details of the estate access road together with footway and footpath links, including the layout and alignment, widths and levels of the proposed road works together with all necessary drainage arrangements and run off calculations, shall be submitted to the Local Planning Authority for technical approval in writing in consultation with the Local Highway Authority prior to the commencement of any works on site.

Note: Street lighting shall be with the agreement of the Public Lighting Manager in consultation with Amey, the Council's street lighting partner.

21b. Prior to the first occupation of any new Unit on the development, the adoptable highway works infrastructure works detailed under part (a) above shall be fully implemented in accordance with the approved details and to the satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with the Councils procedures for adopting new roads and in accordance with UDP policies ENV32 and T4.

22a. The approved pedestrian and cycle link path required shall be included within the Amey's Street Lighting Survey along with the adopted access road and be provided to the Local Planning Authority prior to the paths being brought into use and occupation of the development.

22b. Details of safety fencing, signs and other measures to be provided around the balance pond, adjacent to areas of public access and public open space are to be submitted and agreed prior to commencement.

22c. Safety fencing, signs and other measures agreed under part (b) above are to be delivered prior to the paths being brought into use and occupation of the development.

22d. Measures agreed under part (b) of this condition are to be included within the site management plan to ensure ongoing maintenance for perpetuity.

22e. Details of proposed landscaping and boundary treatments alongside the new proposed link path are to be submitted and agreed with the LPA, to ensure good inter-visibility between, pedestrian, cycle and vehicular traffic and natural surveillance.

22f. Landscaping and boundary treatments agreed in accordance with part (e) of this condition are to be installed in accordance with the agreement prior to the paths being brought into use and maintained in accordance with the agreement thereafter.

Reason: In the interests of the safety and security of highways users and to ensure opportunities for sustainable travel to the proposed development in accordance with UDP policies ENV32 and GP2.

23. As part of any additional Reserved Matters submission full details of all external facing materials and surfacing shall be submitted to and approved in writing by the local planning authority.

Reason: To protect the visual amenities of the area in accordance with UDP policy ENV32.

24. The development shall be carried out in accordance with the following security measures prior to occupation:

- The Car Park and immediate building perimeter shall be enclosed with 2.0m anti climb fence – with associated full height access control gate.
- Loading bay sliding gates shall have certified vehicle mitigation qualities to meet standard PAS68 / 69.
- Anti-ram bollard shall be installed in front of the building entrances.
- LPS1175 Issue 7 2013 SR3 rating for the building construction and its doors and windows – STS202 BR3 offers the same protection for doors and windows.
- Lighting across car park to meet BS EN 5489; 2013 - A minimum of 0.40 Uniformity with lux levels of 10-15 giving a colour rendering of 60 on the CRI 0-100 scale; photoelectric cell with manual override.
- Lighting plan loading bay area to BS EN 5489; 2013 - A minimum 0.40 Uniformity with lux levels of 10-15 giving a colour rendering of 60 on the CRI 0-100 scale; photoelectric cell with manual override.
- Adhere to BS8220 Part 2 and 3 for building security
- Premise should be alarmed to BS EN 50131 Grade 3 or 4 and BS 6799 if wireless and monitored.

Reason: To safeguard the occupiers of the development in accordance with UDP policy ENV32.

25. As part of any additional Reserved Matters submission full details of security measures throughout the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area and to accord with UDP policy GP2.

26. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) any Class B1 office proposed as part of the Reserved Matters submission shall only be used ancillary to the primary Class B2 or B8 uses approved on the site and shall not be subdivided.

Reason: To safeguard the core employment area and to comply with SAD policy IND2 and IND4.

Notes for Applicant Contaminated Land

CL1

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

Advisory note for Applicant – Contaminated Land

The Contaminated Land Investigation has identified that there is localised ground contamination within the area of this proposed development, which may present Health and Safety implications for persons undertaking ground works. This information should be brought to the attention of the builder or contractor undertaking any ground works in order that they may implement any Health and Safety at Work precautions they feel appropriate.

Notes for Applicant Air Quality SPD

The mitigation measures within the SPD range from:-

- Type 1 – installing electric vehicle charging points and low NOx boilers;
- Type 2 – also consideration of travel plans, encouraging modal shift, designating parking for low emission vehicles, Fleet Operations strategy for considering and reducing emissions, etc.; and
- Type 3 – for major developments also evaluation of contribution to increased ambient concentrations due to emissions and translating such additional emissions into damage costs.

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

An external weatherproof and lockable covered 32 Amp external 7 pin charging socket to comply with EN 62196-2 and be compatible with a J1772 Type 2 connector. The charging unit should feature a Mode 3 (IEC 61851) communication module.

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.

Each charging unit 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.

Notes for the 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 or any works pertaining thereto.

2. The applicant will be expected to enter into an agreement under a S38/S278 of the Highways Act 1980 for all adoptable highway works and works within the existing public highway.

Notes for Applicant: Public Rights of Way

A permit to work and/or temporary prohibition of pedestrians order may be required prior to commencement of work within Footpath 44 Walsall, alongside the sites western boundary. No excavations, hoarding, signage, movement and storage of materials, or other obstructions associated with the proposed development are to be present within the footpath without prior agreement of the highways authority. Prior to commencement the applicant must provide details to highways and apply for any necessary permits and licences required on the public footpath as a consequence of the works. Upon completion, the applicant must reinstate the footpath to its present condition. Please contact Public Rights of Way on 01922 654673 to discuss the requirements, at least 28 days prior to commencement.

Subject to submission of the detailed design areas of highway may require Stopping Up. Details for this are to be discussed and agreed with Highways prior to commencement of any development.

Notes for Applicant: Environment Agency

The applicant / developer should refer to our document 'The Environment Agency's approach to groundwater protection', available from gov.uk. This sets out our position on a wide range of activities and developments, including:

- Waste management
- Discharge of liquid effluents
- Land contamination
- Ground source heating and cooling
- Drainage
- Storage of pollutants and hazardous substances
- Management of groundwater resources

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to guidance available on our website (www.gov.uk/environment-agency).

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position Statement on the Definition of Waste: Development Industry Code of Practice and;
- The [Environmental regulations](#) page on GOV.UK.

Waste to be taken off site

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991

- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the [Hazardous Waste](#) pages on GOV.UK for more information.

Notes for Applicant: Police

The applicant is recommended to develop the proposal to the enhanced security standards produced by Police Crime Reduction initiative 'Secured by Design' Commercial Developments.

http://www.securedbydesign.com/professionals/pdfs/SBD_Commercial_2015_V2.pdf

Notes for Applicant: Severn Trent Water

There is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact 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, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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 Rhiannon Thomas (Planning Liaison Technician).

Notes for Applicant Public Rights of Way:

1. A permit to work and/or temporary prohibition of pedestrians order may be required prior to commencement of work within Footpath 44 Walsall, alongside the sites western boundary. No excavations, hoarding, signage, movement and storage of materials, or other obstructions associated with the proposed development are to be present within the footpath without prior agreement of the highways authority. Prior to commencement the applicant must provide details to highways and apply for any necessary permits and licences required on the public footpath as a consequence of the works. Upon completion, the applicant

PAGE 24 OF 122

must reinstate the footpath to its present condition. Please contact Public Rights of Way on 01922 654673 to discuss the requirements, at least 28 days prior to commencement.

Notes for Applicant Transportation:

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

Notes for Applicant Fire Comments

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 onWater.Officer@wmfs.net

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

Notes for Applicant Environment Agency

Further to this we recommend that all downpipes for roof water are sealed at ground level to prevent spillages entering the surface water drainage system. We recommend that the following pollution prevention guidance is applied: <https://www.gov.uk/guidance/pollution-prevention-for-businesses>

Notes for Applicant Severn Trent

Severn Trent Water advise that there are public sewers located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact 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, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 31-Jan-2019

Plans List Item Number: 2.

Reason for bringing to committee: Major application

Location: ECLIPSE WORKS, PARKER STREET, BLOXWICH, WALSALL, WS3 2LF

Proposal: PROPOSED DEMOLITION OF EXISTING SINGLE STOREY BUILDINGS, RETENTION AND CONVERSION OF EXISTING TWO STOREY BUILDING AND ERECTION OF 12 NO. DWELLINGS WITH ASSOCIATED INFRASTRUCTURE AND LANDSCAPE.

Application Number: 16/0025

Applicant: Fusion Holdings Midlands Ltd

Agent:

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

Case Officer: Devinder Matharu

Ward: Bloxwich West

Expired Date: 09-Feb-2017

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 provision for urban open space and landscape management plan and subject to overcoming the outstanding objections raised by The Wildlife Trust, Coal Authority and awaiting formal comments from Western Power.



Proposal

Proposed demolition of existing single storey buildings, retention and conversion of existing two storey building and erection of 12 no. two bed dwellings with associated infrastructure and landscape.

The proposed development will be split into three elements comprising:

- The conversion and retention of the existing locally listed two storey building including a new hipped roof on the rear of the building. The building will be converted into two flats one on the ground floor and one on the first floor. Each flat would have an amenity area of over 20 square metres.
- A row of three terrace buildings adjacent 152 Parker Street measuring 5m to the eaves and 7.3m to the pitch and 8.4m in length and 5.8m in width. The building would accommodate a total of 6 flats, three on the ground and three at first floor.
- A pair of semi-detached buildings adjacent the retained building measuring 5m to the eaves and 7.3m to the pitch and 8.4m in length and 5.9m in width. The building would accommodate four flats, two on the ground and two on the first floor.

Access to the ground floor flats would be from Parker Street with access to the first floor flats from the rear of the site.

The semi-detached houses and terrace houses would be separated by a 5.7m wide access driveway for vehicles and pedestrians. The proposal would provide 18 car parking spaces to the rear of the site with two of these being located to the north of the driveway adjacent flat 4. A bin and cycle store would be located to the south of the driveway adjacent flat 3. A further bin store would be located by flat 2 serving flats 1 and 7.

The existing 2.4m high brick wall fronting Croxdene Avenue and the 2.4m high brick wall adjacent 152 Parker Street would be retained.

A landscape plan has been submitted which shows planting and boundary treatments including locations of bat and bird boxes. However, no specific planting details have been shown on this plan.

The following documents have been submitted with the application:

Contaminated land survey which concludes that the site constitutes contaminated land.

Sustainability statement which addresses the sustainability of the proposed development in respect of water usage, energy, flooding, waste etc.

Environmental Noise Report which concludes noise mitigation measures such as double glazing and alterations to the internal fabric will need to be included within the development.

Maintenance strategy in respect of surface water drainage and cellular attenuation which outlines the methods for maintenance.

Ecological appraisal which concludes the site is of low ecological value and recommends bat and bird boxes will be included in the design of the development.

Phase I and Phase II environmental report which concludes there is no evidence of bats on the site recommends bat and bird boxes will be included in the design of the development.

An ICNIRP certificate has been submitted which states the proposal has been designed in compliance of the requirements of the radio frequency public exposure guidelines.

Heritage Statement which concludes the significance of the corner façade is recognised and the proposal has been designed to retain these elements.

Coal mining risk assessment which concludes the site is in a high risk area and recommendations have been made.

Design and Access Statement which concludes:

- The site was extensively developed in the 20thC as the stamping works providing a prominent corner elevation landmark building. The interior and attached structures has deteriorated with extensions and removals of same.
- A prominent corner building of irregular elevations , two storeys high, gabled corner facing the road with 'Eclipse Stamping' and '1918' on upper section. Reason for local listing: A good example of an unaltered group relating to Bloxwich's industrial past. A rare survival of a type of industrial building which was once common in Bloxwich.
- The former Eclipse Stamping Work is locally listed having significant as representation of industrial heritage.
- The site is bounded by high brick walls of facing bricks with brick piers within which sits several former works units and a locally listed frontage of the Eclipse Stamping Works.
- The site is surrounded by residential uses.
- Bloxwich is well served by road network and a railway station.
- The site is outside of the Bloxwich Conservation area and is not within area of archaeological interest.
- The site is currently vacant as the applicant has relocated to a more suitable industrial complex, which serves their business requirement.
- The locally listed building is retained in its current form detached from the new dwellings. It is proposed to be refurbished and converted to form 2 dwellings.
- The existing buildings currently straddled over the foul sewer run and new build over agreement will be sought from the local sewer authority.
- Access into the site is off Parker Street utilising an improved and relocated access with improve visibility into and from the site.
- The local architecture consists of back of footpath building with a dominant 2 storey elevation of brick and rendered facade with slate and tile roof as well as white windows and stone features. The proposed design reflect this style thus compliments and enhance the local character.
- The scale of the apartment block has been designed to complement and enhance the scale and massing of the surrounding area.
- The site is not in the conservation area nor is it in an area of potential archaeological interest. However the subject site is designated as being of local

historic and architectural interest, and therefore a locally listed building and non-designated heritage asset.

- The facade, scale and prominent position of the Stamping Works adds to its significance as a historical landmark in the industrial, urban settlement and social evolution of the local area of Bloxwich. Although Bloxwich as a whole is an Anglo Saxon settlement, the site itself was extensively developed in the late 19th and 20th Century.
- The significance of the corner facade is recognised and the proposal has been designed to retain this element.
- The existing locally listed building is being retained in its current form and any should there be the need to replace any of the existing features they shall be in keeping with the materials of the existing building as follows: The walls are brick in a mix of reds, The stone heads are cream. The roof is part flat roof part pitch roof tiled brown, The boundary brick walls are stretcher bond colour red. The rainwater goods are black cast iron, the rendered facade is cream, the windows and doors are a mix of brown and white timber and aluminium,
- Whilst the existing building is being retained in its truest form the design of the new build has been carefully conceived to be more in keeping with the Victorian grain of the surrounding area. The materials used shall be of a high quality and stone features have been incorporated into the development to be reminiscent of the design of the Victorian era.

Site and Surroundings

The application site is a triangular parcel of land that fronts Parker Street and backs onto Croxdene Avenue.

The existing site is a former stamping works which commenced in the early 20th Century, and prior to that a former brass works and an iron foundry in the late 19th Century.

The corner of Parker Street and Croxdene Avenue contains the main two storey office building and has an arched doorway and triangular parapet which marks the entrance of this site. The parapet on the front elevation has a date stamp of 1918 and name of the works in stone work. The site at the junction of Parker Street and Croxdene Avenue is narrow and the building forms a prominent focal point at this prominent location.

Within the remainder of the site there are is single storey building alongside the southern and northern boundaries and a two storey building with a pitched roof towards the rear of the site in close proximity to number 152 Parker Street. A cabin is also placed on the site adjacent Parker Street frontage. On the footpath outside this part of the site is a lamp post.

A 2.4m high wall forms part of the boundary along Parker Street, Croxdene Avenue and adjacent 152 Parker Street. A solid 2m high gate fills the side gap between the locally listed building and the existing 2.4m high wall fronting Parker Street.

The vehicular access to the site is via Parker Street which is gated by 2m high metal gates. There are three tactile pedestrian crossing points at the junction of Parker Street and Croxdene Avenue in front of the locally listed building.

Parker Street is a residential terrace property street with number 152 being the adjacent property to the north. The property has a side facing window within the roof space facing the application site. The properties on Parker Street have small front gardens with low level boundary treatments. The design of the houses include ground floor bay windows with two windows at first floor with stone lintels and chimneys. The houses on Parker Street have no off road parking facilities. On the opposite side of Parker Street is an area of open space that is triangular in shape and fronts both Parker Street and Elmore Green Road. Number 63 Elmore Green Road is Victorian commercial property where part of it fronts Parker Street and the other part fronting Elmore Green Road.

Towards the rear of the site on Croxdene Avenue is an electrical substation.

There are double yellow lines at the corner of Parker Street extending around to the full length of Croxdene Avenue. On the opposite side of Croxdene Avenue are two storey flats beyond which is the railway line. Directly opposite the focal point of the site are residential properties access off Croxdene Avenue on Signal Grove. To the north of the application site is number 63 Elmore Green Road, a two storey commercial premises.

The Romping Cat public house on Elmore Green Road, some 70m from the application site is a Grade II listed building. Number 95a adjacent the Romping Cat public house is a locally listed building.

The site is 236m from the edge of Bloxwich District Centre.

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 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 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF says:

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

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

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

Reducing Inequalities

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- DEL1: Infrastructure Provision
- 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
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Walsall Site Allocation Document (SAD) 2019

IND4: Local Industry Consider for Release: safeguarded as Local Quality Industry, but will be considered for release to other uses under the provisions of BCCS policy DEL2, and subject to the need to ensure that the stock does not fall below the minimum requirement

set out in BCCS policy EMP3. Site allocation IN238 identifies Eclipse Works as a site for release for housing.

HC2: Development of Other Land For Housing

T4: The Highway Network

OS1: Open Space, Sport & Recreation

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk

Saved Unitary Development Plan

GP2: Environmental Protection

GP3: Planning Obligations

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

ENV26: Industrial Archaeology

ENV27: Buildings of Historic or Architectural Interest

ENV32: Design and Development Proposals

ENV33: Landscape Design

ENV40: Conservation, Protection and Use of Water Resources

T7 - Car Parking

T13: Parking Provision for Cars, Cycles and Taxis

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
- 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

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

Other Policy:

- Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment: English Heritage (2008)
- Historic environment Good practice Advice Notes 2, and 3

Consultation Replies

Archaeology – No objection subject to a planning condition requiring photographic recording of the existing buildings on site, including those to be demolished.

Coal Authority –Objection until it can be demonstrated that no significant risks to the development is posed by the recorded mine entry and that it can be demonstrated that the application site is, or can be made, safe and stable for the proposed development.

Conservation – Verbal comments from Jacobs – No objection as the amended scheme now seeks to retain the locally listed building with limited roof works proposed to include a hipped roof on the rear. The original conservation comments made objections to the original scheme on the grounds of unnecessary harm and an almost complete loss of significance of a locally listed building.

Fire Officer – No objection but comments that water supplies for firefighting should be in accordance with national guidance.

Flood Risk Officer –No objection subject to drainage condition.

Landscape – No objection subject to landscape condition.

Police – No objection subject to secure by design but makes comments on the unsecure rear car park, street name to Croxdene Avenue, unsecure rear access to flats 1 and 7.

Pollution Control – No objection subject to planning conditions regarding the demolition and construction management plan needing to be implemented, additional contaminated land investigation following the demolition and clearance of the site, and subsequently remediate the site to ensure it is suitable for residential development, incorporate acoustic

mitigation measures and electric vehicle charging points to be provided for future occupiers.

Public Rights of Way Officer – No objection, there are no recorded public rights of way across this application site and no new public rights of way proposed.

Severn Trent Water – No objection to the discharge of the drainage information.

Transportation – No objection subject to planning conditions relating to access, cycle shelter and construction management.

Wildlife Trust – Objection. The application is not accompanied by an ecological assessment, the footprint of the proposed development includes existing structures that have the potential to contain features that could be used by roosting bats.

Strategic Policy – No objection but makes comments on the bat survey being out of date, no details of soakaways, no details of bat and bird boxes, concerns over traffic noise for residents, little useable amenity space, shortfall of parking could be supported, unclear whether the façade is to be retained, potential to impact upon locally listed building and listed building The Romping Cat PH, redevelopment of the site for residential purposes is supported, the site is allocated for housing in the SAD under Policy IND4.

Representations

Six letters from one resident has been received objecting to the proposal on the following grounds:

- Reposition two trees to be planted by the boundary further away
- Trees will aid people wishing to gain access to rear of neighbouring property
- Problems in the past with falling blossom
- 2.4m high wall adjacent 152 Parker Street is not obvious on plans
- 2m high wall enable a person to climb it
- Height of boundary wall adjacent 152 Parker Street should be increased to prevent unauthorised access to neighbouring property
- Higher wall would prevent litter being thrown over to neighbouring gardens.
- concerns as to whether the substation at the bottom of 152 Parker Street to remain

Two letters by the same objector as above has submitted a petition with 14 signatures objecting to the proposal on the following grounds:

- The boundary wall adjacent 152 Parker Street should be retained at 2.4m high
- Neighbour at 152 Parker Street raised wall to 2.4m and installed CCTV to prevent unauthorised access.
- Reduced wall will result in unauthorised access to neighbouring gardens and homes.

Determining Issues

- Principle of development
- Land stability and contamination
- Archaeology
- Layout, design and character of the area
- Impact upon locally listed and listed buildings

- Impact upon neighbouring residential and commercial occupiers
- Landscape, Ecology and Drainage
- Access and parking
- Urban open space provision
- Local Finance Considerations

Assessment of the Proposal

Principle of development

The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. The application site is former industrial land. 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: providing the supply of housing required to meet the needs of present and future generations and environmental: contributing to protecting and enhancing our natural, built and historic environment. The report below will consider this further.

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 site is allocated under the Site Allocation Document as a local quality industrial site that will be considered for release for housing. The site is located within walking distance, some 236m from the edge of Bloxwich District Centre where there are regular bus services to and from Walsall town centre.

On this basis, it is considered that housing development on this site can be supported.

Land Stability and Contamination A coal mining risk assessment has been submitted which identifies that there are coal mining legacy issues present on the site in respect of the recorded mine entry and shallow coal mine working and recommends that intrusive site investigations are carried out on site along with any necessary remedial measures, which it notes may include grouting and capping of the shaft.

The Coal Authority have objected to the proposal on the grounds that further information and evidence should be obtained from the developer following intrusive site investigations to locate the mine entry and an assessment made of its current condition. The findings of these investigations should then be used to inform the layout of the development in order to ensure that adequate separation is provided between the mine entry and the built development proposed. A plan should be provided with the report of the findings of the intrusive investigations showing the established location of the mine entry and its zone of influence, and how these relate to the development layout proposed to demonstrate that adequate separation is provided between this feature and any buildings. If as a consequent a revised housing layout is required due to the Coal Authority's concerns then further consultation will need to be undertaken and the proposal reported back to planning committee.

Saved UDP Policy ENV14 considers land stability as a material planning consideration and on this basis, the recommendation to planning committee is to delegate to the Head of Planning, Engineering and Transportation to allow the applicant to address the Coal Authority's objection prior to determination of the application.

Towards the north west of the site is an electrical sub-station. Policy ENV13 of the UDP does not support housing development in close proximity to substations. However, Pollution Control have no objection to the proposal, as the proposed houses are set 19.7m away from this substation. Western Power have been consulted on the application and members will be updated at planning committee or delegation sought to delegate to the Head of Planning, Engineering and Transportation.

A contaminated land report was submitted with the application, which identifies contamination on site. Pollution Control has suggested planning conditions to address contamination and remedial measures on site, including the request for an asbestos survey and a construction management plan.

Archaeology

The site is outside the historic core of Bloxwich (as mapped approximately on the Historic Environment Record), and is shown on the Ordnance Survey 1st Edition map of 1886 as empty rough ground/colliery spoil, and the potential for archaeological deposits predating the industrial/post-medieval period is low.

The significance of any below-ground deposits relating to the industrial phases of this site are low, due to the relative lack of age and the fact that the majority of structures appear to be still standing. These standing structures however, especially the late 19th century buildings relating to the iron works, have value as heritage assets relating to an important part of Bloxwich's history and development. On this basis, the Archaeological Officer has recommended a planning condition requiring a programme of historic research and building recording.

Layout, design and character of the area

The proposed scheme has been amended a number of times throughout two years of negotiation. The submitted scheme now proposes retention of the locally listed building and new two storey development that is reflective of the existing residential character of Parker Street.

The layout allows for houses to sit adjacent neighbouring properties along Parker Street. The original scheme for 14 dwellings represented over development of the site, the current scheme with 12 flats allows for amenity and parking to be provided within the whole site. The proposal to create two storey residential development that is reflective to houses along Parker Street is supported, as it reflects the existing residential character of Parker Street.

The ground floor flats have rear private amenity areas to both the front and rear of the site. The development provides for shared amenity areas and whilst some of these amenity areas fall slightly below the 20 square metres, as required by Annex D of Designing Walsall for flats, overall it is considered the proposal should be supported to redevelop a vacant site and to safeguard the locally listed building. The site is close to Bloxwich District Centre where there are alternative amenity benefits.

The design of the proposed two storey development is reflective of the residential properties along Parker Street. The current scheme has been scaled down to match the existing houses in respect of the roof heights and lower eaves levels. The solid to window relationship is considered acceptable, allowing the buildings to be proportionally designed. The design details include mock chimneys and lintel and cills to windows. Details of regarding the facing and roofing materials including rainwater goods can be secured by way of planning condition.

The Police Architectural Liaison Officer has raised concerns over the unsecure rear parking area and the unsecure access to flats 1 and 7 off Parker Street. To overcome these concerns, the Highway Officer has verbally advised that gates to the parking area can be included but they would have to be set back 5m into the site, to allow vehicles to pull onto the site without causing an obstruction on the highway. A pedestrian gate/railings to the rear of flats 1 and 7 could be provided on Parker Street, details of both pedestrian and vehicular gates can be secured by way of planning condition in order to overcome the Police concerns.

The proposed residential development and conversion of the locally listed building is reflective of the residential character of the area whilst maintaining an element of industrial history of the site.

A mobile communications mast was located within the site, which has now been removed which allows for a comprehensive redevelopment of the site for residential development including the conversion of the existing building on the site.

The submitted Environmental Noise Report identifies acoustic glazing and acoustic passive or mechanical ventilation being required to ensure that a good internal acoustic environment will be achieved. Pollution Control has recommended a planning condition to ensure a written validation is submitted to ensure acoustic mitigation measures are implemented to protect the amenities of potential occupiers.

Impact upon locally listed and listed buildings

The existing site is a former stamping works which commenced in the early 20th Century, and prior to this the site was a former brass works and an iron foundry in the late 19th Century. The corner of Parker Street and Croxdene Avenue contains the main office building, which is two storeys, and has an arched doorway and triangular parapet which marks the entrance of this site, the corner and very narrow plot at this point.

The subject site is designated as being of local historic and architectural interest, and therefore a locally listed building and non-designated heritage asset. The building is also within close proximity to The Romping Cat, a grade II listed Public House, and 95A Elmore Green Road a locally listed building.

The Conservation Officer objected to the original proposals on the grounds of the loss of the locally listed building, the design of the proposed development and the density of the development and the concerns over the loss of the original wall some of which had buttressing, which would significantly erode the historic and local interest of the site and existing two storey building. The scheme has been amended over a period of two years to retain the existing original 1906 building at the junction of Parker Street and Croxdene Avenue and to design a two storey residential scheme around the constraints of the site

and to reflect the existing two storey Victorian housing along Parker Street. The Conservation Officer is now satisfied with the amended proposals.

The retention of the locally listed building would enhance the local historic and architectural character of the area with other locally listed and listed buildings in the vicinity. The proposed new residential development fronting Parker Street would not unduly harm the character or setting of The Romping Cat public house listed building.

Planning conditions would be attached to ensure any replacement windows in the locally listed building are timber and details of the external finish of these windows agreed in writing.

A landscape scheme has been submitted which shows the boundary treatments to be retained and reduced. The boundary treatment along Croxdene Avenue is shown to be 2m high, in some part the wall would be reduced and in other parts the wall would be raised, as the buildings that form the boundary of the site along Croxdene Avenue have low eaves and roofs. It is unclear from this plan, how the wall would be reduced and how the wall would be increased in height.

The landscape plan does not specify whether the existing wall on Parker Street would be reduced to form the new boundaries along Parker Street and whether reclaimed bricks would be used to construct any new boundary adjacent the locally listed building and along Parker Street. On this basis, a planning condition will be attached seeking specific details of the boundary walls, the reduction and increase in height details, the materials to be used. A planning condition will also be attached to ensure any new boundary walls are constructed out of reclaimed bricks from the demolitions of existing buildings on the site, to retain and enhance the historic character of the site.

Impact upon neighbouring residential and commercial occupiers

The proposed residential development would not unduly harm the amenities of the neighbouring residential occupiers, in this case number 152 Parker Street. The development would sit flush with the main rear elevation of 152 Parker Street, so as not to impact upon light. Windows on the rear elevation of the proposed development would face into the development, so as not to result in overlooking nor loss of privacy to neighbouring occupiers.

The neighbouring occupiers at 152 Parker Street have raised a number of concerns regarding the existing boundary wall between the application site and this neighbouring property. The occupiers of 152 have stated the height of the wall is unclear on the plans and they want it retained at 2.4m high to prevent unauthorised access and litter being thrown into their gardens. The landscape plan shows this wall to be retained at 2m high. The issue regarding the boundary walls has been addressed elsewhere in the report, and further details regarding all existing walls and the increase and decrease of the wall heights would be sought by way of planning condition. Nevertheless the issue of potential litter and security are not likely to be any different than that between existing residential properties on the street.

The rear of the terrace properties would have long views towards the junction of Croxdene Avenue. The semi-detached properties would face towards number 16 and 14 Signal Grove, it is considered that the proposed development would not unduly harm the

amenities of these neighbouring occupiers, as any views would be interrupted by boundary treatments and the main highway.

The conversion of the existing locally listed building would not unduly harm the amenities of neighbouring occupiers at 1 and 9 Signal Grove, as any views would be interrupted by the main highway. It also offers the opportunity to ensure its future maintenance.

The proposed houses would face towards number 63 Elmore Green Road, a commercial premises. It is considered that the proposed development would not unduly harm the amenities of this neighbouring commercial premises as the relationship of the proposed flats would be no different than that between existing residential properties and this neighbouring commercial premise.

Landscape, Ecology and Drainage

A landscaping plan has been submitted which shows landscaping within the site including boundary treatments, lighting columns and the inclusion of bat and bird boxes. The details submitted on the landscape plan are vague as they do not provide detailed planting details, or details of lighting columns. This submitted plan also shows the boundary treatment along Parker Street to be retained at 2m high, this would be visually detrimental, given that dwarf walls form the boundary treatment to the neighbouring properties on Parker Street.

Whilst in principle the general landscape area is considered acceptable, full landscape details of planting and boundary treatments and lighting columns will be sought by way of planning condition. The submitted layout also shows areas of open planted space within the site that would not be allocated to any one person. The future management of these areas would be secured by a landscape management plan secured through the section 106 agreement.

An ecological assessment has been submitted which concludes bats were not discovered on site. The Wildlife Trust have objected to the proposal on the grounds that an ecological assessment has not been submitted as they were not aware of this submitted assessment. This has now been remedied and the ecological assessment has been sent to the Wildlife Trust to review. Members will be updated via the supplementary paper, or seek delegation to the Head of Planning, Engineering and Transportation to resolve this matter.

Neighbouring occupiers have raised concerns over the planting of two trees and wanting them to be positioned away from the boundary as they have had previous experience of blossom falling into their gardens. Given the limited information on the landscaping plan, details will be sought by condition that may be able to address this concern.

Severn Trent Water have no objection to the discharge of the drainage detail. The Flood Risk Officer has no objection subject to a drainage related condition.

Access and parking

The proposal for 12 flats requires 18 parking spaces which equates to 150% parking meeting parking policy UDP T13. The scheme proposes 18 car parking spaces. The site is in a relatively sustainable location, being within reasonable walking distance to the district centre and has good bus and rail access and therefore the level of parking provision is considered acceptable.

Pollution Control has recommended a planning condition to secure electric charging points on the proposed scheme to ensure these are provided in accordance with the Air Quality SPD. The Public Rights of Way Officer has no objection to the proposal. The Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF para 109.

Urban open space provision

Saved UDP policy GP3 and the adopted supplementary planning document on public open space requires provision towards public open space. This equates to a contribution of £16,440.00 for the level of accommodation proposed. The applicant has agreed to enter into a section 106 agreement to secure this provision prior to the commencement of the development.

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 12 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 site is allocated under the Site Allocation Document as a local quality industrial site that will be considered for release for housing. The site is located within walking distance, some 236m from the edge of Bloxwich District Centre where there are regular bus services to and from Walsall town centre. The principle of residential development is considered acceptable.

Further information and evidence is required to address the Coal Authority's formal objection.

The potential for archaeological deposits predating the industrial/post-medieval period is low. The significance of any below-ground deposits relating to the industrial phases of this site are low, due to the relative lack of age and the fact that the majority of structures appear to be still standing. These standing structures however, especially the late 19th century buildings relating to the iron works, have value as heritage assets relating to an important part of Bloxwich's history and development.

The layout of the proposed development allows for houses to sit adjacent neighbouring properties along Parker Street. The proposal to create two storey residential development that is reflective to houses along Parker Street is supported, as it reflects the existing residential character of Parker Street. The ground floor flats have private rear amenity space that is adequate. The current scheme has been scaled down to match the existing houses in respect of the roof heights and lower eaves levels. The solid to window relationship is considered acceptable, allowing the buildings to be proportionally designed. The design details include mock chimneys and lintel and cills to windows.

The retention of the locally listed building would enhance the local historic and architectural character of the area with other locally listed and listed buildings in the vicinity. The proposed new residential development fronting Parker Street would not unduly harm the character or setting of The Romping Cat public house listed building.

The proposed residential development would not unduly harm the amenities of the neighbouring residential occupiers, in this case number 152 Parker Street. The development would sit flush with the main rear elevation of 152 Parker Street, so as not to impact upon light. Windows on the rear elevation of the proposed development would face into the development, so as not to result in overlooking and loss of privacy to neighbouring occupiers.

The rear of the terrace properties would have long views towards the junction of Croxdene Avenue. The semi-detached properties would face towards number 16 and 14 Signal Grove, it is considered that the proposed development would not unduly harm the amenities of these neighbouring occupiers, as any views would be interrupted by boundary treatments and the main highway.

The conversion of the existing locally listed building would not unduly harm the amenities of neighbouring occupiers at 1 and 9 Signal Grove, as any views would be interrupted by the main highway.

The proposed houses would face towards number 63 Elmore Green Road, a commercial premises. It is considered that the proposed development would not unduly harm the amenities of this neighbouring commercial premises to warrant refusal of the application.

A landscaping plan has been submitted which shows landscaping within the site including boundary treatments, lighting columns and the inclusion of bat and bird boxes. The details submitted on the landscape plan are vague as they do not provide detailed planting details, or details of lighting columns. An ecological assessment has been submitted which concludes there are bats were not discovered on site.

The applicant has agreed to enter into a section 106 agreement to provision towards urban open space prior to the commencement of the development.

The Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF para 32.

The proposed development is in accordance with the NPPF, policies CSP4, DEL1, DEL2, HOU1, HOU2, TRAN2, ENV2, ENV3, ENV5 and ENV8 of the BCCS, Policy IND4, HC2, T4, EN1, EN3, and OS1 of the SAD, Saved Policies GP2, GP3, ENV10, ENV11, ENV13, ENV14, ENV17, ENV23, ENV25, ENV26, ENV27, ENV32, ENV33, ENV40, H3, T4 and T7

of the UDP, Policies DW1 to DW10 of Designing Walsall SPD, Policies OS1 to OS8 of Urban Open Space SPD and Air Quality SPD.

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

Planning Committee resolve to Delegate to the Head of Planning, Engineering & Transportation to Grant Planning Permission Subject to Conditions and s106 to secure urban open space contributions and landscape management plan and subject to overcoming the outstanding objections raised by The Wildlife Trust and Coal Authority and awaiting formal comments from Western Power.

Conditions and Reasons

1. The development must be begun not later than 3 years after the date of this decision. Reason; Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990.

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

- Existing site plans drawing number 1511/S09A submitted 14-12-18
- Existing elevations drawing number 1511/S10A submitted on 14-12-18
- Site layout plan to include drainage, drawing number 1511/S01A submitted on 14-12-18.
- Floor plan, drawing number 1511/S04A submitted on 14-12-18
- Parking and amenity drawing number 1511/S02A submitted on 14-12-18
- North elevation, drawing number 1511/S06A submitted on 14-12-18.
- East Elevation, drawing number 1511/S08A submitted 14-12-18.
- West Elevation, drawing number 1511/S07A submitted 14-12-18.
- South elevation, drawing number 1511/S05A submitted 14-12-18

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).

3a. No development or demolition of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title, has secured the implementation of a programme of photographic building recording from an accredited historic building specialist. The photographic building recording shall be undertaken in accordance with Historic England level 2 survey and Section 5.5 of Understanding Historic Buildings A guide to good recording practice 2006, By Historic England. A written scheme of investigation of how the photographic recording will be undertaken and should include details of whether digital photography will be undertaken, details of the internal elements of the building, assessing their original function and changes over time, a methodology for

PAGE 43 OF 122

any 'new finds' of historic importance and shall be submitted to and approved in writing by the Local Planning Authority. Any digital photographs shall be deposited with archaeology data service or other appropriate depository to retain and safeguard the data/photographs.

3b. The development shall be carried out in a manner that accommodates the approved programme of building recording.

Reason: Necessary to enable an appropriate recording of Walsall's heritage in accordance with Saved Policies ENV25, ENV26 and ENV28 of the UDP.

4a. Prior to the demolition of any buildings and/or structures on site, the applicant or their agents; the owner of the site or successors in title shall undertake a site survey to identify any potentially hazardous materials and asbestos and shall agree a Hazardous Material Removal Method Statement which shall be submitted to and approved in writing by the Local Planning Authority.

4b. Following removal of any hazardous materials, a validation report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Necessary to ensure safe development of the site, protect human health and the environment with saved UDP policies GP2 and ENV10.

5a. Prior to the demolition of any buildings and/or structures on site and prior to the commencement of this development and notwithstanding the boundary wall details as shown on drawing number 1511/S03A entitled landscape plan submitted on 14-12-18, full elevation details of:

- The existing boundary walls around the site perimeter and adjacent 152 Parker Street including the wall buttresses.
- The method in which the boundary wall adjacent 152 Parker Street would be reduced in height together with confirmation to the retained height of this existing wall. This boundary wall shall be retained at a height of 2.4m.
- How the boundary wall fronting Croxdene Avenue would be reduced in height and how it will be increased in height once the roof of the buildings forming this boundary wall have been removed. This boundary wall shall be retained at a height of 2.4m.
- The method in which the boundary wall fronting Parker Street would be reduced in height and how in sections it will be completely removed.
- Details of the proposed wall adjacent the locally listed building fronting the corner of Croxdene Avenue and Parker Street. This boundary wall shall be retained at a height of 2.4m.

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

5b. The boundary wall height along Croxdene Avenue, shall be and constructed out of the reclaimed bricks from the demolition of the existing buildings on site and the existing bricks where the existing boundary wall will be reduced in height prior to the first occupation of any of the flats on site. The wall shall be 2.4m high and retained and maintained in reclaimed bricks in perpetuity.

5c. The proposed new wall along Parker Street shall be constructed out of the reclaimed bricks from the demolition of the existing buildings on site and the existing bricks where the existing boundary wall will be reduced in height prior to the first occupation of any of the flats on site. The wall shall be 1.2m high and retained and maintained in reclaimed bricks in perpetuity.

5d. The proposed new wall adjacent the locally listed building fronting the corner of Croxdene Avenue and Parker Street shall be constructed out of the reclaimed bricks from the demolition of the existing buildings on site and the existing bricks where the existing boundary wall will be reduced in height prior to the first occupation of any of the flats on site. The wall shall be 2.4m high and retained and maintained in reclaimed bricks in perpetuity.

Reason: To preserve the character and appearance of the locally listed building and historic character of the site, and to ensure the satisfactory appearance of the development in accordance with Policies GP2, ENV28, ENV32 and ENV33 of the UDP.

6a. Prior to the commencement of this development, a Demolition and Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing where detailing measures for controlling noise, dust, flying debris, and drag-out from engineering and construction activities at the site, the management of any materials arising from the works, 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.

6b. The approved Demolition and Construction Methodology Statement shall be maintained during construction in accordance with the approved details until the site is complete.

Reason: Necessary to ensure safe development of the site, protect local infrastructure and the local amenity and 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 in accordance with Policies GP2, ENV32, T7 and T13 of the UDP and T4 of the SAD..

7. In addition to 'Ground Investigation for Proposed Residential Development at the Former Eclipse Stamping Works', by Ground Investigation Specialist Limited, Report No. 1618, Sept 2016

7i. Upon the site being cleared of all materials and buildings a contaminated land and ground gas investigation shall be undertaken having regard to current best practice (see Note for Applicant CL1).

7ii. Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

7iii. Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

7iv. The remedial measures as set out in the 'Remediation Statement' required by part iii) of this condition shall be implemented in accordance with the agreed timetable.

7v. 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.

7vi. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

Reason: Necessary to ensure safe development of the site, protect human health and the environment with saved UDP policies GP2 and ENV10.

8a. Prior to the commencement of this development, the following details listed below shall be submitted to and approved in writing by the Local Planning Authority:-

- Samples of facing materials to be used for the construction of the flats
- Sample of roofing materials to be used for the rooves,
- Sample details of the stone cills
- Details of the timber windows to be installed in the retained locally listed building including any external finish of these windows
- Details of any replacement timber door to the locally listed building including the external finish of this door
- Details of the proposed external doors including the type of material and the external finish of the doors
- Details of rainwater goods and soffits
- details of the hardstanding materials to be used to create the proposed car parking area
- Details of vehicular and pedestrian gates to the rear car parking area and the rear access to flats 1 and 7 off Parker Street. The details shall include the design, location and external finish. (Any vehicular gates will need to be set back 5m into the site)

8b. The development shall be completed in accordance with the details approved under part 8a of this condition and retained and maintained at all times.

Reason: Necessary to preserve the character and appearance of the locally listed area and the visual amenities of the area and in accordance with Saved Policies GP2, ENV28 and ENV32 of the UDP.

9a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved the applicant or their agents; the owner of the site or successors in title shall provide precise acoustic mitigation measures (glazing and ventilation) that are to be installed together with an acoustic mitigation mark-up plan that confirms the precise glazing and ventilation that is to be installed within each plot/room shall be submitted to and approved in writing to the Local Planning Authority, having regard to the Environmental Noise Report by SoundTesting.co.uk Ltd, Ref. 8515E Rev 2, 15 August 2016.

9b. Upon installation and prior to occupancy, the applicant or their agents; the owner of the site or successors in title shall submit a written Validation Statement that confirms the acoustic mitigation measures have been installed as agreed.

Reason: To protect the amenities of potential occupiers in accordance with Saved Policy ENV32 of the UDP.

10a. Prior to the commencement of development, above damp proof level details of any external lighting including:

- (i) the type of lighting to be installed including the type of lamps,
- (ii) the exact location of the lighting to be installed on the proposed development,
- (iii) details of any lighting columns including height and external finishes of any lighting columns,
- (iv) the level of illumination and a light spillage plan showing the light spillage from any external lighting to be installed around or within the development shall be submitted to and approved in writing by the Local Planning Authority.

10b. The development shall be completed with the approved details and retained and maintained at all times.

Reason: Necessary to prevent light pollution and to protect the amenity of surrounding residential occupiers in accordance with Saved Policies GP2, ENV11 and ENV32 of the UDP.

11a. Prior to the commencement of development, above damp proof course, and notwithstanding the submitted landscape plan, drawing number 1511/S03/A submitted 14-12-18, a detailed landscaping scheme illustrating planting within the site shall including:

- detailing planting densities
- planting numbers
- Size of plants to be planted
 - Ground surface treatment
 - Tree support and tree pit details
 - Root barriers and mulching
- soil depth and specification (shrub/hedgerow planting areas should be at least 450mm : grass seeded / turfed areas should be at least 150mm.)
 - Existing and proposed levels
 - Details of the exact location of the proposed close board fence and gates within the site
 - Details of the exact location of bird and bat boxes, including details of the type of bat and bird boxes to be installed

- Details as to the boundary treatment to safeguard the amenity area from parking spaces 12 to 17.

11b. The approved landscaping scheme shall be implemented within 12 months of any part of the development being brought into use.

11c. Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed within the first 5 years shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: In the visual amenities of the area and to ensure the site is secured with appropriate landscaping in accordance with Saved Policies GP2, ENV17, ENV23, ENV28 and ENV33 and Policy EN1 of the SAD.

12a. Prior to the commencement of development, above damp proof level details of any CCTV to be installed in or around the site shall be submitted to and approved in writing by the Local Planning Authority.

12b. The development shall be completed in accordance with the approved details and retained and maintained at all times.

Reason: Necessary to preserve the character and appearance of the locally listed building and in accordance with Saved Policies ENV28 and ENV32 of the UDP.

13a. Prior to first occupation of the apartments hereby approved details of electric vehicle charging points, to be provided for the new development shall have first been submitted to and agreed in writing of the Local Planning Authority.

13b. Prior to first occupation of the development the approved electric vehicle charging point shall be installed in accordance with the approved details and shall be retained and maintained for the life of the development.

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 and DEL1 of the Black Country Core Strategy.

14a. Prior to the first occupation of any flat on the development, all parking 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 and the parking bays clearly demarcated on the ground.

14b. 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 policies GP2, T7 and T13.

15a. Prior to the first occupation of any flat on the development, the integral cycle shelter shall be fully implemented in accordance with the approved details.

15b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

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

16a. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment / Drainage Strategy and the following mitigation measures:

- Limiting the surface water run-off generated by the site so that it will not exceed 11l/s and not increase the risk of flooding off-site.
- Provision of an appropriate calculated volume of attenuation flood storage on the site to a 100year + 30% standard.
- Finished floor levels are set no lower than 150mm above local finished ground level.
- 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 ensure lifetime maintenance of the system to prevent flooding issues, to reduce the impact of flooding on the proposed development and future occupants in accordance with Policy ENV40 of the UDP and Policy EN3 of the SAD.

17. All windows and doors in the locally listed building known as Eclipse Works shall be constructed of timber and shall remain so in perpetuity

Reason: To preserve the character and appearance of the locally listed building and in accordance with Policies GP2 and ENV28 of the UDP.

Notes for applicant:

Air Quality

Pollution Control is of the opinion that the Application falls under the Type 1 category. Therefore the Applicant needs to install at least one electric vehicle charging point per Plot and/or one charging point per 10 parking spaces for shared parking, and low NOx boilers – maximum NOx emissions of 40 mg/kWh for gas and liquefied petroleum gas (LPG) boilers and a maximum of 120 mg/kWh for oil-fired boilers. The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points: An external weatherproof and lockable covered 32 Amp external 7 pin charging socket to comply with EN 62196-2 and be compatible with a J1772 Type 2 connector. The charging unit should feature a Mode 3 (IEC 61851) communication module. 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.

Archaeology

The Council's Archaeology and Historic Environment Officer, Eleanor Ramsey has advised that she would be willing to write a brief for the works required under condition 3a and can be contacted on 01902 555493 Eleanor.Ramsey@wolverhampton.gov.uk

Contaminated Land

CL1

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

Fire

Water supplies for firefighting should be in accordance with "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK:

<https://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

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.

3a. Prior to the commencement of this development, full engineering details of all works within the existing highway shall be submitted to and approved in writing by the Local Planning Authority for technical approval in consultation with the Highway Authority. The works shall include:-

- i) new dropped vehicular dropped kerbs to align with the new access point in Parker Street,
- ii) the reinstatement of the existing northern vehicle access point in Parker Street back to full kerb height,
- iii) the provision of a new street nameplate for Parker Street to replace the existing nameplate fixed to the boundary wall to be demolished.

3b. The highway infrastructure works detailed above shall be fully implemented prior to occupation in accordance with the approved details and to the satisfaction of the Local Highway Authority.

Reason: To improve accessibility to the development, to ensure the satisfactory completion and operation of the development and the operation of the public highway, in accordance with UDP Policies GP2, T1, T8 and in the interests of highway safety.

Public rights of way

Unrecorded public rights of way may sometimes be in existence which are not shown on the Definitive Map and Statement. In accordance with section 31 of the Highways Act 1980, a claim can be made under section 257 of the Wildlife and Countryside Act. No evidence of claims have been submitted to date, although if any information is received in future to confirm that unrecorded public rights of way are in existence a Diversion and/or Stopping Up order may become necessary, which may affect the proposed development. The advice of the public rights of way officer should be sought in the event of any unrecorded rights being claimed.

Police

Secured By Design guidance advises against parking courts and that if they are used as a last resort they should be made as secure as possible. Therefore this parking court should be secured with a 2.0m high anti-climb pedestrian and vehicle gate that is fixed securely to the brickwork of the dwellings adjacent to it. This should allow entry and exit via a secure robust anti vandal access control system – remote access or proximity enabled

Lighting to BS 5489; 2013 standard.

http://www.securedbydesign.com/pdfs/110107_LightingAgainstCrime.pdf

Street furniture (free standing road name sign) on Croxdene Avenue – this should be relocated to the road edge or mounted on the brick wall to avoid being used as a climbing aid.

In addition to the requirements laid down in Approved Document Q. Requirement Q1 states reasonable provision must be made to prevent unauthorised access to any dwelling or part of a dwelling where access can be gained 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;

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

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.

Product is designed in compliance with Appendix B – this only applies to doors built to a predetermined specification.

WMP requires that all doors and easily accessible windows (as defined by Approved Document Q) are certified to PAS23; 2016 standard in order to comply with the document given the high risk of burglary offences in the area.

All ground floor windows and any accessible windows should have at least one pane of 6.4mm laminated glass.

The developer to be made aware of and fit the PAS 24:2012 doors.

Where euro profile cylinder locks are proposed in doors, shutters etc. consideration should be given to the ever increasing trend in lock snapping as a means of forcing entry to a building. To reduce such risk a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification should be used instead of the standard 1 Star cylinder. Also where thumb turn locks are to be installed considerations should be given to the use of the 'BY Pass' method of entry by offenders. There are thumb locks on the market that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks. These should be fitted to all entrance doors and individual apartment doors.

Secured by Design cycle stand should be installed. The security anchor for the bike must be certified

to Sold Secure Silver standard or LPS 1175 issue 7:2010 SR1 and be securely fixed to the concrete foundation in accordance with manufacturers specifications.

The bin storage area should be enclosed to deter the actual theft of the bins and also temptation for dumping of rubbish by non-residents.

No Lead or metal should be used on the ground floor, this includes outside taps to the front of properties as the West Midlands is suffering high levels of metal theft where possible lead substitute products should be used.

All properties should have a suitable intruder alarm, with a siren box front and back, and should have dual or quad technology sensors and auto dialler function.

CCTV coverage to the flats. Entrance and exit doors and frames to the block should be of a robust vandal resistant material, with vandal resistant viewing panels. Entrances should be well lit both internally and externally.

If there are communal areas for letterboxes I recommend the DAD UK Ltd DAD009 1.5mm steel letterboxes which can be mounted in rows and are secure and anti-identity theft proof.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 31-Jan-2019

Plans List Item Number: 3.

Reason for bringing to committee: Called in by Councillor Andrew on the grounds of Significant Community Interest

Location: THREE CROWNS INN, SUTTON ROAD, WALSALL, WS5 3AX

Proposal: DEMOLITION OF THE EXISTING 'THE THREE CROWNS PUBLIC HOUSE' AND ERECTION OF 7 NO. DETACHED DWELLINGS (SITE AFFECTS THE SETTING OF PUBLIC RIGHTS OF WAY WAL98)

Application Number: 18/0550

Applicant: c/o agent

Agent: Mike Lapworth

Application Type: Full Application: Minor Use Class C3 (Dwellingshouses)

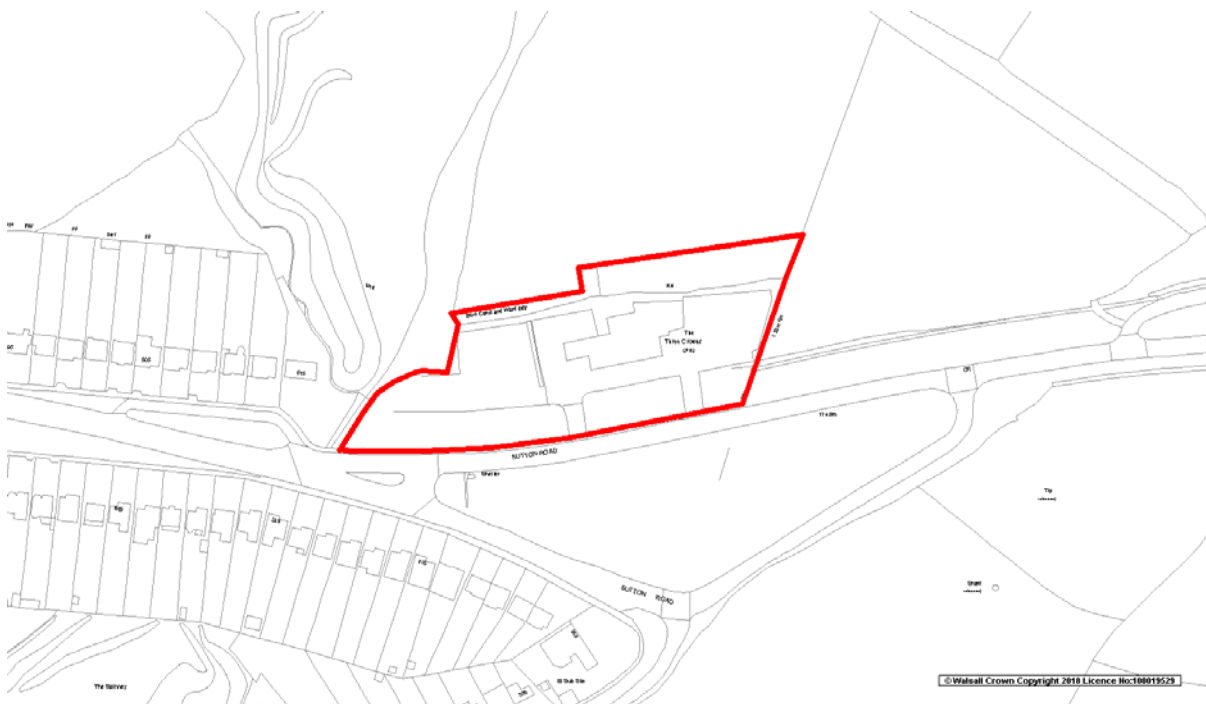
Case Officer: Paul Hinton

Ward: Aldridge Central And South, Pheasey Park Farm

Expired Date: 21-Aug-2018

Time Extension Expiry:

Recommendation Summary: Refuse



Proposal

This application seeks planning permission for the demolition of the existing Three Crowns Public house and the erection of no. 7 five bedroom detached dwellings and a detached garage with games room at first floor to plot 1. The buildings would be set back from the road between 18m and 27m where the existing highway verge would be landscaped. There are two existing access points from Sutton Road that would be used as part of the development with properties set behind a proposed boundary hedge and individual gates to each plot.

These two storey houses would have hipped roofs with front gable ends, bay windows and decorative chimneys.

The application has been amended since its original submission reducing the height of the proposed houses by 800mm.

The following information has been submitted in support of the application:

Design and Access Statement and Planning Statement

- Existing site area is 4.2 hectares with around 0.5 hectares developed as the Public House.
- The footprint of the existing building is 805sqm, with the area of hardstanding 3530sqm.
- Total footprint of previous approval 1,652sqm
- Total footprint of proposed 7 houses 1,648sqm
- Site has been vacant for 10 years, if way forward is not found it will steadily become derelict and a visual eyesore.
- Would ensure the car wash and unauthorised portacabin is removed.
- Would improve the Green Belt as it will replace over 4000sqm of developed land with 1,648sqm of buildings and extensive gardens.
- Gaps between new buildings will allow views through to the land beyond that is not currently available from the public domain
- The old Three Crowns Special School has been redeveloped with 7 new dwellings.
- Proposed aspirational dwellings would provide a high quality gateway development.
- Without being developed site is vulnerable to unauthorised encampments and vulnerable to arsonists.
- Proposed design is influenced by surrounding housing in Sutton Road, the footprints are larger but plots are generous with adequate private garden space.

Planning Statement

- Site closed in 2007
- Principle of residential use has been established by previous planning permissions, though they have not been implemented.
- The existing boundary to the public house will be moved to the north edge of the SINC.
- Design has been informed by the surroundings, with larger space between dwellings to maintain openness.

- The field to the north (designated SINC) is within the ownership of the applicant and will be subject to a management plan.
- Will decrease the amount of hardstanding at the site and have a net gain of green and permeable surfaces.
- A SINC management plan has been submitted
- There are existing public houses in the local context better related to the residential areas in which they serve; the Three Crowns has been closed since 2007 and no other operator has been attracted to it.
- Not inappropriate development in the Green Belt as it comprises the complete redevelopment of a previously developed site.
- The proposed development would be spread out across the site reducing the impact on the Green Belt. It would have a less concentrated bulk and mass than the current single larger building.
- Would have no impact upon the purposes of including land within the Green Belt than the existing.
- While not inappropriate development, the following in combination amount to very special circumstances:
 - Will provide 7 dwellings that contribute towards housing land supply
 - Will contribute towards the identified need for larger family homes in the Borough
 - Will contribute towards the three pillars of sustainable development
 - Will make efficient use of vacant land
 - Permanently discourage the misuse of the land or the risk of the building becoming derelict
 - Will ensure a good quality long term future of the land and reduce the need to develop on Greenfield sites.
 - Significant net biodiversity gains by improving the SINC

Ecological Appraisal Update (April 2010 and May 2018)

- 500sqm of the SINC will be taken up by the back gardens of some of the new dwellings. This is no longer grassland (the reason why it was designated), the creation of gardens around the new dwellings will more than compensate the loss of this land.
- The hedge along the eastern boundary is species rich, providing cover for nesting birds.
- The whole beer garden is now overgrown.
- The fields to the north had been used for grazing horses in the past and (as identified in a 2010 appraisal) included a sward of semi-improve nature, by 2018 the diversity of the sward had declined significantly.
- No evidence of bat activity within the roof void, no suitable crevices in which a bat could hide.
- Rear gable had been used as a breeding site by House Sparrows, but the site had long been abandoned by the birds.
- There was no signs of badgers, otters, water voles, reptiles or great crested newts
- 16 bird species were observed, but none nesting at the site.
- The loss of 130m of hedgerow will be mitigated by planting 180m of replacement hedgerow along the northern boundary.
- Several of the mature Ash Trees along the northern boundary contain holes that are ideal for bats, if they are to be removed a detailed inspection for bats will be required.

Updated Bat Survey (August and September 2010 and June 2018)

- No evidence of bat occupation or activity.
- Low suitability of the building for roosting bats.
- No further surveys or mitigation required.

Arboricultural Report (June 2018)

- Nine B (moderate) category trees.
- Seven C (low) category trees.
- One tree in need of felling.
- Trees 2 (poor condition Hawthorn) and 3 (low category good condition Hawthorn) and hedge H1 (low category, good condition Hawthorn and Hazel) would need to be removed to accommodate plot 7.
- Tree Group G1 (moderate good condition Sycamore and Field Maple would need to be removed to accommodate plot 6.
- Trees 7 (low category, good condition Sycamore), 11 (moderate category, good condition Common Ash), 12 (moderate condition, good condition Silver Birch) and Tree Group G2 (moderate condition, good condition collection of Beech Trees) would need to be removed to accommodate plot 1, its garage and driveway.

Site and Surroundings

The Three Crowns is located on the north side of Sutton Road within the Green Belt and adjacent to the Great Barr Conservation Area. To the rear of the site is the Three Crowns Pasture Site of Importance for Nature Conservation Site of Importance for Nature Conservation ("SINC"). There are large car parking areas within the site, on both sides of the public house building, and a beer garden at the rear of the public house building (currently overgrown). There is a hedge along the rear boundary of the public house (beyond which are the open fields of the SINC), there is a hedge to the eastern boundary, a tall hedge along the front of the site and trees within the site. Also adjoining the north boundary is Cuckoos Nook and The Dingle nature reserve. Hay Head Quarry Site of Special Scientific Importance (SSSI) is to the northwest, with a small part of the SSSI adjoining the western part of the application site. Public footpath WAL98 runs between the SSSI and the application site. There is a significant levels difference between the car park on the west side of the building and the remainder of the site.

The application site is 0.97 hectares. The proposed development would have a density of 7.2 dwellings per hectare (dph) with the prevailing character of the northern side of Sutton Road having a density of 12.6dph.

Relevant Planning History

07/0290/FL/E6 – Change of use and minor extensions to form 12 apartments – refused April 2007 due to (1) lack of a bat survey and (2) lack of provision for education/urban open space

07/2167/FL/E6 – Change of use and minor extensions to form 12 apartments – granted subject to conditions June 2008

09/1329/FL - Conversion of Three Crowns public house into a dwelling & construction of 4 no. detached dwellings – Refused December 2010 for two reasons broadly relating to *(1) inappropriate development in the Green Belt by virtue of the additional footprint and increased height and mass of the new houses which reduces the openness of the site, loss of trees and hedgerows and encroachment of gardens onto pasture land adversely affecting the character of the Green Belt. There is a lack of evidence to demonstrate very special circumstances sufficient to outweigh the harm to the Green Belt and*

(2) failure to demonstrate reasons of overriding regional significance of the Site of Importance for Nature Conservation sufficient to outweigh the significance in favour of development, encroachment of development onto the SINC destruction of important grassland habitats, loss of tree and hedgerows in the site that have wildlife and visual benefits and lack of a bat emergence survey to demonstrate protected species will not be harmed.

11/0675/FL - Conversion of Three Crowns public house into a dwelling & construction of 3 no. detached dwellings. GSC 7/11/11.

The committee minutes explains that the application was granted on the grounds that *the development will bring back into use both an iconic building and redundant land through the delivery of aspirational housing which will maintain open views across the countryside.*

Car Wash

11/1592/FL – Retention of car wash for 1 year temporary period .GSC 27/7/12.

14/0330/FL - Retention of car wash for 3 years temporary permission. GSC 19/5/14

15/1603 - Retention of car wash for 1 year temporary permission. GSC 22/12/15.

16/1925 – Retention of car wash for 2 years temporary permission. Refused 12/5/17.

Appeal dismissed on 5/1/18 on the grounds of harmful implications for the Green Belt in terms of inappropriate development and the erosion of the openness of the Green Belt. Very special circumstances do not exist.

E17/0135 – Enforcement notice issued on 2/10/17 because the landowner had carried out the following works without the benefit of planning approval:

- Use of part of the site for a hand car wash, associated storage and used of the site for the siting of a caravan as living accommodation.
- Removal of significant section of mature hedge to the boundary with the SINC.
- Stripping of soil and vegetation within the SINC; stripping of tarmac and sub base from the public house car park; excavation works and depositing of spoil onto the SINC.

The notice requires the following to address the harm from the development:

- Cease the use of the land for a hand car wash, remove all associated car wash equipment.
- Cease to use the site for the siting of a residential caravan and remove the caravan and all associated paraphernalia.

- Back fill excavations
- Remove all deposited spoil and rubble from the SINC and reinstate the levels of the SINC
- Replant the hedgerow
- Repair damaged and worn doors and window frames to the former public house. Remove all existing wooden boarding to windows and door ways and re-board. Secure the site boundary with a 2m high weld mesh fence.

The notice has been appealed and is currently being considered by the Planning Inspectorate.

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 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 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 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.

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

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.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP2: Development Outside 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
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality
- WM5: Resource Management and New Development

Saved Unitary Development Plan

- GP2: Environmental Protection
- 3.6 and 3.7: Environmental Improvement
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- T7 - Car Parking
- T8 – Walking
- 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
- LC8: Local Community Facilities

Site Allocations Document

- HC2 – Development of Other Land for Housing
- GB1 – Green Belt Boundary and Control of Development in the Green Belt
- EN1 – Natural Environmental Protection, Management and Enhancement
- EN3 – Flood Risk
- EN5 – Development in Conservation Areas

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
- DW6 Legibility
- 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

Planning Policy – intensification of development is likely to impact on the openness of the Green Belt.

Highways – no objection subject to the use of recommended conditions in regard to revised plan extending the footpath, full engineering details of the access, construction methodology statement, surfacing and drainage and landscaping/maintenance arrangements for the highway verge. A Highway Stopping up Order will be required before works can commence.

Conservation Officer – building should be considered a heritage asset, consideration should be given to adding the building to Walsall's local list, the construction of the proposed number of houses and garages in this location is likely to harm the setting of the Conservation Area.

Ecology Officer – not possible to fully assess the impact of the proposed development on the SINC as no mitigation strategy or monitoring has been provided, the hedgerows have not been assessed under the Hedgerow Regulations 1997, no lighting strategy has been provided and it has not been demonstrated that there would be net gains for biodiversity.

Tree Officer – objects to unacceptable loss of existing trees and hedgerows.

Pollution Control – no objection subject use of recommended conditions in regard to ground contamination, demolition and construction working plan, acoustic glazing and ventilation, electric vehicle charging points and low NOx boilers.

Natural England – no objection. Considers will not have significant adverse impacts on designated sites (the Sutton Park and Hay Head Quarry Site of Special Scientific Interest).

CAMRA – objects. The Three Crowns is historically important to the brewing history of the borough, a landmark entrance to the town from the east. An outstanding building in a town which possesses few buildings of architectural merit.

Walsall Civic Society – objects. No justification for development in the Green Belt. Deterioration of the building has been as a result of a lack of maintenance. Previous approval was justified on grounds of retaining the building.

Police Crime Prevention Officer – no objection subject to the use of recommended security measures to doors and windows, boundary treatment, intruder alarm and landscaping.

Community Safety – as the properties are isolated, Secured by Design standards should be applied.

Severn Trent Water – no objection subject to use of recommended drainage condition.

Fire Services – nearest fire hydrant is in excess of 90m away, suitable water supplied should be provided.

Representations

Surrounding occupiers notified by letter and site notice displayed. Officer comments in *italics*

12 letters have been received objecting to the application on the following grounds:

- Three Crowns is an iconic building of which Walsall has few.
- Three Crowns building should remain and be converted into a single house or flats.
- How can you build 7 dwellings when there is a Grade II Listed Building (*the building is not listed*).
- Why has the car wash not been moved off site (*this is subject to the current Enforcement Notice appeal*).
- Walsall must not lose any more landmark buildings.
- Owner has no intention to carry out further development on the site (*no evidence that development would not take place should planning approval be given*)
- Object to the public right of way being interfered with (*the PROW would not be affected*).
- Nothing additional to the 2011 consent should be granted.
- This is development in the Green Belt.
- Impacts on the adjoining SSSI (*adjoining site is a SINCE not SSSI*).
- Outstanding example of a thirties roadhouse and is of historical and social importance.
- No reason why cannot create several homes within the existing structure.
- Would comprise a greater volume and would be spread over a much larger area than the existing public house.
- Failed to justify loss of public house, not gone to any efforts to market the site.
- Has enough space for conversion of four homes.
- Land could be cultivated for locals who want to rent allotments (*application must be considered on the basis of what is being proposed, allotments are not included*).

Four letters have been received, supporting the application for the following reasons:

- If property left for too long it will become a worse state to what it is now and dangerous.
- Fed up with the derelict building and mess of the car wash.
- Must be some kind of time scale to when building starts.
- As existing deteriorates, proposed development may be best we can hope for.
- Important that nature reserves are protected.
- No reference to Public Footpath, will it disappear (*Public Footpath is outside of the application boundary and would not be affected*).
- Have been walking the grass verge in front of the site since 1992.
- Time that the public house be demolished and that there should be a continuation of linear residential development on brownfield land.

Determining Issues

- Loss of non-designated heritage asset
- Whether the development is appropriate development in the Green Belt
- Very special circumstances Ecology

- Loss of community facility
- Impact on the character and appearance of the area
- Layout and design
- Access and Parking
- Local Finance Considerations

Assessment of the Proposal

Loss of non-designated heritage asset

This is a non-designated heritage asset building located 68m to the north of Great Barr Conservation Area. This 1930s building built in the Jacobethan style with three Dutch-gables on the main front elevation (the centre gable includes three decorative crowns) and three tall chimney stacks on the roof. The building is a non-designated heritage asset building with a connection to the local community and with local historical interest. 1930's public houses of this type are a fast-disappearing building type. The Three Crowns has a distinctive architectural style and despite various later additions in the form of additional wings at the back of the building it retains much of its original built fabric. The application proposes the complete demolition of the building.

The Conservation Officer advises that it should be considered as a heritage asset for the assessment and application of policy purposes. The NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The Conservation Officer explains that due to the architectural interest and quality of the building, it should be added to Walsall's local list with a view to preserving the building as a heritage asset.

Great Barr Conservation Area is 68m to the south of the application site. The NPPF explains that in regard to the setting of a heritage asset its extent is not fixed and may change as the asset and its surroundings evolve. SAD policy EN5 explains developments should preserve or enhance the character and appearance of the Conservation Area. The Conservation Officer considers the construction of seven houses and garages in this location is likely to harm the setting of the Conservation Area.

The NPPF explains that LPAs should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies. In previously granting planning permission for the conversion of the public house plus 3 new-build houses, Planning Committee gave substantial weight to *"bringing back into use...an iconic building"*. Its demolition would be contrary to the Planning Committee's previous justification. Should the Planning Committee be minded to approve the current planning proposal, they would have to justify the inconsistency of decision-making taking into account the LPA is of the view, the building has not deteriorated substantively to justify its loss.

Clarification has been sought from the applicant why the building cannot be retained and brought back into use. No response has been received on this point.

The NPPF explains that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations. The application has failed to demonstrate that the building cannot be retained and therefore the proposed demolition of this heritage asset is considered to be an unsustainable form of development that would cause harm to the cultural and historical value of the area.

Whether the development is appropriate development in the Green Belt

The application site is part of the West Midlands Green Belt. 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. Openness is commonly taken to mean the absence of built or otherwise urbanising development. However, the 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.*

The NPPF explains that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to state that the construction of new buildings is inappropriate development in the Green Belt. There are some exceptions to this presumption, with two relevant to this application:

The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

The proposal does not meet this exception. The replacement of a vacant public house with seven dwelling-house houses is not a single building, does not retain the same use, and as evidenced in Table 1 is larger than the one it replaces.

Complete redevelopment of previously developed land which would not have a greater impact on the openness than the existing development

The application site falls within the NPPF's definition of previously developed land. Table 1 shows that the building(s) footprint would increase by 116%, the built volume increased by 193%, there would be more buildings, taller buildings with a greater dispersal of built form across the site. As a matter of fact and degree due to the amount of proposed development it would be materially larger than the existing built form at the site and by definition this would have a greater impact on the openness of the Green Belt than the existing development.

	Current building	Current planning application to demolish existing building and build 7 new houses
Footprint	770sqm	1666sqm
Volume	4656.8 m ³	13,678.2m ³
Ridge height	9.5m	10.5m
Eaves height	3.7m	6m
Amount of buildings	1	8

Gaps between	Between 40m and 85m	Between 4.5m and 6m
Development density	N/A	7.2 dwellings per hectare
Percentage of built form across the plot width	28%	60%

Table 1
–
Difference between existing and proposed

Therefore the proposal does not meet the exceptions test of the NPPF and would be inappropriate development in the Green Belt.

Very Special Circumstances

The applicant has suggested very special circumstances, to outweigh the harm the development would have on the Green Belt and any other harm, are considered below:

- *Will provide 7 dwellings that contribute towards housing land supply*

Sufficient housing land supply has been identified within the recently adopted Site Allocations Document (SAD). Walsall has in excess of a 5-year housing supply. There is no requirement or justification to release Green Belt land for housing.

- *Will contribute towards the identified need for larger family homes in the Borough*

This is provided for within sustainable sites within the SAD which contributes towards housing land supply.

- *Will contribute towards the three pillars of sustainable development*

Although there is a presumption in favour of development, it is a presumption in favour of sustainable development. NPPF paragraph 11 decision making states; *i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; or*
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. In addition, NPPF footnote 6 continues to explain; *The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.* Based on NPPF it is considered there is no requirement to release this Green Belt land for housing and that development in the Green Belt should be restricted.

- *Will make efficient use of vacant land*

The proposal seeks to demolish an existing building rather than converting it which cannot be considered efficient. It also proposes built form significantly larger than that it replaces, which in Green Belt terms is not an efficient use of land. SAD policy GB1 explains conversion of redundant buildings in the Green Belt will be preferred.

- *Permanently discourage the misuse of the land or the risk of the building becoming derelict*

This would be addressed by bringing the existing building back into use. In dismissing the appeal against the Council's refusal of the car wash the Inspector considered misuse of the land. The Inspector considered little quantified detail on either instances or risk of vandalism at the site and along with the availability of alternative means with which to secure the site, gave this consideration limited weight. Should planning permission be approved, then to address the applicant's concerns in regard to misuse use of the land and to bring forward a timely development, the terms of the planning permission should be for a 2 year period rather than the standard 3 years.

- *Will ensure a good quality long term future of the land and reduce the need to develop on Greenfield sites.*

This is a Green Belt site, the proposed development for this amount of dwellings would discourage the recycling of derelict and other urban land in the borough.

- *Significant net biodiversity gains by improving the SINC*

The deterioration of the SINC is only as a result of lack of management in recent years which has led to its decline. The current proposal lacks the submission of a SINC management plan

- *Covenant prohibits alcohol being sold on the premises so cannot be used as a licensed premises*

The covenant does not prevent the retention and reuse of the building.

- *Would be a good replacement for the redundant public house and the car wash currently operating from the site.*

The car wash is unauthorised and subject to an Enforcement Notice (currently at appeal). No evidence has been provided to why the public house cannot be retained as part of a redevelopment scheme as it has previously been promoted for the conversion and reuse as residential.

- *Site would be enhanced by the development and the wide gaps between the houses will offer a view through to the Greenbelt*

The development by virtue of the amount of proposed buildings and dispersal across the site would impact upon the openness of the Green Belt. There would be less views through the site to the land to the rear than that which currently exists and smaller gaps between the proposed buildings especially when Planning Committee has previously given weight to maintaining open views across the countryside.

- *Council have previously granted two residential consents for the site and all parties agree that a residential use on the site would be an appropriate use and in this location*

In 2008 the Council approved the change of use of the existing public house building to residential. This conversion of the existing and would not have caused any further harm to the openness of the Green Belt.

In 2010 planning permission was refused for the conversion of the Public House into a dwelling and the construction of four detached dwellings on the grounds of being inappropriate development to which no very special circumstances sufficient to outweigh the harm had been provided.

In 2011, contrary to officer recommendation, planning committee resolved to grant planning permission for the conversion of the Public House and the construction of three detached dwellings. The planning committee minutes explain, the application was granted on the grounds that the development will bring back into use both an iconic building and redundant land through the delivery of aspirational housing which will maintain open views across the countryside. This planning approval expired before lawful implementation.

	Current building	Expired planning permission for conversion of public house and construction of 3 houses – 11/0675/FL	Current planning application to demolish existing building and build 7 new houses
Footprint	770sqm	1692sqm	1666sqm
Volume*	4656.8 m ³	12,705.4 m ³	13,678.2m ³
Ridge height	9.5m	12.2m	10.5m
Eaves height	3.7m	6.8m	6m
Amount of buildings	1	4	8
Gaps between	Between 40m and 85m	Between 7m and 12m	Between 4.5m and 6m
Development density	N/A	4.1 dwelling per hectare	7.2 dwellings per hectare
Percentage of built form across the plot width	28%	51%	60%
Public House retention	Yes	Yes	No

*Above ground calculations

Table 2 – Key development figures

Table 2 sets out a comparison between the current site, the expired 2011 application and the proposed seven houses in place of the existing non-designated heritage asset. The current application has a larger volume, a greater amount of buildings, greater dispersal across the site with smaller gaps between buildings *and* seeks to demolish the existing non-designated heritage asset. As explained, planning committee previously accepted very special circumstances on the grounds of *“bringing back into use both an iconic building and redundant land ...which will maintain open views across the countryside.”* Neither of those very special circumstances are presented as part of the current planning application.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. In regard to the five purposes of the Green Belt, while the proposal meets two of them (prevent neighbouring towns merging and preserve the setting of historic towns), it is contrary to three purposes. Given the amount of buildings proposed the development would be viewed as a natural extension to the ribbon development of Sutton Road and appears as further sprawl of the built up area. As discussed below, the

proposed development boundaries exceed the boundaries of the previously developed land by extending into the countryside; contrary to one of the purposes. The final purpose of the Green Belt is to assist in urban regeneration by encouraging the recycling of derelict and other urban land, seven houses in the Green Belt discourages the development of existing other more sustainable sites.

The refused planning application appeal for the retention of the car wash and static caravan was dismissed on the grounds of harmful implications for the Green Belt in terms of inappropriate development and the erosion of the openness of the Green Belt.

For the above reasons the proposal is inappropriate development in the Green Belt for which no very special circumstances, sufficient to outweigh the harm to the character, openness and purpose of the Green Belt, and any other harm, have been demonstrated. The proposal would have an urbanising effect by creating urban sprawl on this part of the countryside, which would be contrary to the purpose and character of the Green Belt. Furthermore it would conflict with urban regeneration by developing a Greenfield site rather than recycling previously developed land.

The applicant makes references to the Three Crowns Special School being redeveloped with 7 new dwellings. The planning committee report for that development makes it clear that the proposal had a smaller footprint and volume compared to the existing school buildings to ensure it caused no further harm to the openness of the Green Belt.

Should Committee be minded to approve the development, due to the amount of floor-space to be created in the Green Belt it would need to be referred to the Secretary of State to consider call in of the application to make the final decision.

Ecology

An Ecological Appraisal Update has been submitted updating a 2010 report and an updated Bat Survey has also been provided in support of the application. At the time the application was submitted officers requested (10/5/18) a SINC management plan and further requests during correspondence with the agent (17/7/18, 2/8/18 and 18/9/18). Despite it being referred to in the applicants Planning Statement no SINC management plan has been provided at this time.

The proposed development extends outside of the existing public house curtilage with the gardens to plots 1, 2, 3, 4, 6 and 7 encroaching into the countryside and onto the Three Crowns Site of Importance for Nature Conservation (SINC) at the rear. This would result in destruction of 426sqm of important grassland habitats and removal of a significant hedgerow to the northern boundary. Reduction of this SINC boundary should not be determined through this planning application, given the Council's specialist Ecologist has confirmed it is still of value and currently dormant due to lack of management by the land owner. Any changes to land use designation should be through the development plan review, tested against the original criteria for designating the SINC.

The NPPF explains that if significant harm to biodiversity resulting from a development cannot be avoided then planning permission should be refused. BCCS Policy ENV1 explains development that harms a SINC will not be permitted. It goes on to say that adequate information must be submitted with an application that may affect such a site to ensure impacts can be fully assessed, without this there will be a presumption against

granting permission. Where, exceptionally, the strategic benefits of a development clearly outweigh the importance of a local nature conservation site, loss of area and damage must be mitigated. A mitigation strategy must accompany relevant planning applications. Should a planning application be supported then a mitigation strategy, its implementation and monitoring would need to be secured in perpetuity through a S106 agreement.

The submitted Ecological Appraisal considers the area of SINC to the north, had been used for grazing horses in the past and identified in a 2010 appraisal to include a sward of semi-improved grassland had by 2018 declined significantly. It explains that the former beer garden (this is outside of the SINC boundary) is also overgrown. The report considers that the area of SINC to be taken up by the back gardens of some of the new dwellings is no longer grassland and its loss will be compensated for by the creation of gardens around the new dwellings. Replacement of part of SINC with domestic gardens cannot be considered as appropriate compensation for the loss of part of the SINC.

The Council's Ecologist considers that the ecological value of the site has not been lost, rather it is dormant and botanical diversity could be restored through appropriate future management.

In addition the application fails to demonstrate that post-development the rest of the SINC would be managed including monitoring to mitigate against any further damage to the SINC. Currently, the SINC is accessible by a gate within the corner of the eastern car park where grazing animals could gain access to support the recovery and restoration of this ecologically valuable land. The proposal provides no alternative access points to this land meaning any future management, if provided through an appropriate management plan could not be physically undertaken. The proposal would require amendment to provide access to the SINC to allow for future management.

The applicants report explains that approximately 130m of hedgerow to the northern boundary shared with the SINC would be removed to accommodate the proposal and this would be mitigated for with planting of a new 180m of hedgerow. The applicant has not provided any details of mitigation to date and it is considered that the retention of the existing hedgerow between the site and the SINC provides an important contribution to local ecology. In addition the Council's Ecologist explains that the report fails to assess the quality of the Hedgerow and whether this qualifies as important under the Hedgerow Regulations (1997).

The Ecological Appraisal confirms the hedge along the eastern boundary is species rich, providing cover for nesting birds. The Arboricultural Report explains this hedge would also need to be removed to accommodate plot 7. The application makes no provision of mitigation measures in either ecological or visual amenity terms for the loss of this hedge. Again, the retention of the hedgerow is considered to provide an important contribution to local ecology.

The applicants report explains there were no signs of badgers, otters, water voles, reptiles or great crested newts. A separate bat survey has been provided that identifies no evidence of bat occupation or activity and the existing building has a low suitability for roosting bats. Both the 2010 and 2018 report noted bat flight paths to the northern and western boundaries. A lighting strategy would be necessary to ensure no future adverse impacts on local ecology including bats. Cuckoos Nook and The Dingle nature reserve

also adjoin the northern boundary of the application site. While the proposal does not physically encroach into this area artificial light from Plot 1 has the potential to cause harm to local ecology. This would need to be mitigated against through a lighting strategy prior to determination.

The application has failed to demonstrate that the loss of biodiversity cannot be avoided. The development of 7 houses in this location is considered to not be of strategic benefit to outweigh the importance of the SINC in the knowledge that current site continues to have ecological value. In addition the absence of a mitigation strategy means that the development does not meet the requirements of the NPPF or BCCS policy ENV1. The application fails to demonstrate that it provides net gains for biodiversity.

Loss of community facility

It is understood that the public house closed in 2007. Since then the Council has accepted the loss of this community facility through previous planning permissions. In addition there are four public houses within a two-kilometre radius of the application site, including The Longhorn, King Arthur, Whitehouse and The Dilke. There are also a range of other services and facilities within easy walking distance of the application site including, St Martin's Church, Co-op Local Store, Cuckoo's Nook and the Dingle Local Nature reserve, a play area at Wood End Road, garden centre, furniture store and Park Hall Infants and Junior Schools. The loss of the Public House can be supported in accordance with the tests of saved UDP policy LC8 as there are other existing community facilities in a convenient location.

Impact on the character and appearance of the area

The NPPF says that developments should respond to local character, it is proper to seek to promote or reinforce local distinctiveness, address the integration of new development into the built environment. Permission should be refused for development of poor design that fails to take the opportunities available to preserve or enhance the character of the area. BCCS Policies CPS4, HOU2, ENV2, ENV3; SAD Policy HC2; saved UDP policies GP2, 3.6 and ENV32 and Supplementary Planning Document Designing Walsall, require development to be informed/influenced by their context and reinforce locally distinctive elements.

The proposals would create a ribbon of housing development that extends beyond the edge of the urban area with buildings that are taller than the existing Public House. This inevitably affects the character and openness of the area. This coupled with the loss of existing hedgerows and extension of the residential gardens into the SINC would further affect the wider character. Although the developer has sought to create a design that reflect the style of housing in the area whilst seeking to maintain the hedge along Sutton Road frontage to screen the new houses this does not outweigh the harm that inappropriate development has upon the character and openness of the Green Belt.

The Tree Officer objects to the application considering the application is insensitive to the existing vegetation on site and several moderate quality trees and large sections of established mixed species hedgerows would need to be removed to accommodate the proposed site layout. Saved UDP policy ENV18 explains that development will not be permitted if it would damage or destroy trees or hedgerows of significant landscape, ecological or historical values unless the removal is in the interests of good arboricultural practice or the desirability of the development significantly outweighs the ecological or amenity value of the trees or hedgerow. The Tree Officer explains that the trees and

hedgerows are visually prominent and their loss would have a detrimental impact on the landscape character of the area. The desirability of the development for the reasons previously discussed does not significantly outweigh this impact as per the requirements of saved UDP policy ENV18.

Layout and design

Notwithstanding the principle objection to the loss of the existing building, impact on the Green Belt and SINC the layout and design of the proposed housing is considered acceptable.

The buildings provide sufficient amenity space to meet the needs of future occupiers, albeit at the loss of part of the SINC. The layout design limits impact of overlooking or shadowing between the proposed properties. For existing neighbouring properties the proposal would not result in a loss of amenity.

In architectural terms, with the exception to the harm to the Green Belt, from the buildings scale, height, depth and closeness to each other, the appearance of the buildings frontages are considered acceptable.

Due to the isolated nature of the development the Police and Community Safety recommend the use of Secured by Design security measures which could form part of a necessary condition as part of any approval.

Severn Trent Water raise no objection to the application subject to full drainage details which could form part of a necessary condition as part of any approval. The Fire Services do not object to the application but as the nearest fire hydrant is in excess of 90m away, suitable water supplied should be provided and could be conditioned as part of any approval.

Due to the historic use of the car parking areas a ground contamination report and any necessary mitigation measures will be required prior to implementing any redevelopment. This could form part of a necessary condition as part of any approval. To ensure facades facing Sutton Road are protected from road traffic noise, conditions regarding acoustic glazing and ventilation will be required. To safeguard the local environment and the amenity of local residents a demolition and construction management plan would be required and can be secured by condition as part of any approval.

In accordance with the adopted Air Quality SPD air quality impacts can be mitigated against by use of low NOx boilers and electric vehicle charging points, which could form part of a necessary condition as part of any approval.

Access and Parking

The proposal utilises the existing accesses off Sutton Road. In terms of traffic generation the proposed development will result in significantly less trips than when the site was used as a public house. Use of these existing accesses is therefore acceptable providing adequate visibility is maintained.

Each house is provided with a minimum of three parking spaces, which meet the requirements of saved UDP policy T13. Some plots provide up to seven parking spaces within the garages and drives. As the proposed dwellings have a greater number of bedrooms (five) and are presented as aspirational dwellings it is considered that this level of additional parking is acceptable.

The existing footpath along this side of Sutton Road ends at the first access point which would serve plots 1-3. Highways consider it is necessary to provide pavement between the first and second access point to ensure the other plots have direct access to a public footpath. This can be secured by pre commencement planning condition as part of any approval. A construction methodology statement, surfacing, drainage and arrangements for landscaping/maintenance for the highway verge are necessary and can also be secured by a planning condition of any approval. Full engineering details would fall within the requirements of separate Highways legislation and cannot be requested as a condition.

Highways confirm that the verge to the front has been maintained by the Council for a period likely to be in excess of 20 years and likewise the public will have access to the full extent of the verge over at least the same period and it is likely highway rights have accrued. On this basis the Highway Authority considers the full extent of the verge is highway land. The developer will need to apply for a Highway Stopping-Up Order to extinguish highway rights over the land. A note for applicant could be used within any planning approval.

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 7 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

In weighing the key material considerations and consultee responses against the national and local planning policies and guidance, it is considered that the proposed demolition of this undesignated heritage asset has not been justified and the proposed development would adversely impact upon the setting of the Great Barr Conservation Area.

By virtue of the increased footprint and volume over and above the existing building the proposal is inappropriate development in the Green Belt for which no very special circumstances, sufficient to outweigh the harm to the character, openness and purpose of the Green Belt have been demonstrated. The proposal would have an urbanising effect by creating urban sprawl on this part of the countryside which would be contrary to the purpose and character of the Green Belt. Furthermore it would conflict with urban regeneration by developing a Greenfield site rather than recycling previously developed land. The loss of trees and hedgerows and encroachment of gardens onto the pasture land also alters the appearance of the site and adversely affects the character of the Green Belt.

The development would result in the loss of the Three Crowns Site of Importance for Nature Conservation. There are no strategic benefits to the development that clearly outweigh the importance of protecting this nature conservation site and no mitigation strategy has been provided to compensate for the loss of this area and demonstrating how the rest of the SINC would be managed. The development would also result in the loss of visually prominent trees and hedgerows that would have a negative impact upon in both visual amenity and ecological terms. The application would cause significant harm to biodiversity and fails to demonstrate that it provides net gains for biodiversity.

Taking into account the above factors it is considered that the application should be recommended for refusal. The development is considered to be contrary to the aims and objectives of the National Planning Policy Framework, policies CSP2 and ENV1 and ENV2 of the Black Country Core Strategy; policies GB1, ENV1 and EN5 of the Walsall Site Allocation Document.

Positive and Proactive Working with the Applicant

Officers have shared the principle concerns with the applicant's agent and have made suggestions in regard to an alternative design that may be more suitable. The agent has requested that the application be determined as submitted.

Recommendation

Refuse

Reasons for Refusal

1. The demolition of this non-designated heritage asset has not been justified and its loss would cause harm to the cultural and historical value of the area. The erection of seven detached houses and garage due to their scale would adversely impact upon the setting of the Great Barr Conservation Area and would be detrimental to the overall amenity, aesthetic and landscape character of the area. Accordingly the proposal is contrary to the aims and objectives of the National Planning Policy Framework, Black Country Core Strategy policy ENV2, Walsall Site Allocation Document policy EN5 and saved Walsall Unitary Development Plan policy ENV32.

2. By virtue of the increased footprint and volume over and above the existing building the proposal is inappropriate development in the Green Belt for which no very special circumstances, sufficient to outweigh the harm to the character, openness and purpose of the Green Belt, and any other harm, have been demonstrated. The proposal would have an urbanising effect by creating urban sprawl on this part of the countryside which would be contrary to the purpose and character of the Green Belt. Furthermore it would conflict with urban regeneration by developing a Greenfield site rather than recycling previously developed land. The loss of trees and hedgerows and encroachment of gardens onto the pasture land also alters the appearance of the site and adversely affects the character of the Green Belt that would be detrimental to the overall amenity, aesthetic and landscape character of the area. Accordingly the proposal is contrary to the aims and objectives of the National Planning Policy Framework, Black Country Core Strategy policy CSP2, Walsall Site Allocation Document policy GB1, and saved Walsall Unitary Development Plan policy 3.3.
3. The development would result in the loss of part of the Three Crowns Site of Importance for Nature Conservation. The application has failed to demonstrate that the loss of biodiversity cannot be avoided. There are no strategic benefits to the development that clearly outweigh the importance of protecting this nature conservation site and no mitigation strategy has been provided to compensate for the loss of this area or demonstrating how the rest of the SINCS would be managed in the future. The development would cause significant harm to biodiversity and fails to demonstrate that it provides net gains for biodiversity that would be detrimental to the overall amenity, aesthetic and landscape character of the area. Accordingly the proposal is contrary to aims and objectives of the National Planning Policy Framework, Black Country Core Strategy policy ENV1, Walsall Site Allocation Document policy EN1, and saved Walsall Unitary Development Plan policies ENV18 and ENV23 plus Supplementary Planning Document Conserving Walsall's Natural Environment policies NE7 and NE8.
4. The development would result in the loss of visually prominent trees and hedgerows that would be detrimental to the overall amenity, aesthetic and landscape character of the area. Accordingly the proposal is contrary to the aims and objectives of the National Planning Policy Framework, Black Country Core Strategy policy ENV3, saved Walsall Unitary Development Plan policies GP2, ENV18, ENV23 and ENV32 plus Supplementary Planning Document Conserving Walsall's Natural Environment policies NE7 and NE8.



Planning Committee

Plans List Item Number: 4.[illegible]

Proposal

This retrospective application follows a previous consent 14/0740/FL for the demolition of the existing split level bungalow at number 12 Orwell Road and the construction of two detached two storey houses and a dormer bungalow. The bungalow (plot 3) was positioned along the northern boundary of the site with the detached houses (plots 1 and 2) to South, all facing Orwell Road. Three parking spaces were provided on the frontage of each dwelling with an integral garage also being provided on plots 1 & 2.

Two storey houses (14/0740/FL) were constructed on Plots 1 & 2 adjacent to no. 20 Orwell Road consisting of kitchen/dining room, integral garage, sitting room and living room. Both have large entrance halls with a central staircase leading to a large landing with access to four bedrooms, three with en-suites and a balcony to the front. The stair case continues up into the roof space which each have a further 2 bedrooms, bathroom and office and plot 2 has an additional prayer room. The ridge height of plot one will be similar to that of the adjacent property at no 20 which will also be at a similar height to the proposed dormer bungalow (plot 3). Plot 2 will stand 0.5m's higher in between the plots 1 and 3.

Plot 3 the approved dormer bungalow (14/0740/FL) constructed on the site of the existing bungalow and will consist of a kitchen, dining room, living room and bedroom on the ground floor with two bedrooms and a bathroom in the roof space.

The proposed three dwellings will sit in a total site area of 1771 sqm's, creating a density of 17 dwellings per hectare (dph) which is comparable with the local character. The adjacent three dwellings to the south occupy a total of 1663 sqm's giving a 18 dph. To the north the adjacent three bungalows sit in a site area of 2032 sq mts which is 14 dph.

The dwellings have been constructed using facing brickwork, concrete interlocking roof tiles and upvc windows. Gables are provided to the front elevations similar to surrounding properties. The dormer bungalow will have two dormer windows to the frontage.

This application is for the following amendments and changes:

Wall and fence details – On the submitted plans boundaries to the front of the site are defined by 1.0m high facing brickwork walls with rear boundaries consisting of 2.0m high close boarded fencing. During the site visit it was confirmed that the rear fencing meets the submitted specification although the front boundary treatment is different and is a wall with railings of approximately 1.8 metres in height with a large central sliding gate made of metal and wood which provides access into the driveway of the three houses.

Revised access and parking layout – Instead of the previously approved individual parking spaces and accesses for each house a single access is proposed serving all three, with allocated parking either side of the access point.

Plot 1 is amended – Now to include two identical gables with bay windows. The previous approval was for a two gables one with bay windows the other with a garage at ground floor and flat window above.

The site visit confirmed that the ground floor rear window dimensions on the submitted plans are smaller than illustrated on the plans.

Plot 2 is amended - To change the previously approved a front bedroom to a landing and to have a second balcony in place of the window.

Plot 3

Bungalow entrance changes – The previously approved glazing either side of the access door would be omitted with a single door instead.

Bungalow, hipped roof over living room bay - Previously a flat roof was approved.

Bungalow internal layout changes - non-material

Bungalow enlarged – 1.2 metres wider, 200mm closer to the shared boundary with number 10

A site visit has confirmed that the submitted plans are missing a front velux window.

A shared outbuilding has also been built shared by all three houses, it has a side gable roof, to provide a gym, office and store. The location of the building is at the rear of the garden along the boundary to the rear gardens of houses on Princes Avenue which are on 1 metre higher ground. The key measurements are:

16.6 metres wide

6.5 metres deep

2.5 metres high to the eaves

4.6 metres high to the highest point

The rear gardens to each property as originally approved provided 296 sqm's amenity space to plot 1, 315sqm's amenity space to plot 2 and 250 sqm's amenity space to plot 3. Due to the relationship between occupants of the houses no boundary treatment has been erected.

Site and Surroundings

Orwell Road is on a gradient which rises from Sutton Road towards The Crescent. The two storey houses on the eastern side of Orwell Road step down along the road taking into account the land level.

On the western side (application side) the top half of Orwell Road is characterised by bungalows stepping down taking into account the land level To the south of the application site are five two storey houses of mixed design however with the exception of the gap between the adjacent house and the next one these all have spacious gaps between the side elevations (albeit these are mostly created by the gaps above the garages).

All dwellings are characterised by front gables, bay windows and chimneys with front gardens including frontage parking.

The application site slopes down from the North East to the South West and had semi mature vegetation within the grounds. Previously the site benefitted from private parking to the frontage for three vehicles.

The site is located approximately 200 metres of a local convenience shop and within one kilometre of the edge of Walsall town centre.

Relevant Planning History

14/0740 - Proposed demolition of existing bungalow and construction of two detached houses and dormer bungalow. GSC 21/08/17

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 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**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF says:

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

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

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

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.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- HOU1: Delivering Sustainable Housing Growth

Site Allocation Document Policies

- HC2: Development of Other Land for Housing

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- ENV40: Conservation, Protection and Use of Water Resources

- H1: Renewal of Existing Residential Areas
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T4 - The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

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

Air Quality SPD

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

Consultation Replies

Severn Trent Water – No objections subject to conditions for drainage details.

Pollution Control (Contaminated Land/Scientific Team) – no objections subject to conditions to mitigate for construction disruption.

Tree Officer – Although previous requirements were for tree planting the Tree Officer concedes there is no potential for any planting.

Transportation – The Highway Authority will be looking for the access to provide the required 2.4m x 3.4m pedestrian visibility splay, measured from the centre of the access. If the pillars fall within the splay envelope - subject to clarification, then shall have to be relocated. Also the gates should be set back 5m from the carriageway kerb edge.

Furthermore the dropped kerb works have not been given approval by the Highway Authority and are therefore unauthorised works within the public highway.

Representations

Six representations received objecting on the following grounds, with officer comments in italics:

- The proposal is out of character with the area and surroundings due to proximity to the boundary.
- Overlooking
- Loss of trees and planting
- Bungalow not built where approved 14/0740/FL (*this application is to regularise the planning position*)
- Works have been undertaken without planning permission (*there was a previous approval, this application is to regularise the changes made during construction*)
- Neighbours not notified of excavations (*not a determining issue of a planning application*)
- Works have been undertaken outside of the hours restriction condition of 14/0740/FL
- Landscape plan does not include the outbuildings and the proposed fencing conflicts with this.
- Proposed changes to plot 1 have already been built.
- Only one dropped kerb is required
- Overdevelopment
- Lack of drainage
- Outbuilding will be too high to be permitted development (*not permitted development and is to be considered as part of this planning application*)
- The plans are not accurate to what has been built (Plans have been amended and officers consider that they are sufficient to determine the application.)
- Increase in traffic.
- Lack of garden space (*proposal includes garden space*)
- No height measurements (*the plans are to scale*)
- The wall to number 10 is built on the boundary where on the original plan there was significant space between.
- Rear extensions are present on the buildings but not shown on the plans.
- The office element is a commercial use requiring more parking.

Determining Issues

- Principle of the Development/Policy
- Design, Character of the area and Layout
- Trees/ecology
- Amenities of surrounding occupiers
- Parking and Access
- Drainage

Assessment of the Proposal

Principle of the Development/Policy

The principle of development is already established through the previous planning permission 14/01740. Recent policy changes to the NPPF and adoption of the SAD do not raise any new considerations not already accounted for.

Design, Character of the Area and Layout

The design changes although different to the previous approval are not significantly different and the traditional design is retained which reflects the character of the area.

The layout is also similar to the previous approval and is considered acceptable to provide sufficient amenity between the properties and neighbouring houses.

The reduced rear window sizes of plot one raises no concerns in terms of design or amenity and the application is determined on the basis of the built form.

The additional front velux window of plot 3 is considered acceptable and similar to what can be achieved through permitted development on neighbouring houses.

The proposed boundary wall and gates included in the planning application would have a significant detrimental impact on the character of the area, which has been raised with the agent. What has actually been built is larger and has a greater harm. Despite discussions on this matter no acceptable amendments have been received and it is considered that the front boundary wall and gates should be amended which can be conditioned. The visual impact of these additions is prominent on the streetscene, to minimise the impact a reduction is required to ensure the wall does not exceed 600mm and the pillars do not exceed 1.5 metres from the footpath level which can be conditioned.

As the development is now complete the conditions required by Pollution Control are no longer required.

The objection that the wall to number 10 is built on the boundary closer than the previous approval is noted however it is considered that the remaining gap is sufficient to protect the existing character of the area.

Trees/Ecology

There were mature trees situated outside of the site that are sufficiently far enough away from the proposed development as to be unaffected. The existing trees on the site itself were of low arboricultural value and would not merit the protection of a TPO. The lack of any planting potential due to the hard surfacing is to the detriment of the overall character of houses here which is recognised by the case officer and Tree officer. However this impact in an area characterised by housing is not significant and on balance it is considered not sufficient reason to refuse the application.

Amenities of Surrounding Occupiers

The houses being built in line do not result in overlooking any more than the existing relationship between houses.

Objection has been raised that works had been undertaken outside of the hours restriction condition of 14/0740/FL. This permission had not been implemented and the hours condition was not enforceable.

Objections have been raised about the relationship between the fence and outbuilding as illustrated on the original plans. In assessing the proposal against what has been constructed, it is considered the submitted plans are accurate, in any case this application

is assessed on what has been built. The addition of the ancillary outbuilding is considered acceptable due to the scale and location at the rear of the garden which would not result in any overlooking or significant loss of light to neighbouring gardens or houses.

Objections about the works taking place without planning permission are noted, there was a previous approval and this application is to regularise the site.

The garden space accords with the Councils space standards and was considered acceptable in the original assessment, there have been no significant changes to this scheme.

The bungalow includes an additional rear single storey extension the eaves of which are approximately in line with the fence to number 10. In addition number 10 has a shed along this boundary, the main rear windows to number 10 are set away from the shared boundary by the single story garage in between. This relationship ensures that there is no significant loss of light or overbearing impact from the addition.

Parking and Access

Rather than individual access points as proposed under the previous scheme, the current proposal looks to gather the access point to one single, gated access.

The Highway Authority objects to the layout of the proposed front boundary wall and gates as applied for and as built.

The Highway Authority requires 2.4m x 3.4m pedestrian visibility splay, measured from the centre of the access. The proposed pillars fall within the splay envelope and are not supported. The gates as installed cannot be supported due to the height and solid finish which does not provide any visibility. This can be secured via a safeguarding condition.

The wall and gates as built also do not accord with the Councils visibility requirements, although a wider opening than proposed the pillars are taller and the gates are close to the back of the footpath. A safeguarding condition can be used to resolve these concerns.

Furthermore, the dropped kerb works have not been given approval by the Highway Authority and are therefore unauthorised works within the public highway which is a criminal offence. This is a matter for the Highway Authority to resolve or prosecute.

Objections to the potential increase in traffic are considered insufficient reason to refuse a planning application for 3 houses.

The office element is not a commercial use requiring more parking because the application is for 3 houses, so any office within the property would be ancillary.

Drainage

Severn Trent have requested a drainage condition. Drainage would have been dealt with via the building control process, so a safeguarding condition would not meet the government's 6 tests for imposing conditions. There are no details of surface drainage for the front parking area. This can be secured via a safeguarding condition to deliver sustainable surface water drainage to prevent water run off on to the highway and to preclude use of a highway drain.

Conclusions and Reasons for Decision

The principle of development is already established through the previous planning permission 14/01740. Recent policy changes to the NPPF and adoption of the SAD do not raise any new considerations not already accounted for.

The design and layout of the houses is not dissimilar to the previous approval and is considered to integrate with the character of the area and provides sufficient amenities in accordance with UDP policies GP2 and ENV32. The proposed and installed wall and gates is out of character due to its combined size, proximity and lack of landscaping contrary to UDP policy ENV32.

The scheme has been implemented without replacement trees and landscaping, taking account of the quality of the previous provision it is considered in this instance replacement planting is not required. The removed trees were not considered 'irreplaceable' and so did not require protection or replacement in accordance with NPPF paragraph 175.

The relationship between the houses and outbuildings to be retained and the neighbouring properties is sufficient to ensure satisfactory amenity in accordance with UDP policy GP2 and ENV32 and in accordance with the Designing Walsall SPD.

There is sufficient parking to serve the development, subject to the removal of the walls and gates and the installation of drainage by condition the scheme is acceptable not to result in any severe highway impact.

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

Drainage details can be secured through condition in accordance with UDP policy

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding discrepancies with the plans and concerns about the access, amended plans have been submitted which do not go far enough to enable full support to be given to the scheme, in this instance the houses and outbuilding are acceptable and subject to modifications through condition permission is recommended.

Recommendation

Grant Planning Permission Subject to Conditions

Conditions and Reasons

1. This development shall not be carried out other than in conformity with the following plans and documents unless otherwise required by condition: -
 - Location plan (8613/LP) received 25/06/15
 - Proposed Site Plan (8613/101E) received 15/08/17

- Plot 1 (8613/102E) received 15/08/17
- Plot 2 (8613/103E) received 15/08/17
- Plot 3 (8613/104E) received 15/08/17
- Outbuilding (8613/105A) received 15/08/17

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

2. Notwithstanding the submitted details and plans, within 3 months of the date of this decision the following remedial work shall be completed;

- The front boundary brick wall including any part of the wall within 2 metres of the footway edge and the application site boundary shall be reduced to no higher than 600mm measured from the footway ground level
- The front boundary railings, pedestrian gate(s) and brick pillars within 2 metres of the footway edge and the application site boundary shall be reduced to no higher than 1.5metres measured from the footway ground level and within 2 metres of the footway edge,
- The vehicular access gap between the brick pillars shall be extended to create a minimum gap of 6.8 metres
- The vehicular gates shall be permanently removed from the application site.
- Sustainable drainage shall prevent surface water runoff from the front vehicular hardstanding, discharging onto the public highway or into a public highway drain

Reason: To protect users of the highway in accordance with the NPPF paragraph 109 and UDP policy GP2 and to ensure the development is provided with a satisfactory means of drainage as we as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with UDP policy ENV40.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 31-Jan-2019

Plans List Item Number: 5.

Reason for bringing to committee: Significant community interest

Location: 22, OLD OAK CLOSE, ALDRIDGE, WALSALL, WS9 8SE

Proposal: TWO STOREY SIDE EXTENSION

Application Number: 18/1423

Applicant: Mr Dean

Agent:

Application Type: Full Application:
Householder

Case Officer: Jenny Townsend

Ward: Aldridge Central And South

Expired Date: 20-Dec-2018

Time Extension Expiry: 08-Feb-2019

Recommendation Summary: Grant Planning Permission Subject to Conditions



Proposal

This application is for a two storey extension to the side of a detached house that would replace the existing attached garage. The extension would enlarge the existing kitchen and add a new dining room with two bedrooms and a bathroom built above. The existing bathroom is to be converted to an en-suite for the existing front bedroom.

The original plans have been amended to reduce the width of the extension and to have a smaller window to the rear bedroom to match the existing rear bedroom windows.

The extension would measure:

- 3.5 metres wide

- 8.2 metres deep

- Be set back from the front of the existing house by 0.4 metres at ground floor and 0.6 metres at first floor level

- Be in line at the rear with the existing rear wall

- Have a gable roof that would be 0.3 metres lower at the ridge than the existing roof

- Have a first floor obscurely glazed bathroom window in the side elevation facing towards number 14 Old Oak Close

- Have windows to the dining room and one of the bedrooms on the front elevation

- Have double doors to the kitchen and a window to the bedroom on the rear elevation.

The existing garage is 2.6 metres wide.

A gap of 2 metres would remain between the side of the extension and the existing 1.8 metre high boundary fence. There is a strip of land the other side of the fence approximately 2 metres wide which is highway land. This extends part way down the side boundary of the application site. To the rear of this the land appears to belong to number 20 Old Oak Close.

Site and Surroundings

The house is situated on a residential estate and is a modern design with a gable roof and small apex over the front first floor window with a sloping canopy over the ground floor front window and a gable roof over the porch projection. All of the houses on the estate have similar design features with varying gaps between the houses.

The existing front driveway and garage provides two parking spaces but there is space in front of the house to enlarge the driveway to provide further off-road parking.

The application site is a corner plot with a private driveway to the side leading to numbers 16, 18 and 20 Old Oak Close. Numbers 14 and 12 Old Oak Close are to the north and face at right angles to the side of the application house. The main habitable room windows on the front elevations of the neighbours face across the driveway to the side of the application house at a distance of approximately 18 metres and 19 metres to the side of the single storey garage and 20.5 and 21.5 metres respectively to the side of the first floor part of the application house.

Number 20 is to the north-west of the site with the main elevation facing down the private driveway to the side of the application house. The current separation between the kitchen and bedroom windows on the front of number 20 and the rear of the first floor part of the application house is approximately 15 metres. The houses do not directly face each other but are off-set at an angle of approximately 20 degrees from each other.

Number 26 is also at right angles to the rear of the site. The rear garden of the application house is approximately 10 metres long and there are habitable room windows on the rears of both houses which overlook the neighbouring gardens.

Relevant Planning History

18/0449 Demolition of side garage and erection of a dwelling adjacent 22 Old Oak Close and creation of 2 no parking spaces in front of 22 Old Oak Close. Refused 05/09/18 on the following grounds - The existing cul de sac is characterised by pockets of open space providing a visual break from the built up development. The proposed development seeks to remove this existing open space at a focal point in the cul de sac by bringing development closer to the highway boundary. The proposed development would be out of character with the existing pattern of development and as such would be visually detrimental resulting in loss of openness and soft landscaping and as such unduly harming the visual amenities of the area. Furthermore the proposed development would bring built development closer to neighbouring properties and as such would have a detrimental impact to the amenities of neighbouring occupiers, in particular number 20 Old Oak Close in terms of outlook.

Appeal 3214857 is currently in progress against the Council's decision on this application.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF says:

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

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

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

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.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

DW3 Character

- Appendix D

It is considered in this case that the relevant provisions of the BCCS, Walsall's saved UDP policies and Designing Walsall SPD are consistent with the NPPF.

Consultation Replies

Transportation – No objections.

Representations

Ten objections (two from the same address) from neighbours in respect of the original plans (which proposed the extension to be 4.5 metres wide, have a landing window in the side elevation facing towards the front of number 14 and a three panel wide first floor window on the rear) on the following grounds:

(Note: officers comments in italics)

Severe reduction in light
Unacceptable loss of privacy
Affects visual outlook
Impact on the peaceful enjoyment of their home and garden
Visually overbearing
Inappropriate design totally out of keeping with neighbouring properties
Parking issues, blind spot from parked cars
Noise, pollution and dust
Traffic problems and a safety hazard to other motorists, children and emergency services
Take the character away from the Close as all houses were built with garages
Will affect neighbours skyline
Overdevelopment of plot

Loss of storage in rear garden could lead to storage of bins etc. at front of house which would impact on ambience of neighbourhood
 Already have parking on grass verge causing pedestrians to have to walk on road to get past
 Building work may be carried out evenings and weekends to the detriment of family life and health
 Applicant has history of property development, doesn't live at the house and doesn't care of the impact on the neighbours – *not a material planning consideration*
 Could rent the property to 5 adults – *not a material planning consideration*
 Size of extension is almost the same as the separate building proposed previously which was refused – *previous proposal was wider and set back closer to number 20*
 Central position in Close affects at least 14 other residents
 The submitted plans incorrectly refer to the proposal as a 'New Dwelling' – *this has been changed on the amended plans*
 Doesn't meet policy for separation distances
 Shadowing to front garden and trees and no impact assessment from an independent professionally certified and qualified arborist- *not required for this type of application*
 Increase the risk of flooding
 No details about how dust and dirt will be controlled or how construction vehicles will access the site for unloading without causing a hazard
 Potential for increased number of inhabitants which would increase noise
 Obligations under the Human Rights Act, Protocol 1, Article 1 and Article 8
 The proposal appears to be a tactical planning application whereby the applicant appears to be 'wearing down the Council' by submitting an original application way in excess of the desired development to 'flush out' objections and portray themselves as offering concessions to scale down then they gain approval for developments that may not have proceeded if they had been submitted openly in the first place
 The neighbour notification letter arrived 4 days after the start of the consultation period and as such the period was reduced for residents to comment - *all representations received until the application is determined are taken into account regardless of whether this is within the original timescale for comments*
 Overpopulation of the cul-de-sac
 Would feel claustrophobic
 Stress and worry over repeated planning applications and no certainty about what the future holds
 Destabilisation of this aesthetically laid out estate
 Only house without a garage and will be at odds with overall appearance of the development
 Will impede clear view of traffic from numbers 16, 18 and 20
 Reduced open space
 Impact on their mental health as it would block an open sky view from their house

In respect of the amended plans, 9 objections were received which raised the following additional issues:

Their small rear garden would have high walls to the east as well as the north
 No dimensions, measurements, square footage has been given throughout the whole saga to enable them to base their concerns on – *the plans are scaled to enable accurate size measurements to be taken*

Plans on website are 'crude'.

One neighbour states that following refusal of a smaller scheme at number 4 Old Oak Close the Council assured the residents that no further building work would be allowed within this area. *Each case has to be assessed on its own merits and the LPA cannot prevent further applications*

Determining Issues

- Design and Character of Area
- Amenity of Nearby Residents
- Parking

Assessment of the Proposal

Design and Character of Area

The design of the extension would be compatible with the existing house. The set back to the front of the extension and the lower roof line would keep the extension subservient to the existing house.

The width of the proposed extension as shown on the amended plans would be 3.5 metres, 0.9 metres wider than the existing 2.6 metres wide garage. This increased width is not considered excessive and the addition of a first floor above a side garage is not an unusual proposal and is frequently made at houses on similar modern housing developments.

The proposal would reduce the land between the side of the house and the fence from 4 to 2 metres wide. This would be similar to the 2 metres wide grass strip to the side of number 24, the house to the left. The strip of part highway land and part garden belonging to number 20 on the other side of the fence would remain unchanged. The land to the side of the application house currently sets the house apart from others in this part of Old Oak Close and is considered allows for the extension to be added without compromising the design of the original layout of the estate.

The proposal does not include a garage and whilst it is acknowledged that many of the houses on the estate have garages to the side, some have detached garages within the plot and the proposed design of the house without a garage would be similar to these houses and is considered would not harm the appearance of the house or the estate.

Amenity of Nearby Residents

The proposed extension would not project beyond the existing two storey house at either the front or rear and as such is considered would have little impact on the light or outlook of number 24. The new rear first floor window would be further from the boundary with this neighbour than the existing first floor bedroom windows. There is already mutual overlooking to the rear gardens from both of the houses first floor windows and the new window is considered would not significantly worsen the existing situation.

This would also be the case with regards to the rear garden of number 26 which is already overlooked by the original first floor bedrooms windows of the application house. The additional window, in line with the existing windows is considered would not worsen the situation sufficient to warrant refusal of the application for this reason alone.

In terms of visual amenity, when viewed from number 14 the proposed extension would remain within the outline of the existing two storey house.

The separation between the side two storey wall of the extension and the front habitable room windows of numbers 14 and 12 would be reduced to approximately 17 and 18 metres respectively. The Council's policy for separation between habitable room windows and blank walls over 3 metres high is 13 metres. There is a window proposed in the side elevation however this would be to a non-habitable room (bathroom) and can be conditioned to be obscurely glazed with top opening only to protect the privacy of the occupiers of numbers 14 and 12 and also the application house.

Front windows generally have less privacy than windows on the rear and as the driveway to numbers 16, 18 and 20 Old Oak Close runs in front of numbers 12 and 14 and is especially close to the front lounge window of 14, the front windows of these houses already have limited privacy. It is considered the proposed extension would not significantly worsen this existing situation.

Number 20 is not directly in line with the rear of the application house and the separation between the front corner of 20 and the rear corner of the first floor part of the application house as built is approximately 15.5 metres. This is less than the 24 metres separation required by policy for facing windows. The separation to the new rear window would be approximately 1 metre less than currently exists. In this context, it is considered that the proposed extension would not significantly worsen the existing situation with regards to overlooking between the houses sufficient to warrant refusal of the application and sustain an appeal against the decision.

Whilst it is acknowledged that the extension would be to the east of number 20, the off-set position and separation between the houses and the relatively short time that the addition of the extension would prolong the shading that already exists from number 22 is considered would not significantly harm the trees and shrubs in the front garden of number 20.

With regard to the neighbour's comments about the Human Rights Act, the Council's adopted policies take into account impact on the amenity of the occupiers of the neighbouring properties in both visual appearance and amenity enjoyed in both the house and garden in line with the aims of this legislation.

Whilst it is accepted that there would be some disturbance for neighbours during construction works it is considered that most house extensions are normally completed in a relatively short time. Excessive noise can be investigated under separate legislation.

Parking

Neighbouring occupiers have raised concerns over limited visitors parking, oversubscribed parking, on street parking causing blind spots. At the time the original planning application as assessment of the parking requirements for each property would have been

considered. Any issues regarding obstruction of the highway are matters for the Police to address.

Neighbours have also raised concerns that there is no pavement outside 22 and the proposal would provide a risk to pedestrians. The proposed development would be no different to the existing situation where there is no pavement outside number 22. Old Oak Close is a cul de sac where vehicles would be travelling at slow speeds, so unlikely to have a significant risk to pedestrians.

Any construction vehicles would be on site during the day so not to impact significantly upon the access arrangements to neighbouring properties. Parking within the street where there are no restrictions is also not a material planning consideration.

The Council's transportation officer has raised no objections to the proposed parking layout showing 3 parking spaces and a condition for the driveway to be extended, fully consolidated and drained prior to the development being brought into use recommended so that the parking provision would accord with UDP policy for houses with 4 or more bedrooms.

Conclusions and Reasons for Decision

The design of the proposed extension is considered compatible to the existing house and the space that would remain to the side of the house would be in keeping with the character of the estate. The proposal complies with saved policies GP2 and ENV32 of Walsall's UDP and Designing Walsall SPD.

The proposed extension is considered would have little additional impact on the light, outlook or privacy of neighbours and would meet the aims of saved policy ENV32 of Walsall's UDP and Designing Walsall SPD, Appendix D.

There is sufficient space on the frontage to provide 3 parking spaces which would accord with saved policy T7 of Walsall's UDP for a house with 4 or more bedrooms.

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 width of the extension and window design, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Grant Planning Permission 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 other than in conformity with the following approved plans: -

Location plan, block plan and parking plan deposited 17 December 2018;
Existing elevations deposited 25 October 2018;
Existing ground floor layout plan deposited 25 October 2018;
Existing first floor layout plan deposited 25 October 2018;
Proposed elevations and roof plan deposited 2 January 2019;
Proposed ground floor layout plan deposited 17 December 2018;
Proposed first floor layout plan deposited 2 January 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: Before the development is brought into use, the first floor window in the side elevation facing towards number 14 Old Oak Close shall be obscurely glazed to at least Pilkington privacy level 4 and is to have top opening only. Once installed the glazing and frame are to be retained as such 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.

4a) Prior to the development first coming into use, the extended driveway area shown on the block plan deposited 17 December 2018 shall be implemented being fully consolidated, hard surfaced (not a loose bound material), drained and brought into use.

4b) The extended parking area shall thereafter be retained and used for no other purpose.

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

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

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

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

PAGE 100 OF 122

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

Notes for Applicant

Highways

1. The attention of the Applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. Measures must be implemented by the Applicant to ensure that, so far as is reasonably practicable, surface water from the private land flowing on to, or over, the footway of the highway is prevented.
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.

Coal - Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2019 until 31st December 2020



Planning Committee

Report of Head of Planning, Engineering and Transportation on 31-Jan-2019

Plans List Item Number: 6.

Reason for bringing to committee: Major application

Location: 42, SLANEY ROAD, WALSALL, WS2 9AF

Proposal: CHANGE OF USE FROM NURSING HOME (C2 USE) TO A 41 X BEDROOM HOSTEL (SUI GENERIS USE) WITH ASSOCIATED AMENITY, RECREATION, TRAINING AND SIGN-POSTING FACILITIES.

Application Number: 18/0941

Applicant: Ayyaz Ahmed

Agent: Gagan Mohindru

Application Type: Full Application: Major Use Class Sui Generis

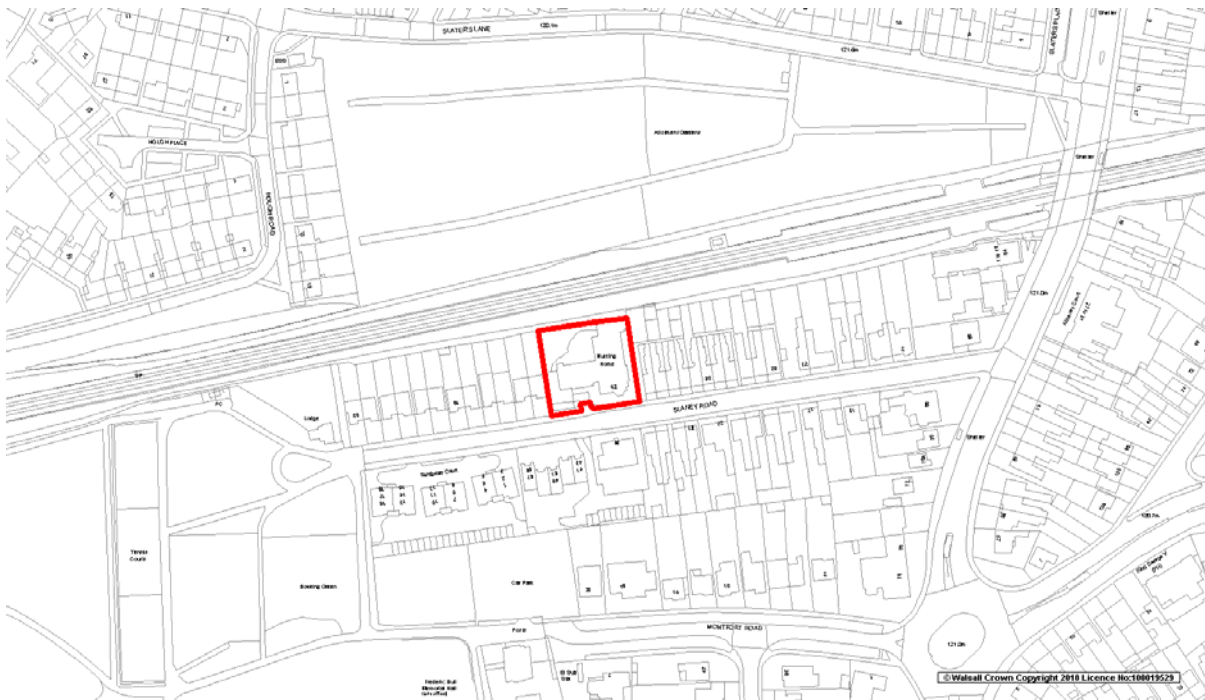
Case Officer: Paul Hinton

Ward: Pleck

Expired Date: 19-Nov-2018

Time Extension Expiry: 10-Jan-2019

Recommendation Summary: Grant Planning Permission Subject to Conditions



Current status

Following an objection being received from the Council's Highway Authority requesting additional information on the afternoon of planning committee, the planning application was withdrawn from the 3/1/19 planning committee to allow the applicant time to comment. The applicant has now provided additional information which has been shared with the Council's Highway Authority.

The information includes:

Shift patterns are operated:

- Maintenance worker will only be on site if there is a need.
- Two cooks only in the evening for 2-3 hours.
- Cleaner will be there for two hours (residents look after their own rooms)
- Two members of security staff and one support staff will be there through the night
- Two members of staff will be there at any given time during the day
- One member of security staff during the day
- One member of management during the day.

Any deliveries to the site and/or maintenance/service vehicles:

- Members of staff collect the food and deliveries once a week.

The report has been updated to include the revised reply from the Highway Authority and to consider further neighbour representations that have been received.

Proposal

This application seeks planning permission for the change of use from a 27 bedroom nursing room to a 41 bedroom hostel. The hostel includes the following:

Internally

41 single bed bedrooms

1 office

22 shower/bathrooms/wc's

1 laundry

1 ground floor kitchen

1 dining/lounge area

1 dining/training room

1 first floor kitchen/dining room

Externally

Relocation of the brick piers and railing to the front elevation to provide new pedestrian and vehicular gates with coded access

Provision of five parking spaces

New external cycle store with space for 8-10 bicycles

New external refuse store

262sqm rear amenity area, with additional boundary fence

Proposed ground floor front facing window.

The following information has been submitted in support of the application:

Design and Access Statement

- Would be operated by Midshire Supported Housing Trust
- Single bed bedrooms
- The premises will be alarmed
- External lighting to be provided
- New CCTV cameras to be installed internally and external covering the entire grounds.
- Vehicle and pedestrian access will always be controlled by on site security.
- Security will be present on site 24/7
- Majority of occupiers do not usually own or use a car on a regular basis and rely more on local transport.

Code of conduct (summarised)

- Residents should not behave in public or via social media in a manner likely to bring them or the operators into disrepute.
- Residents should not be abusive or aggressive to other residents or staff
- Residents should not behave in a manner that causes nuisance to the public and shop owners around the hostel.
- Do not bring drugs or alcohol into the building
- Anyone who does not keep to the Code of Conduct will be asked to leave its premises.

Statement of support

- Each resident is carefully assessed prior to being accepted
- Referral system involved referrals from professionals, consisting of face to face meeting and background checks.
- Provide long and short-term accommodation with provisions of constant supervision, support and care on a 24/7 basis.
- Needs of service users:
 - Users who experience persistent homelessness issues
 - Low to medium level mental health issues – anxiety/depression
 - Low to medium level learning issues
 - Users who have experienced substance misuse issues
 - Users who have become estranged from their family members rendering them isolated
- Support is provided on a weekly basis for an hour per user and includes:
 - Accessing primary care
 - Supporting with benefits/welfare rights and debt issues.
 - Signposting and supporting individuals around substance misuse
 - Supporting with suitable move on accommodation
 - Improving and maintaining mental health
 - Support to access training, employment or volunteering
- Does not accept any high risk users that has a history of sexual offences or arson.
- Staff will ensure there is no loitering outside.
- There will be a signing in and signing out process.
- Staff will engage with local Neighbourhood Watch and Community Police to minimise the fear of crime and anti-social behaviour.

- Users are quite vulnerable and do not normally own their own cars. Some have issues that prevent them from driving.
- Currently there are no residents at Midshires with their own vehicles and none have for the last year.

Further supporting information

- Tenants would be there between 3-6mths.
- 60% are referrals from the Glebe Centre.
- There is a 10pm curfew, if people are not back before this time they are not permitted to come back to the building until 6am. Curfew will depend on the individual's personal circumstances. Most of the residents at the other site operated by the applicant abide by the curfew. Residents notify security in advance of late return will be let back into the building. Any issues around disturbance as a result of arrive back late without notification would be referred to the Police.
- Most tenants are unemployed, once they are in employment they move on.
- Service users may remain within the supported accommodation up to a period of six months.
- Residents are usually unemployed. Once stable and employed, alternative accommodation is identified.
- Will only accept ex-offenders who are deemed to be low to medium risk.
- Will not accept anyone who poses a sexual risk or has convictions for arson.
- Residents identifies as having drug addictions will be linked into drug services in the area and are normally taking a substitute to support addiction, thus minimising any worries about needles being left around.
- 15 members of staff will not always be on site at any given time. High probability of car share and use of public transport.
- Most service users do not have their own vehicles.

Site and Surroundings

Slaney Road is a cul-de-sac predominately in use for residential purposes. It is understood from residents, that there are a number of properties that are now Houses in Multiple Occupations (HMO). The western part of the street is two storey terraced houses, with semi-detached houses and three storey blocks of flats to the western part of the street. At the western end of the street is Pleck Park. There is no vehicle turning facility at the end of the road. The application property part two storey and part three storey. The road is heavily reliant for on-street parking. There is a group Tree Preservation Order for the site.

Relevant Planning History

13/1329/FL - Change of use of care home (Use Class C2) to house of multiple occupation (Sui Generis). Refused 23/1/14 for the following summarised reasons:

1. Have an adverse impact on the amenity of residents and the character of the area due to the increase in comings and goings from the premises and potential noise and disturbance from the premises.
2. Result in a loss of amenity to residents by virtue of the perception and fear of crime and anti-social behaviour

3. Significant increase on the parking demand and the proposed layout would not be achievable taking into account existing structures and relationship to existing structure. The proposals would result in adding to the limited existing on street parking requirements for the existing residents of Slaney Road

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**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF says:

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- race
- religion or belief
- sex
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Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

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Local Policy

www.go.walsall.gov.uk/planning_policy

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
- TRAN1: Priorities for the Development of the Transport Network
- 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
- ENV8: Air Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H6: Nursing Homes and Rest Homes for the Elderly
- H7: Hostels and Houses in Multiple Occupation
- T7 - Car Parking
- 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

Walsall Site Allocations Document

- HC2: Development of Other Land for Housing
- HC3: Affordable Housing and Housing for People with Special Needs.

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
- DW7 Diversity
- DW8 Adaptability

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

Officer comments are in italics

Highways – No objection. The five proposed car parking spaces will adequately service the proposed use due to the shift working patterns.

Pollution Control – no objection.

Housing Standards – object

- We understand the property is intended to be used to house ex-offenders, concerns to the number of rooms / ex-offenders being placed in the area (*Not a material planning consideration*)
- Additionally there is the Domestic Violence (DV) Unit for Vulnerable Women housing 15 people close to Slaney Road) and there is already the Happy Times Hostel (this is a 40+ Bed Accommodation) in operation in the Walsall Town Centre area for which the primary function is housing Ex-Offenders. (*Not a material planning consideration*)
- Even though there is adequate provision of the toilets and shower room the location of some of these is not acceptable. (*Not a material planning consideration*)
- The shower rooms on the ground floor have communal changing facilities. Residents on the first and occasionally the second floor would rely on the use of the ground floor shower rooms. Such institutionalised shower rooms are not be permitted. (*Not a material planning consideration*)
- On the basis that 2 meals per day would be provided, the kitchen facilities mentioned on page 24 of the attached have to be provided on a ratio of one set of facilities to every ten persons. (*Not a material planning consideration*)

Police Crime Prevention – no objection due to CCTV coverage and secure pedestrian and vehicle entrances. Due to the overall crime experienced in this area recommended

security measures including door and window standards, access control measures, CCTV and intruder alarm.

Community Safety – currently have a quiet road, without careful management local residents could be impacted quite significantly.

Fire Services – no objection.

Representations

Site notice displayed, advertised in the local press and surrounding occupiers notified by letter.

31 letters have been received objecting to the application on the following grounds (*Officer comments are in italics*)

- Noise impact due to increased comings and goings.
- Already restricted parking
- Significant increase on the parking demand lack of parking in the road.
- Loss of amenity to residents by virtue of the perception and fear of crime and anti-social behaviour through substance misuse and alcohol misuse
- Safety of children in the street (*there is no evidence to substantiate this claim and consequently, not a material planning consideration*)
- Already HMOs in the street (*The Council has no planning policies restricting the numbers of HMO's in a location, consequently, this is not a material planning consideration as the Council has to focus on the current planning application and land use*)
- Parking has been much better since the closure of the nursing home (*not a material planning consideration*)
- Would impact upon children's use of Pleck Park. (*there is no evidence to substantiate this claim and consequently, not a material planning consideration*)
- Crime rates would go up (*there is no evidence to substantiate this claim and consequently, not a material planning consideration*)
- Car thefts (*there is no evidence to substantiate this claim and consequently, not a material planning consideration*)
- Impact upon property values (*not a material planning consideration*)
- More litter (*there is no evidence to substantiate this claim and consequently, not a material planning consideration*)
- More transience
- Loud music during antisocial hours (*there is no evidence to substantiate this claim and consequently, not a material planning consideration*)
- Human rights will be affected – Article 8 – right or home life not to be interfered with.
- Negative impact upon residents' mental wellbeing (*there is no evidence to substantiate this claim and consequently, not a material planning consideration*)
- Works have already commenced. (*Officers are aware of the works commencing to renew the buildings interior. This does not require planning approval on its own and is at the owners risk*)

- There will be needle use in the park and needles discarded in the streets along with beer cans etc. as well as on our front lawns, *(there is no evidence to substantiate this claim and consequently, not a material planning consideration)*
- Loss of privacy

Two petitions with a total of 85 signatures has been received objecting to the application on the following grounds:

- Grounds of previous planning refusal remain
- 3 existing HMOs in the street. *(The Council has no planning policies restricting the numbers of HMO's in a location, consequently, this is not a material planning consideration as the Council has to focus on the current planning application)*
- No enough parking to serve the needs of the development
- Emergency Services would struggle to park their vehicle to attend to the properties in the street *(This is outside the scope of the planning legislation)*
- Tenants are prone to alcohol and substance abuse *(there is no evidence to substantiate this claim and consequently, not a material planning consideration)*
- Increase in crime and anti-social behaviour *(there is no evidence to substantiate this claim and consequently, not a material planning consideration)*
- HGVs struggle to turn around *(not a material planning consideration)*
- Fire services may struggle to gain quick access *(This is outside the scope of the planning legislation)*
- Noise and disturbance
- Residents will congregate outside due to small dining room and lounge *(there is no evidence to substantiate this claim and consequently, not a material planning consideration)*
- More undesirables visiting the park affecting the enjoyment of it. *(there is no evidence to substantiate this claim and consequently, not a material planning consideration)*

Following receipt of further information (support statement and revised plans) re-consultation was undertaken.

38 letters have been received re-affirming the above and making the following *additional* comments:

- Increase in anti social behaviour such as drug taking and the use of alcohol in Pleck Park as the hostel clientele will be prohibited from such activities on site *(there is no evidence to substantiate this claim and consequently, not a material planning consideration)*
- Number of bedrooms now stated as 48 rather than 44 *(The proposal is for 43 bedroom hostel)*
- Would put further strain on the Police service.
- Work already taken place.
- Children walk alone along the main road. *(this is outside the scope of the planning legislation)*
- Crime rate has gradually increased. *(there is no evidence to substantiate this claim is related to the current proposal and consequently, not a material planning consideration)*
- Not informed of the application *(a site notice has been displayed, advertised in the press and 78 properties in the road have been consulted by letter)*
- Pleck is in the top 6% of the most deprived areas in the UK.

- A variety of accommodation is already provided for people with complex needs on Slaney Road. *(The Council has no planning policies restricting the numbers of HMO's in a location, consequently, this is not a material planning consideration as the Council has to focus on the current planning application and land use)*
- Where do residents go if they are not allowed back into the building after 10.30pm and before 6am, there is open access at the back of existing properties and the park.
- Does not address previous reasons for refusal, in particular BCCS policy CSP4.
- Police have been called to existing property in Slaney Road 27 times where a Community Order for their eviction by the ASBO team has been issued. *(there is no evidence to substantiate this claim is related to the current proposal and consequently, not a material planning consideration)*
- Police explain that 39% of HMO properties had crime attached to them. *(there is no evidence to substantiate this claim is related to the current proposal and consequently, not a material planning consideration)*
- Proposal is failing in its duty of care to existing residents.
- Concern planning report is biased *(Report is based on the individual planning merits of the proposal, the Governments national planning legislation and national planning policies, plus the adopted local planning policies)*
- Cannot assume residents of the Hostel will not have cars and vans, what about visitors.
- Noise disturbance – cannot assume in summer windows will not be open with loud music blurring out.
- There is a high relapse rate for drug and alcohol misuse. Hostel residents will go to park and surrounding areas. *(there is no evidence to substantiate this claim is related to the current proposal and consequently, not a material planning consideration)*
- Happy Times Hostel is not located in a residential area, it is near the town centre.
- Slaney Road always used as an option for Walsall Council housing problems.

Valerie Vaz MP objects to the planning application on the following grounds:

- Already four HMOs in the street, an additional larger HMO will change the character of the area.
- Have failed to offer sufficient guarantees that constituents would not be exposed to anti-social behaviour and other disturbances
- Fails to address the parking grounds of refusal on the last application.
- Is a larger version of a similar centre that was rejected in 2014.

Determining Issues

- Principle of development
- Crime and disorder/fear of crime
- Design and character of the area.
- Neighbouring and occupiers amenity
- Parking and access

Assessment of the Proposal

Principle of development

Hostels in general terms are considered provide accommodation for people with no other permanent place of residence and are a sui generis planning land use (a use of its own)

PAGE 113 OF 122

The NPPF and SAD policy HC2 encourages the provision of residential accommodation through the conversion of existing buildings in sustainable locations. Further, saved UDP policy H7 encourages the provision of hostels where there would be no harm to the amenity of the occupants of neighbouring properties or the occupiers of the accommodation or no harm to the character and appearance of the building or the area, and it would not impair on the free flow of traffic or highway safety. SAD policy HC3 encourages the provision of housing for people with special needs in location that would be acceptable for general housing.

Neighbours comment that there is are existing HMOs in the street and the street is always used for the Council's housing problems. This is an application from a private individual and not the Council. Housing Standards object on the grounds that the Domestic Violence (DV) Unit for Vulnerable Women housing 15 people is close to Slaney Road and there is already the Happy Times Hostel (this is a 40+ Bed Accommodation) in operation in the Walsall Town Centre area for which the primary function is housing Ex-Offenders. Whilst residents concerns are noted, there are no planning policies, limiting the number of hostels, HMOs or other residential uses in the borough. In addition, the Government, through its national planning legislation, does allow single houses to be converted to HMO's for up to 6 people without the need for planning approval from the Council. The Council recognises the role well managed and appropriately located temporary accommodation play in providing valuable accommodation. The Equality Act places a duty on public bodies to minimise disadvantages by taking steps to meet needs and encouraging participation in public life.

Accordingly the Council is unable to object on planning policy grounds to the principle of use.

Whilst internal renovations have taken place at the property, there is no evidence from the officer's visit that an unauthorised use is taking place.

Crime and disorder/fear of crime

The previous planning application for a 40 bedroom HMO was refused on the grounds that it would have a continued perception and result in a loss of amenity to residents by virtue of the perception and fear of crime and anti-social behaviour plus concerns from Police and the Council's Housing Standards with regard to the management of the premises. Neighbours have made reference to the grounds of this previous planning refusal specially BCCS policy CSP4. This policy explains the Black Country will be a safe and secure place through organising the urban environment in ways that encourage people to act in a civil and responsible manner. The absence of sufficient details on the management of the previous proposal meant the requirements of CPS4 were not met.

The current application has been supported by a statement which explains the strict vetting process for potential occupiers, including how the site would be managed by 24 hour specialists and that a code of conduct would be used. The Police have not objected to the current proposal and whilst the Council's Housing Standards, have objected, they are not on planning land use grounds.

The current proposal requires a mandatory licence from the Council's Housing Standards Team, in addition to securing planning permission. This process requires the licence holder to pass a fit and proper test, provide safety certificates and comply with the minimum prescribed standards of amenities and facilities. Landlords are expected to work with the Council's housing team and other agencies to combat anti-social behavior caused by tenants and there will be an expectation that landlords will remind tenants of their obligations and take appropriate action to end their tenancy where they breach them. Any license from the Council's housing standards team can be subject to on-going management requirements.

It is recognised that existing residents are concerned about potential future crime and anti-social behaviour. The fear of crime is a material consideration in planning decisions. The weight that can be attributed in the planning assessment, is often limited unless there is significant evidence to show that the increased fear of crime would actually occur. This is reflected in recent appeal decisions, where Planning Inspectors have concluded there is no firm evidence that this form of development, with tenants living together as more than one household would result in crime and anti-social behaviour and that crime prevention measures could be imposed through a planning condition.

The applicant explains that each resident is carefully assessed prior to being accepted and they do not accept any high risk users with a history of sexual offences or arson. There is 24/7 staff who will ensure there is no loitering outside. Future occupiers will be required to sign the Code of Conduct and anyone who breaches the Code will be asked to leave. This includes, occupiers not being abusive or aggressive to other residents or staff, not causing nuisance to the public and shop owners around the hostel and not bringing drugs or alcohol into the building.

Whilst these factors could be conditions of the housing standards licence, the planning proposal is considered with the suitability of its proposed land use and planning conditions could not control the day-to-day running of the hostel as they would not meet the Governments 6 tests for imposing planning conditions.

The Police explain that this beat area has experienced over 6233 police reported incidents over the last 12 months. Of these 1688 were recorded crimes. Of the recorded crimes 176 were burglary, 232 were vehicle related, 387 were Assault/ Drug related, 310 robbery/ theft related crimes, 182 crimes relating to Criminal damage to houses and vehicles plus 320 reports of Anti-Social Behaviour. The area suffers a high proportion of violent crimes and anti-social behaviour.

As a general rule hostels provide multi occupancy accommodation for vulnerable members of our society i.e. persons suffering from various types of vulnerability and issues. The hostel places them all in one building with little privacy and private space apart from one room, with residents sharing kitchens, communal and amenity spaces. Developments of this type tend to become crime hot spots / crime magnets depending on the management of the site and the nature of the tenants that occupy the premises and create a fear of crime amongst the community.

In a survey of 337 HMOs in the West Midlands Police area. The survey found that in a recent 12 month period, 39% of the HMO properties had a crime attached to them and 56% had an incident attached to them. This compares with 4% of other residences having a crime attached to them and 16% having an incident attached to them. Although the nature of the occupiers and the management arrangements of these 337 HMOs are unknown, the Police consider these statistics are sufficiently compelling to suggest that, as a result of the development, the fear of crime or anti-social behaviour by the occupiers of nearby dwellings is not unreasonable.

Recent appeal decisions for multiple occupied properties noted that whilst it is wholly reasonable that the appellant would not wish to entertain bad tenants, Environmental Health and the Police have processes in place to manage and take action against anti-social behaviour and crime. The Police do not object to this application or raise any concerns in regard to the direct impact from the proposal upon Police services.

Whilst Housing Standards have concerns about potential ex-offenders living together there is no direct evidence that this would result in crime and would be outside of the control of the planning legislation who lives in the property.

Neighbours have objected on the grounds of littering, drug and alcohol paraphernalia on their door step and have explained that there is open access at the rear of some of the properties and Pleck Park is accessible to relapsing residents. Notwithstanding these comments, none of these comments have been demonstrated would be as a result of future occupiers of the property subject of this planning application. Neighbours have also highlighted that one property in the road has been served a Community Order for their eviction by the ASBO team. The individual circumstances for that household are not material to the determination of this planning application.

The application proposes secure by design measures including, access control measures around the building, CCTV covering internal and external areas and external lighting. The measures are considered to provide appropriate security to the building and assist in reducing the perception of crime for neighbours. In addition door and window standards are considered necessary and can be secured by a planning condition that would meet the Governments 6 tests for imposing the planning condition.

Crime and anti-social behaviour is ultimately a matter for the relevant authorities and as found in the recent appeal decisions crime and disorder is not an inevitable consequence of multi-occupation as opposed to single occupation of dwellings, but rather a question of individual behaviour and appropriate management of the premises.

In the circumstances the management details submitted show their aim to minimise the fear of crime. These measures could be enforced through the housing standards licence. In the absence of any firm evidence to the contrary, it is considered that the proposal would not have a materially harmful effect on the fear of crime in the locality to support a refusal of the application on these grounds.

Whilst residents have raised their Human rights being affected by the proposal. The planning application considers the land use and potential impacts upon the amenity of residents from the land use in the area. Residents have not provided sufficient evidence to

demonstrate the potential future occupiers will impact on their human rights to sustain a reason for refusal.

Design and character of the area.

Along the front boundary a 1.6m high set of railings and gates has been erected at the back of the pavement, with the eastern side located at the back of pavement and the western side set back by 1m. In visual terms they do not cause any further harm compared to the previous ones.

The additional window to the front elevation would cause no additional harm.

The bin and cycle store are positioned away from the street and would cause limited visual harm subject to a safeguarding condition regarding securing the structure and lighting.

A new boundary fence is proposed across part of the rear amenity area which which can be conditioned to be 1.8m high close boarded fence with 0.3m high criss cross trellis would cause limited visual harm.

Neighbouring and occupiers amenity

The previous application was refused on the grounds that the HMO would be to the detriment of the amenities of residents by reason of noise and disturbance.

The previous application did not include details on how the building would be managed. In this case the applicant confirms that there would be 24/7 staff on site and the code of conduct which includes no loitering or causing nuisance to the public. It is also explained that there is a 10pm curfew where occupiers are not permitted back into the building after this time and until 6am.

In addition to two communal lounges and dining room individual bedrooms are between 8.8sqm to 20.8sqm which exceeds the Council's Housing Team's guidance for hostel room sizes require a minimum of 6.5sqm for a 1 person room. Whilst it is recognised there would be an increase in the coming and goings at the site compared to a nursing home the on-site facilities discourage any loitering. The applicant explains that occupiers generally keep themselves to themselves. The people movements would be similar to a high density flatted scheme that are typical of residential areas.

Concern has been raised in regard to loud music during anti-social hours. Due to the 24/7 staffing on the site and the code of conduct any potential disturbance could be prevented and form part of the housing standards licence.

There is an existing rear amenity area of 262sqm that would be available for future occupiers. This amenity area is directly next to the garden of 44 Slaney Road whose ground level is 1m lower than the 42 Slaney Road. The existing 1.8m high boundary fence is measured from 44 Slaney Road lower ground level. To increase the privacy and security between the properties an additional 1.8m high close boarded fence is proposed on the higher part of the garden. This would provide a privacy screen between users which is considered a betterment to the existing relationship. This can be secured by a planning condition to be installed prior to first occupation of the hostel. In addition, the condition will include 0.3m high trellis on top of the fence to meet secure by design principles and add an additional level of privacy.

The use of the building would not give rise to any material increase in overlooking or further loss of privacy to neighbours from the existing habitable room windows. Currently the second floor is used as an office. The proposed second floor bedroom windows would face Slaney Road and across the roof of the existing building.

Parking and Access

The previous application was refused as the applicant failed to demonstrate that the level of parking provided is sufficient to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

The current application proposes five off-street parking spaces. Due to the nature of the users it has been explained they are unlikely to own a vehicle or have access to one. The operators explain that at their other site currently there are no residents with their own vehicles and none have for the last year.

The supporting statement explains that the site would be served by 15 members of staff operating on a shift basis.

Cycle storage is proposed which would encourage sustainable travel. The drawings show this to be cycle stands. A secure, covered and illuminated store will be required via a safeguarding condition that meets the six tests.

The nearest bus stop is on Bescot Road 216m walking distance away with regular services to Walsall Town Centre, Dudley Town Centre. Morrisons Supermarket is the nearest shop, 600m away.

Highways raise no objection to the application.

Having regard to the Air Quality SPD it is necessary that there is provision for one electric vehicle charging point and the infrastructure for one further point in the future. This can be provided by a safeguarding condition that meets the Governments 6 tests.

Concern has been raised about access by emergency vehicles and HGVs. Fire Services raise no objection to the proposal. The proposal would not alter the existing access arrangements along the street and therefore would have no further impact. Obstructions in the highway is outside the scope of the planning legislation.

Conclusions and Reasons for Decision

In weighing the key material considerations, consultee and neighbour responses against the national and local planning policies and guidance, it is considered that the proposal would be an acceptable use of this previously developed site within an existing residential area. The application has demonstrated sufficient measures are in place to manage the use of the site without giving rise to an increase fear of crime in the area; in addition the proposal would require a separate license that can condition these measures. There is no evidence that the proposal would increase crime and anti-social behaviour in the area or give rise to an unacceptable level of noise and disturbance. The proposal would not result in a significant loss of amenity for adjoining neighbours. The application has demonstrated

sufficient off-street parking to serve the needs of the development. Accordingly the previous reasons for refusal have been overcome.

Conditions in regard to security measures, boundary treatment, cycle and bin stores, and provision of parking area are necessary and meet the six tests. Taking into account the above factors and weighing the overall planning balance it is considered that the application should be recommended for approval. The development is considered to meet the aims and objectives of the National Planning Policy Framework, policies, CSP4, HOU2, TRAN5, ENV2, ENV3 and ENV8 of the Black Country Core Strategy, policy HC3 of the Walsall Site Allocations Document and saved policies GP2, GP5, ENV10, ENV14, ENV32, H7 and T13 of Walsall Unitary Development Plan.

Positive and Proactive Working with the Applicant

Officers have liaised with the applicant's agent securing amended drawing and additional information to enable a positive recommendation to be made.

Recommendation

Grant permission subject to conditions

Conditions and Reasons

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

Reason: 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 application form and following plans and documents: -

- Existing and proposed site plan, block plan and location plan received 11/10/18
- Existing plans and elevations received 7/8/18
- Land survey received 17/7/18
- Demolition plans received 7/8/18
- Proposed plans and elevations received 21/12/18

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

3. Prior to the development first being brought into use the boundary treatment details as shown on the approved drawing shall be fully implemented and retained. For the avoidance of doubt the 'new timber fence; shall be close boarded and 1.8m in height, with a further 0.3metres high criss cross trellis on top.

Reason: In the interests of visual and residential amenity.

4a. Prior to the development first coming into use, the parking areas shown on the approved plan shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or any highway drain and all parking bays shall clearly demarcated on the ground.

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.

5a. Prior to first occupation of the building, full details of a cycle shelter to which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority

5b. Prior to the first occupation of any part of the development, the cycle shelter facility shall be installed in accordance with the approved details.

5c. The cycle shelter facility shall thereafter be retained, available for future occupiers to store/use cycles and used for no other purpose.

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

6a. Notwithstanding the details submitted and prior to the first occupation of any part of the development hereby approved details of electric vehicle charging points to be provided for one parking bay and infrastructure cabling for a further one space for future demand shall have first been submitted to and approved in writing by the Local Planning Authority.

6b. Prior to first occupation of the development hereby approved the electric vehicle charging points and additional infrastructure cabling shall be installed in accordance with the approved details and shall be retained and maintained for the life of the development.

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 and the Black Country Air Quality Supplementary Planning Document.

7a. The development shall be constructed to meet the following minimum security measures and thereafter retained as such;

- PAS 24:2012 doors should be on all entrance and exit doors.

- 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

- 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.

- Communal entry doors shall have access control system, this may be a proximity access control system, a door entry phone system and electronic lock release.

- CCTV covering the car park, building and vehicle entrances.

- All ground floor windows and any accessible windows should be fitted with BS EN 356 grade P1A glass.

- Suitable intruder alarm, with a siren box front and back, and should have dual or quad technology sensors and auto dialler function.

7b. Prior to first occupation of the hereby approved development, a written independent validation report confirming the security measures have been installed throughout the development shall be submitted for the written approval of the Council. The security measures shall thereafter be retained for the life of the development

Reason: To ensure the safety and security of the development and its occupiers.

8a. Prior to the first occupation of the building the bin store as shown on the approved drawings shall be implemented.

8b. The bin store 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.

9. For the avoidance of doubt the development hereby permitted shall not exceed 41 bedrooms.

Reason: To define the permission.

Petition

[REDACTED] 15 Slaney Road, Walsall, West Midlands, WS2 9AF.

Mr. Mike Brereton
Development Management
The Civic Centre,
Zone 2B
Darwall Street
Walsall
WS1 1DG

12th September 2018

Dear Mr. Brereton,

Application Number	18/0941
Application Type :	Full Application: Major Use Class Sui Generis
Site Address:	42 Slaney Road, Walsall, WS2 9AF
Proposal :	Change of Use from Nursing Home (C2 use) to a 44 x bedroom Hostel (Sui Generis use) with associated amenity, recreation, training and sign- posting facilities.

I refer to the Notice of a Planning Application dated 4th September 2018, which has recently been received by the residents of Slaney Road, Walsall. We, the residents of Slaney Road, who have signed the attached appendix strongly object to the Planning Application on the following grounds:

The previous proprietor or Manager of Orchard Manor, submitted an application to convert to an HMO, on 24/10/13, Application No 13/1329FL and this was refused by Planning and Building Control. I am attaching a copy of the Grounds cited at the time of refusal of this application which are still valid and represent the Residents' perception and fears regarding the present application. In fact more so this time, as the applicant has already built the extension, and the conversion has already taken place.

We already have 3 HMO operated by J9 accommodation in our street, and parking for residents is already at a premium, with visitors to our homes saying to us that they couldn't find any parking space, and had to park elsewhere, and walk back to their friends/ relations house. This is not ideal, and we fear that if there was a major Emergency, there would not be any space available for the Emergency Services to park their vehicle to attend to the needs of the patients/ residents.

If Planning consent is granted it would be detrimental not only for the reasons quoted in the previous application submitted to the Council and refused, but for the above reasons also.

I trust that you will give this matter very careful consideration, and hope that you will agree that that granting your approval for this application is not in the interest of the present residents of Slaney Road.

Yours faithfully,

[REDACTED]
On behalf of the residents of Slaney Road, Walsall.