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Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Aug-2018

Plans List Item Number: 1.

Reason for bringing to committee: Major Application

Location: JUMP NATION LTD, OLRON HOUSE, BENTLEY MILL WAY, BENTLEY, WALSALL, WS2 0BY

Proposal: PROPOSED CHANGE OF USE FROM TRAMPOLINE CENTRE (CLASS D2) TO A HEALTH AND FITNESS CENTRE (CLASS D2) AND INCREASING THE CAPACITY OF THE EXISTING CAR PARK

Application Number: 18/0029

Applicant: SimplyGym

Agent: Bradley Wiseman

Application Type: Full Application: Major Use Class D2 (Assembly and Leisure)

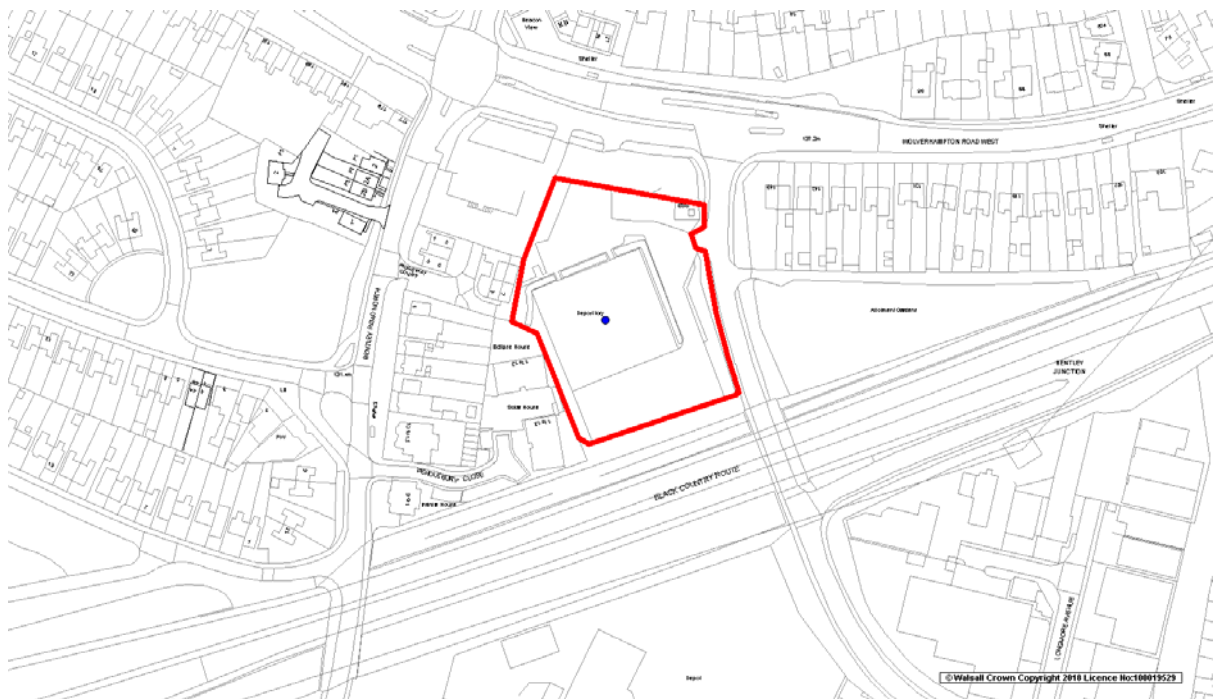
Case Officer: Paul Hinton

Ward: Bentley And Darlaston North

Expired Date: 04-Sep-2018

Time Extension Expiry: 15-Jun-2018

Recommendation Summary: Grant Planning Permission Subject to Conditions.



Officers Report

Proposal

This application seeks planning permission for the change of use from a trampoline centre (Class D2) to a health and fitness centre (Class D2) and increasing the capacity of the car park from 77 spaces and 3 disabled bays to 108 spaces and 3 disabled bays. The additional parking areas are proposed to be created by reconfiguration of the existing layout and partial removal of one of the landscaped areas. The site is currently vacant.

There would be no changes to the exterior of the building. Internally the ground floor would provide the following areas: ladies gym, free weights, strength, studio/burn, spin, cardio, abs, male changing room and inclusive toilet/changing room. The existing first floor mezzanine would provide female changing, abs and tone area.

It is stated that the health and fitness centre would provide 36 equivalent full-time employees with the following opening hours:

Monday to Friday 06.00-22.00

Saturday 08.00-20.00

Sunday and Bank Holidays 08.00-20.00

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

Cover letter

- Development will enhance access to health and fitness facilities.

Planning and Economic Statement

- The property has only been occupied since June 2016. Prior to that the premises had been vacant since at least 2009.
- There are no national multiple or low cost health and fitness club providers serving the western area of Walsall and only four independent providers in Darlaston and Willenhall.
- Site is well connected to Bentley, Willenhall and Darlaston and provides opportunities for linked trips.

Travel Plan

- Interim target that no more than 63% of staff drive to work.
- A Travel Plan Coordinator will be nominated by the applicant to implement, monitor and manage the Travel Plan.
- Travel Plan Measures include, six covered cycle stands, lockers, showers and changing facilities, travel information boards, sustainable travel information, map showing cycle routes, promotion of car sharing.

Transport Statement

- The site is in proximity to a number of bus stops:
 - The 529 on Wolverhampton Road West (200m walk away) with 6-9 buses per hour during weekdays, 4-8 per hour Saturdays, 2-4 per hour on Sundays
 - The 37 on Bentley Road North (270m walk away) with 3 buses per hour during weekdays and Saturdays and 1 per hour on Sundays.
- Similar to the existing indoor trampoline centre a large proportion of trips to a Gym are likely to be linked to other existing trips particularly during weekday AM and PM peak periods where they are likely to be linked to a home/work trio.
- The proposed gym would only increase vehicle trips on the wider highway network by 20 two movements during the weekday AM network peak period.
- During the weekday PM and Saturday network peak periods the proposed gym would significantly reduce vehicle trips by -79 and up to 0150 two way movements respectively.
- A parking accumulation assessment has been undertaken suggesting a maximum of 58 vehicles parked at any one time.

Transport Assessment

- Due to the nature of the operation Simply Gym typically attracts clientele who work or live locally and are likely to go to the gym on foot or by bike.
- Gym traffic peaks during late afternoons and early evenings.

Supporting email 22/5/18

- The proposal is principally intended to serve the residential areas to the west of the M6 Motorway, namely Bentley, Darlaston and Willenhall, along with users of these area (i.e. employees in the business areas to the west of the M6 Motorway)
- It follows that placing a facility in an alternative location to the east of the M6 Motorway (i.e. in Walsall town centre), will not provide a facility that meets the requirements of the proposal.
- a site in Walsall town centre will not provide a facility that will serve residents in the residential areas, and employees in the business areas set out above
- The former British Home Stores unit in Park Street, Walsall Town Centre has been discounted as it will not meet the same market and locational requirements. It would not provide the required single floor large space unit of approximately 2000sqm. At a total floor space of 3200sqm the overall unit is too large.
- It would not be viable to occupy this unit based on the rent and rates and the low cost gym model used.
- St. Matthews Quarter has been considered but will not meet the same market and location requirements. The largest unit at 1096sqm would not meet the needs of the operator.

Site and Surroundings

Olron House is accessed from Bentley Mill Way and is close to the junction with Wolverhampton Road West. The building is set back from the road with two main car parks to the north and south of the building. There is landscaping to the north and eastern boundaries. Immediately to the north is a vacant piece of land that was previously a petrol station with the former Lane Arms PH immediately to the west.

Across the road to the east are allotments and houses that front Wolverhampton Road (B4464). To the south is the Black Country Route (A454). To the west are residential properties of Pendlebury Close and Ridgeway Close.

Relevant Planning History

BC56828P - Variation of Condition no.7 of BC2256 to permit uses within B1(c) and B8 and including the recycling of paper products and related storage, distribution and administration – Granted 04 January 2001

14/1729/FL - Variation of condition to allow use of site for construction of timber panels. GSC 16/1/18.

15/0488/FL - Change of use of vacant industrial unit into an indoor trampoline centre (D2 Use Class) and ancillary cafe including external alterations and changes to car parking.

17/0371/FL - Variation of conditions 2, 7 and 16 of planning permission 15/0488/FL to remove acoustic fence, amend planting scheme, cycle store and refuse store. GSC 8/6/17.

Relevant Policies

National Planning Policy Framework (NPPF)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728643/Revised_NPPF_2018.pdf

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

Key provisions of the NPPF relevant in this case:

- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF says:

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

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- DEL1: Infrastructure Provision
- EMP3: Local Quality Employment Areas
- EMP4: Maintaining a Supply of Readily Available Employment Land
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN4: Regeneration of Town Centres
- CEN7: Controlling Out-of-Centre Development
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- JP7: Use of Land and Buildings in Other Employment Areas
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S4: The Town and District Centres: General Principles
- S5: The Local Centres
- S7: Out-of-Centre and Edge-of-Centre Developments

- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- LC7: Indoor Sport including Health and Fitness Centres

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character
- 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

Planning Policy – no objection. Unfortunate that unable to accommodate the proposal within Walsall's established centres given their ill health but agrees with conclusions that no units within the town centre to meet the specific operation model of this proposal.

Highways – no objection subject to use of recommended conditions in regard to implementing modifications to the pedestrian access, modifications to the existing bellmouth to meet the required standards and a requirement to meet the commitments of the submitted Travel Plan.

Coal Authority – no objection. While in a development high risk area do not consider that requiring a Coal Mining Risk Assessment would be proportionate to the scale and nature of development proposed. Recommended note for applicant.

Tree Officer – no objection subject to use of recommended conditions in regard to tree retention and protection and additional planting.

Environmental Health – recommends a condition that any amplification equipment used on the site should not result in audible noise at and beyond the site boundary.

Pollution Control – no objection subject to provision of electric vehicle charging points.

Police Designing out Crime Officer – no objections. Note for applicant in regard to Park Mark Safer Standards and opportunity to improve the lighting to the car park.

Fire Services - Hydrants should be provided within 90 m of dry rising main inlets.

Representations

Surrounding occupiers notified by letter, site notice displayed and advertised in local newspaper.

One letter has been received from the owners of the adjoining flats saying development shouldn't affect them.

Determining Issues

- Principle of use
- Impact upon the character and appearance
- Relationship with neighbours
- Impact upon trees
- Highway safety

Assessment of the Proposal

Principle of use

The existing use is D2 (Assembly and Leisure) and the proposed use is D2. While changes within the same use class do not usually require planning permission it is a

conditional requirement of the current planning permission that the D2 use is defined to the indoor trampoline centre only and in the event that use ceases then it would revert back to planning permission BC56828P (which allowed either B1(c), B8 or paper recycling). Whilst the site is not specifically designated within the UDP, with the trampoline use recently ceasing the building should, revert back to an industrial use as per the conditional requirements of the trampoline permission. Saved UDP policy JP7 and BCCS policy EMP3 are relevant in seeking to safeguard the use for appropriate employment uses.

As was the case with the trampoline centre the proposed use is a town centre use in an out of centre location. The trampoline centre was previously approved, based on evidence of no other sequentially suitable sites at that time.

For the current application saved UDP policy S7 and BCCS policy CEN7 require the site to be sequentially assessed, demonstrate a need, to have no impact upon the vitality and viability of an existing Town, District or Local Centre and be accessible.

For need it is explained that the areas of Willenhall, Darlaston and Bentley are not well served in regard to health and fitness centre provision, particularly large budget gyms. Saved UDP policy LC7 encourages the widest range of indoor sport and recreation. This would be a large health and fitness centre accessible for all including those with disabilities. It would serve a need not currently provided.

Case law has established, the sequential approach is only concerned with sites that are available now and not at some point in the time over the plan period. Other sites have been considered. The current unit would provide 2,330sqm gross internal area, whilst available sites in the centres of Darlaston (310sqm) and Willenhall (710sqm) have been identified would not meet the developer's requirements. Available sites in Walsall Town Centre (British Home Stores the St. Matthews Quarter) have also been considered and dismissed on both market factors. The applicant considers this part of the borough is already served by such facilities and the available buildings are not suitable to meet their operational requirements. It is considered, the applicant has demonstrated there are no other more centrally located sites that would meet the needs of the developer.

Health and fitness centres generally form part of linked trips, usually customers visiting before or after a trip to work. They do not generally form a link with general shopping trips. For this reason the proposed location and use would not have a material impact upon the viability of vitality of the existing centres.

The site is in walking distance of well served bus routes and also within walking/cycling distance of nearby residential areas of Bentley. Accordingly the site is accessible by a means other than private car.

Regarding the conditional requirement to revert back to industrial use following cessation of the trampoline centre, the need for the proposal has been demonstrated and weight is given to the lack of other alternative more central sites. It is recognised, there are existing residential properties in close proximity to the east. Plus both the former petrol station and former Lane Arms PH to the north are also allocated for housing in the emerging Site Allocations Document. Therefore the site may no longer lend itself to be suitable for certain industrial uses. As the site is not

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currently in use for main employment purposes the continued D2 use would not cause substantial harm to the employment land stock. A condition is recommended to define the use to a health and fitness centre only on the basis that this specific use has been justified in sequential terms. It would also mean any future industrial use could be appropriately considered through a future planning application that considers the neighbouring land uses at that time.

The principle of use is therefore acceptable.

Impact upon character and appearance

The continuation of a D2 use would cause no further harm to the character of the area. As there are no changes to exterior of the building the proposal would cause no further harm. Any future signage for the building would be considered through a separate application.

The original layout proposes the removal of a number of semi-mature trees to which the tree officer objected to. The drawings have been amended and the amount of parking spaces reduced. The revised layout ensures the trees are retained and the Tree Officer no longer objects. The officer recommends conditions to retain the trees and measure to protect them during the construction works to the car park. Tree retention was not a requirement of the previous planning permission. Should trees be of sufficient amenity value to be retained then measures through Tree Protection Orders would be available. For this reason the suggested condition would not meet the six tests. As the site also has a good level of existing screening it would not be necessary to require additional planting. A condition to ensure trees are protected during construction works is necessary and is recommended.

Relationship with neighbours

There are existing houses that are immediately to the western boundary. The trampoline centre has approved operating hours of 10am to 9pm Monday to Friday, 9am to 10pm on Saturdays and 9am to 9pm on Sundays. The application seeks opening hours for the health and fitness centre of 6am to 10pm Monday to Friday, 8am to 8pm Saturday and 8am to 8pm Sunday and Bank Holidays. While the proposal would increase the duration of use of the building, the key factor is whether this would generate unacceptable noise and disturbance.

The gym use would be within an enclosed building and in the same way as the trampoline use is not usually audible from outside the site. The use of car park would cause limited harm. It is noted that the accumulation study for the trampoline centre, suggested a peak of 69 parking spaces in use, where the proposal here suggests a peak of 58 parking spaces in use. Therefore the car park is predicted to be less intensively used. The previous planning permission required a scheme of noise mitigation (condition 7a) which was submitted and agreed by the Local Planning Authority. In addition it has been confirmed that the approved mitigation measures were implemented. Pollution Control raise no objection to the application on noise grounds. Environmental Health recommends a condition that any amplification equipment used on the site should not result in audible noise at or beyond the site boundary which is considered would meet the six tests.

The previous planning permission included safeguarding conditions, to keep external doors and windows closed and measures regarding amplification equipment. These

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safeguarding conditions remain necessary and are recommended. It is also recommended to use a condition controlling any additional external lighting to ensure the amenity of nearby residents is protected which is considered would meet the six tests.

Highway safety

The proposal increases the car park capacity from 77 spaces and 3 disabled bays to 108 spaces and 3 disabled bays. The Transport Statement concludes, the increased opening hours during the weekday AM peak period would not have any significant local highway network impacts; and the proposed health and fitness centre would generate, reduced traffic levels than the current indoor trampoline centre use.

The Travel Plan makes commitments to encourage staff to travel other than by car and also sets out measures to promote sustainable travel to customers. The site includes cycle parking and within walking distance of two well served bus routes and the residential areas of Bentley. Visits to the health and fitness centre are typically as linked trips with people visiting on or from their journey to work.

Highway authority comment, the analysis shows the proposed use would only increase vehicle trips on the wider highway network by 20 two-way movements during the Weekday AM network peak period (0800-0900hrs). During the Weekday PM (1700-1800hrs) and Saturday network peak periods (typically 1100-1400hrs), the proposed health and fitness centre would significantly reduce vehicle trips by -79 and up to -150 two-way movements respectively.

Empirical survey data from other similar health and fitness centres and the TRICS database, conclusively evidence a gym's peak operating hours are between 5pm and 8pm Monday to Thursday with much lower attendance Friday to Sunday. TRICS also show the Modal Split is about 50% of trips by car. The Travel Plan would be developed by the applicant to encourage further modal shift to sustainable travel modes. On balance, the Highway Authority considers the proposal would not have severe transportation implications.

The changes to the car park include relocating part of the internal pedestrian walkway through the car park. A condition requiring this to be implemented and including dropping kerbs and tactile paving is considered necessary. . A condition requiring demarcating and retention of the parking is also required.

Highways raise concerns that the bellmouth has red tactile paving which should be buff and also has a yellow painted pedestrian crossing, which does not meet the required inclusivity standards and this should be addressed. As these matters are within the highway, in this instance, they are outside the control of the planning application and cannot be controlled by condition.

The Police explain there is an opportunity to improve the lighting to the car park. It is noted that the car park is currently illuminated by existing lighting attached to the building. While the lighting could be improved, given the existing provision it would be unnecessary to require this to make the development acceptable in planning terms.

The Fire Services advise that hydrants should be provided within 90 m of dry rising main inlets. As there is an existing use for public access it would not be a planning criteria to achieve this, rather a consideration of any building regulation application.

To ensure compliance with the Air Quality SPD electric vehicle charging points will be required and a condition is recommended. The applicant's agent objects to this condition on the grounds that the proposal does not generate a high proportion of dedicated vehicle trips (with gym users accessing the gym as part of a linked trip) and therefore will not result in a measurable increase in vehicle emissions; nature of use means that customers are on site for short periods; the budget gym generates revenue with low cost membership to attract a large number of customers, the cost in addition to the extensive work to the car park risk making the scheme unviable.

The Black Country Air Quality SPD identifies that to reduce the cumulative impact(s) of development and render it sustainable in terms of air quality, mitigation measures are required for all developments. In this case the mitigation measures would be 5% of parking to have electric charging points and cable provision for a further 5% to meet future needs. Pollution Control have considered the applicant's submission but explain as part of a borough wide cumulative approach the condition is necessary. Therefore to make the development acceptable in planning terms a condition requiring electric vehicle charging points is required and meets the six tests.

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 principle of development has been sequentially justified and is an acceptable use of the land. The continued use and external changes to the building would cause no further harm to the character and appearance of the area. Subject to an amended drawing that shows the retention of the existing trees, the revision to the car park would be acceptable. The use would not result in a material loss of amenity to neighbours. Sufficient off-street parking is provided to meet the needs of the development.

Safeguarding conditions in regard to its use, hours of operation, external noise and lighting, electric vehicle charging, access and parking arrangements are necessary and meet the six tests. Taking into account the above factors 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, DEL1, CEN7, TRAN2, TRAN5, ENV3 and ENV8 of the Black Country Core Strategy and saved policies GP2, ENV10, ENV18, ENV32, ENV33, JP7, S7, T7, T13 and LC7 of Walsall Unitary Development Plan and Supplementary Planning Documents Conserving Walsall's Natural Environment, Designing Walsall and Air Quality.

Positive and Proactive Working with the Applicant

Officers have worked with the applicant's agent securing amended drawings and additional information to enable support to be given.

Recommendation

Grant planning permission subject to conditions.

Conditions and Reasons

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

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

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

- Location plan received 8/1/18
- Existing site layout received 22/1/18
- Proposed site layout received 19/7/18
- Existing floor plans received 22/1/18
- Proposed ground floor plan received 5/6/18
- Proposed first floor plan received 18/5/18
- Travel plan received 8/1/18

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 any equipment, materials or machinery being brought onto the site in connection with the development, protective fencing and ground protection such as geomembrane or scaffold boards shall be installed around all retained trees. Such protection shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made

Reason: To preserve and enhance the visual amenities of the locality in accordance with saved UDP policy ENV18

4a. Prior to the development hereby approved first comes into use, the car park modifications, including the revised internal pedestrian crossing facility and pedestrian routes, shall be fully implemented in accordance with approved proposed site layout drawing received on 19/7/18. For the avoidance of doubt the hard surfaced footpath links shall include dropped kerbs at the kerb edges and the pedestrian crossing shall include dropped kerbs and tactile paving.

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 saved UDP policies GP2, T7 and T13.

5a. 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 six parking bays and infrastructure cabling for a further six spaces for future demand has been first submitted to and approved in writing by the Local Planning Authority.

5b. Prior to first occupation of the development hereby approved the electric vehicle charging points and additional infrastructure cabling shall be fully 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.

6a. Prior to the first occupation of the development hereby approved, any resurfaced and additional parking areas and vehicle manoeuvring spaces shown on the approved site 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 into any highway drain, together with the clear delineation of the parking bays.

6b. These areas shall thereafter be retained and used for no other purpose.

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

7. Upon the development first coming into use, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained with the Travel Plan received on 8/1/18, shall be fully implemented, monitored and reviewed by the developer for the lifetime of the development, in accordance with the approved Plan.

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

8. No public address facility, tannoy system, radio, electrical or electronic sound production or amplification system or similar device, which could be audible beyond the boundary of the site, shall be installed internal or external to any building or structure.

Reason: To protect the amenity of neighbouring occupiers.

9. All external doors and windows shall remain closed other than when in use for ingress/egress or emergency purposes.

Reason: To protect the amenities of nearby residential occupiers.

10. Notwithstanding the details submitted, no additional external lighting shall be installed on or within the development site hereby approved.

Reason: To protect the amenities of nearby residential occupiers.

11. The premises shall not be open for use outside the hours of 0600 to 2200 hours

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Mondays to Fridays, 0800 to 2000 hours Saturdays and 0800 to 2000 hours
Sundays and Bank Holidays.

Reason: To safeguard the amenities of the occupiers of adjoining premises.

12. The development hereby approved shall only be used as a gymnasium and for no other purpose.

Reason: To enable the Local Planning Authority to retain effective control over the site and in the interests of highway safety.

Notes for Applicant

Police Designing Out Crime

The applicant may wish to consider the Park Mark Safer Parking Award for this site.

Please see <http://www.parkmark.co.uk/about-the-safer-parking-scheme>

Coal Authority

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity.

These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

www.gov.uk/coalauthority

Pollution Control

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

Electric vehicle charging points – 5% of parking needs to be sought, with appropriate cable installed for a further 5% depending upon demand.

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. 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), can accessed via the following link:
https://go.walsall.gov.uk/Portals/0/images/importedddocuments/black_country_air_quality_spd_september_2016.pdf
- ▶ 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.

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 current red tactile paving is non-compliant and should be replaced with complaint buff tactile paving. The current painted pedestrian crossing across the access is non-compliant.

3, For any works in the highway the applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the bellmouth modification/corrective works within the public highway. For further advice please contact Highway Development Control Team on 01922 655927.

Fire Services

Advise that hydrants should be provided within 90 m of dry rising main inlets.

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Aug-2018

Plans List Item Number: 2.

Reason for bringing to committee: Significant Community Interest

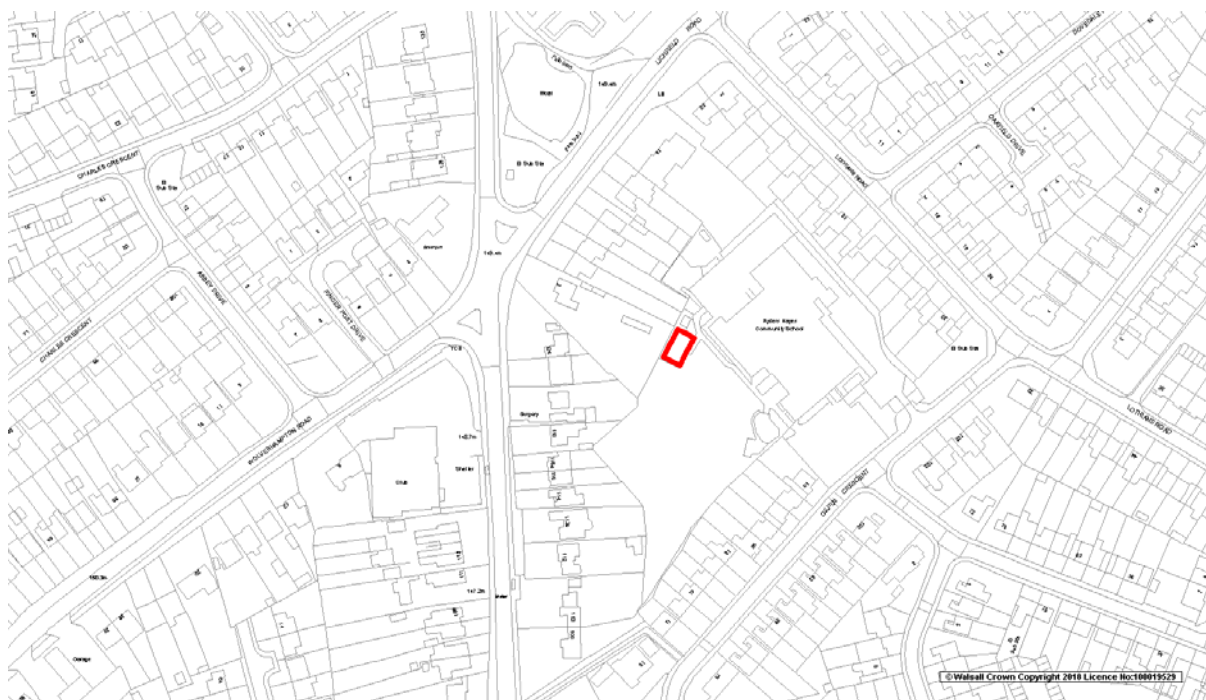
Location: RYDERS HAYES SCHOOL, GILPIN CRESCENT, PELSALL, WALSALL, WS3 4HX

Proposal: RETENTION OF HARD SURFACE PITCH APPROVED UNDER PLANNING REFERENCE 14/1029

Application Number: 17/1347
Applicant: Ryders Hayes School
Agent: BAART HARRIES NEWALL
Application Type: Full Application

Case Officer: Devinder Matharu
Ward: Pelsall
Expired Date: 05-Jun-2018
Time Extension Expiry: 13-Aug-2018

Recommendation Summary: Delegate to the Head of Planning, Engineering and Transportation to grant permission subject to resolving the coal authority planning condition.



Officers Report

Proposal

Retention of hard surface pitch (multi use games area – MUGA) approved under planning reference 14/1029.

The application form states the proposed hours for the use of the MUGA would be 9am to 5pm Mondays to Fridays and 08.30 to 5pm on Saturdays.

The agent has confirmed in writing that the school have agreed to drop the variation of condition 6a to extend the use of the MUGA pitch to Saturdays. The agent has also confirmed that the no remediation measures were undertaken.

Site and Surroundings

Ryders Hayes School is located on the north-western side of Gilpin Crescent. The school is set back within the site and screened from Gilpin Crescent by a boundary hedge with gated access from Gilpin Crescent into the school. There is a hard surface playground fronting Gilpin Crescent and a further hard surface playground to the rear of the school. To the west of the school is the school playing field.

The application site is located to the west of the school building in the school playground to the rear of 2 Lichfield Road.

Beyond the rear playground is an area that is set approximately one metre above the level of the playground. Planning permission was granted under planning reference 17/0315 for the erection of detached log cabin style training room facility and a new tarmac path to the training rooms secured by a dwarf brick wall and hoop railings measuring 1.8m high. These works have been completed.

There are a number of trees along the boundary with number 16 Lichfield Road which lies to the north west of the site.

The school is set at a higher level than the public highway and the driveway entrance to the school into the car park slopes upwards. The school playground to the front of the school slopes downwards from the school building to the boundary with Gilpin Crescent. The school is set at a higher level than the playground and positioned 4.8m away from the neighbouring property with 91 Gilpin Crescent.

The area is residential in nature with residential properties surrounding the site on Norton Road (110 to 124), Lichfield Road (2 to 16), Lothians Road (2 to 30) and Gilpin Crescent (71 to 91).

The boundary of the school with number 91 Gilpin Crescent is a boundary hedge and a fence behind and with the rear of the properties on Lichfield Road hedges, trees and fences.

Relevant Planning History

BC51893P, replacement of 1.5m high fencing and gates to Gilpin Crescent boundary with 1.8m high steel palisade fencing and gates. Approved 17-02-98.

BC60499P, extension to form new classroom. Approved 06-03-00.

BC63741P, alterations to existing building and extension to form 4 new classrooms and ancillary accommodation and associated car parking. Approved subject to conditions 06-08-01.

BC64651P, one classroom, store and circulation corridor, approved 13-12-01.

03/1016/FL/E4, single storey extension to provide a new classrooms adjacent to current extension. Approved 29-09-03.

09/0399/FL, three extensions to the school, comprising a new entrance, new classroom and new small classroom, approved 03-06-09.

10/0592/MA, Non-material amendment on PA 09/0399/FL (3 extensions comprising a new entrance, new classroom and new small classroom) to provide a change in external materials from glazing to traditional brickwork and window to match the existing building, approved 27/05/2010.

14/1029/FL, Change of use of part of playing field into a hard surface pitch, grant subject to conditions 2015.

- Condition 3a required details of tree planting to be submitted and approved.
- Condition 4a required site investigation to be undertaken.
- Condition 5a stated no lighting columns to be erected around the perimeter of the MUGA
- Condition 6 restricted the hours of use 9am to 5pm Mondays to Fridays.

17/0315- Erection of detached log cabin style training room facility at the rear of the school site with associated alteration to adjacent trim trail. Extension of two Early Years classrooms at the front of the existing school building, facing Gilpin Crescent, erection of a canopy and erection of a 2m high fence at the boundary with number 12, 14 and 16 Lichfield Road. GSC 21 June 2017

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF says:

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- CSP5: Transport Strategy
- HOU5: Education and Health Care Facilities
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis
- LC6: Sports Pitches

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

- DW3 Character

Consultation Replies

Coal Authority – No objection subject to a planning conditions regarding investigation works to be undertaken prior to commencement.

Environmental Health – No objection

Transportation – No objection

Pollution Control – No objection

Sport England – No objection

Representations

Six letters from four residents have been received objecting to the proposal on the following grounds:

- School expanded greatly in last 20 years and expanding closer to neighbouring properties
- School does not communicate with residents
- Teachers can walk away from the school for 6 weeks, neighbours can't
- Application approved in 2015 and why being resubmitted
- Application has no up to date details
- Application misleading for residents
- Proposal seek to amend hours of use condition
- Previous use condition and lighting condition were excellent
- School does not open on a Saturday
- Proposal to use MUGA on weekends and school holidays
- Noise levels from the use of the MUGA on a Saturday
- MUGA used for 6 weeks in the summer with no noise relief
- Restrict use of MUGA to 10am to 1pm on Saturday
- Residents amenities eroding over last 9 years
- Lothians Road will be used as all year round car park
- Tolerate school pick up and drop offs

PAGE 21 OF 148

- Impact upon house prices

Determining Issues

- Principle of development
- Impact upon neighbouring occupiers
- Replacement planting
- Parking and access
- Planning conditions

Assessment of the Proposal

Principle of development

The principle of the hard surface playing area has already been established through the granting of planning permission 14/1029/FL. This permission was not implemented correctly therefore the permission fell away hence the reason for the current application to seek its retention as constructed. The application description has been amended to clearly state the application is to retain the hard surface pitch area and neighbours have been consulted on this amended description change.

As the application is for the retention of the existing hard surface area the documents submitted with the application are partly new and partly refer to the old application 14/1029, albeit the proposal is exactly the same.

The agent has confirmed that the no remediation measures were undertaken. The Coal Authority have no objection to the proposal subject to a planning condition regarding a site investigation, further consultation with the coal authority has been undertaken following this response from the agent.

Devaluing of property or impact upon house prices is not a material planning condition.

In principle the installation of the MUGA is acceptable as it has been approved previously.

Impact upon neighbouring occupiers

The agent has confirmed in writing that the school have agreed to drop the variation of condition 6a to extend the use of the hard surface playing area pitch to Saturdays. On this basis, the original planning conditions restricting the use of the hard surface playing area to 9am to 5pm Mondays to Fridays will remain. The proposal would therefore have no greater impact on neighbouring amenity from the use of the hard surface area than those already considered under application 14/1029 as no Saturday usage is proposed. The application makes no reference of using the hard surface area outside term time in school holidays. Should the school wish to utilise the hard surface play area Mondays to Fridays between the permitted hours the condition allows them to do so. Environmental Health have not raised any objection to the proposal which includes use of the pitch outside school term time.

Neighbouring occupiers have stated that the school has expanded over the last 20 years and expanding closer to neighbouring properties. Whilst the school may have

expanded due to changing requirements and needs of the school, the school is set off the boundaries with neighbouring properties by playing fields and a playground. Neighbours have also stated that the school does not communicate with them. Unfortunately, this is a matter for the school and not a material planning consideration.

The previous condition relating to lighting will remain to protect neighbouring amenity.

On balance the proposed retention of the hard surface area would not unduly harm neighbouring amenity to warrant refusal of the scheme.

Replacement planting

Planning condition 3a of permission 14/1029 require details of replacement tree planting to be provided. Photographs have been provided of the three replacement trees planted at the site. Part of the condition securing the trees for a period of five years will remain as the planted trees have not fully established so they will be safeguarded for 5 years until they are established.

Parking and access

The proposed retention of the hard surface play area would not impact upon existing parking arrangements at the school. Transportation have no objection to the proposal. Any parking issues within the vicinity of the school regarding obstructions and parking on yellow lines are a matter for civil enforcement officer and the Police. Illegal parking is not a material planning consideration.

Planning Conditions

The standard three-year time limit for implementation of the works will not be applied as the works have already been undertaken. The plans list condition will remain. Condition 3 relating to replacement planting is to be amended to ensure the replacement tree planting is maintained for a period of 5 years. Condition 4 relating to remedial works further consultation with the Coal Authority is required and updated at committee. Condition 5 relating to lighting will remain as will condition 6 relating to hours of use.

Conclusions and Reasons for Decision

The principle of the hard surface playing area has already been established through the granting of planning permission 14/1029/FL. The applicants have re-submitted the application to retain the hard surface playing area already constructed on site. On balance the proposed retention of the hard surface area would not unduly harm neighbouring amenity sufficient to warrant refusal of the scheme. The replacement tree planting is acceptable. The proposal would not impact upon existing parking or access.

The proposed development meets the aims and objective of the NPPF, policies CSP4, HOU5, ENV2, ENV3 and ENV6 of the Black Country Core Strategy, saved policies GP2, ENV10, ENV17, ENV32 and LC6 of the UDP and policy DW3 Designing Walsall SPD and policy NE9 of Conserving Walsall's Natural Environment 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

Delegate to the Head of Planning, Engineering and Transportation to grant permission subject to resolving the coal authority planning condition.

Conditions and Reasons

1: The development shall be carried out in accordance with the following plans:

- Location and block plan drawing number 2617.01E submitted on 10 April 2018
- Block plan submitted 06/03/18
- Sport England component sheet submitted 06/03/18
- Photographs submitted 06/03/18
- Proposed sports activity pitch 3d Illustrations submitted 06/03/18

Reason: To define the permission

2: If the replacement trees planted to the eastern boundary of the site to the rear of numbers 2 and 4 Lichfield Road within a period of five years from the date of the planting of any of the trees, that tree, or any planted in replacement for it, is removed, uprooted or destroyed or dies, another tree of the same species and size as that originally planted shall be planted in the same place.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policies ENV18 of the Walsall UDP 2005, and NE9 of Walsall's Supplementary Planning Document Conserving Walsall's Natural Environment.

3: No lighting columns shall be installed around the perimeter of the MUGA pitch or adjacent the rear boundaries of numbers 2, 4 and 6 Lichfield Road and 110 and 114 Norton Road.

Reason: To protect the amenities of the occupiers of the residential properties along the western boundary of the school site.

4: The proposed MUGA pitch hereby approved shall not be used during the hours of 5pm to 9am Mondays to Fridays.

Reason: To protect the amenities of the occupiers of the residential properties along the western boundary of the school site.

Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Aug-2018

Plans List Item Number: 3.

Reason for bringing to committee: Significant community interest and called in by Cllr Jukes on the grounds of lack of parking, inadequate access, traffic capacity, impact upon neighbouring amenity, impact upon surrounding area and over development

Location: 15, OLD BIRCHILLS, WALSALL, WS2 8QH

Proposal: CHANGE OF USE FROM A4 TO A1 WITH EXTERNAL INSTALLATION OF PLANT AND MACHINERY TO ACCOMMODATE INTERNAL REFRIGERATION

Application Number: 18/0460

Applicant: Mr Sanjeevan Sivakumaran

Agent: Richard Baker

Application Type: Full Application: Change of Use

Case Officer: Devinder Matharu

Ward: Birchills Leamore

Expired Date: 15-Jun-2018

Time Extension Expiry: 13-Aug-2018

Recommendation Summary: Delegate to the Head of Planning, Engineering and Transportation to grant permission subject to conditions and subject to no new material planning considerations being brought forwards as a result of re-consultation on amended plans.



Proposal

Change of Use from Class A4 (drinking establishment) to Class A1 (retail sales) with external installation of plant and machinery to accommodate internal refrigeration.

The plans show the proposed internal layout the premises and the site layout shows the creation of 3 parking spaces for staff in the rear yard, a section of wall and fencing to be removed and a tree also to be removed. Three compressor units are to be installed on the rear of the premises.

The application form states 4 full time and 4 part time staff will be employed, an equivalent of 6 staff. The proposed opening hours would be 6am until 11pm Mondays to Sundays including bank and public holidays.

A sequential assessment has also been submitted with the application which states:

The Four Ways public house has not traded for the last 18 years.

The public house was purchased in 2005 in a derelict and vacant state as the business was no longer viable.

The premises have never held a license under the 2003 Licensing Act since it came into force in 2005 and never intention to trade as a wet led public house due to over provision of such facilities in the area.

The size and constraints of the premises suggests it did not have ability to develop hot food premises.

Retail selling space of under 112 square metres proposed.

The site is within 100m of the Rose and Crown public house, within 180m of the New Navigation PH, and 220m from the Liberal club.

No need for replacement facility as the premises is not listed on the assets of community value register.

The building has been empty for near 2 years

The previous owner failed 18 years ago as the pub was not viable.

The proposal seeks to change the use to A1 and trade as a high quality state of the art convenience offering a full range of goods and services not all provided in local shops

The applicant has identified that there was an opportunity to provide an enhanced offer serving Old Birchills area. A gridding exercise had already been undertaken centring on the Four Ways premises to check whether other premises were available in the area including the local centre in Birchills Street.

An area of half a mile radius was checked and identified six vacant premises one on Holly Hedge Lane, two on Green Lane and two on Birchills Street. However, these were too small, too large or/and required significant refurbishment/structural costs, all of which made the project unviable.

Customers will visit their local convenience store anything up to seven or more times a week.

No other premises suitable for the development, including three vacant in the local centre

The removal of shutters will enhance the locally listed building

No external alterations

The upper floors will be used for residential

The proposal is a relatively small scale development

There are no suitable alternative premises in the vicinity

Not affect existing public houses

No similar existing service being offered

The new premises would meet a local need

Car parking is available towards the rear for staff and parking

Number of proposed housing development to the proposed site

The agent has also provided the following supporting information:

A comprehensive new CCTV system will be installed with at least 16 cameras sited inside the store and externally as per the licensing conditions agreed. There will be at least two monitors and a 31 day library of recordings made available to the Police upon reasonable request. CCTV will be covering the rear staff car park which will also have security lighting.

The external façade will remain as is except the premises will have a number of external CCTV cameras fitted to enable staff to see what is occurring outside.

Moon Palace takeaway (next door) at 19-21 Old Birchills trades until midnight

Rose & Crown pub at 55 Old Birchills trades to 1am 7 days a week. The venue also plays music.

New Navigation pub at 109 Old Birchills trades to Midnight Sunday to Thursday and to 1am Fridays and Saturdays. The venue also plays music.

This premises is currently classed as an A4 premises (pub) and under the previous 1964 Licensing Act would have been allowed to sell alcohol for consumption off the premises until 23.00 hours anyway. This fact would have been mirrored in the current planning permission.

In addition the applicant was granted a new premises licence to sell alcohol that went to hearing on the 6th June 2018. The application was granted for the hours requested which were from 06.00 until 23.00 hours. There were no objections from any responsible authority including Police in their important capacity as a responsible authority to ensure applicants promote the four licensing objectives. The licensing Police officer suggested various condition wording which were adopted in the operating schedule that was subsequently lodged.

The number of reported crimes on the Police UK web site from the period May 2017 until April 2018 in the area of approx. 1km radius i.e. within the borders of the main roads surrounding our likely catchment area of about a quarter mile (400m). Those roads Bloxwich Lane, Reedswood Way, Green Lane & Wolverhampton Road and compared this data to your crime figures in the Police planning representation. This area also includes the existing local neighbourhood centre of Birchills.

The reported crimes when added together came to 798 for the year rather than the 1957 separate offences identified in the Police letter (a reduction of about 60%). I therefore wonder how relevant the numbers are to the applicant premises as the beat area of Birchills Leamore probably includes part of the city where it is most unlikely any of our customers are going to live and therefore the crime figures appear rather skewed. ASB for example total 177 against the stated figure of 443 (again about a 60% reduction).

A Design and Access Statement has been submitted which addresses the proposal and the attached appendices as stated below:

Fig 1 table on page 6 of the Design and Access statement details the relevance of appendix 10 data. The table on page 1 of 3 (appendix 10) headed "Acorn breakdown (Sparsity catchment)" provides the population numbers and percentages which overall demonstrate that the six demographic listed encapsulate 84% of the local residents.

Appendix 11 contains fact sheets about each of the six demographic groupings from Fig 1. On pages 1 of 6, 3 of 6 & 5 of 6 include comments regarding low car ownership which have been highlighted – these three groupings equate to around 59% of all residents living within the catchment area.

Fig 2 on page 7 in the D&A draws upon data from Appendix 12 again using the same six demographic groups identified in Fig 1 although this time comparing the groups against the residents propensity to travel to work by car, or on foot along as well as with car ownership compared with the UK as a whole. A conclusion is then deduced in the two paragraphs following Fig 2 saying that 90% of residents likely to travel to the new shop would do so either by walking, cycling or using public transport rather than via a car.

Appendix 13 is an email drawn from CACI data by Costcutter when estimating the likely turnover/customer spend from a future new Costcutter client store – this email obviously refers to 15 Old Birchills store catchment and forecasting data is regularly reviewed from Costcutter experiences with the live customer estate.

A further supporting statement has been submitted addressing development plan policies, consultee responses and addressing written representations and states:

The building is a locally listed building which recognises the valuable contribution it makes to the character of the area. Change of use will see the building sympathetically restored.

The licensing committee heard an application for a premises license of the off sales of alcohol on 6th June 2018. There were no representations from any statutory authorities.

The premises are located 250m outside of the local centre.

Police support the proposal.

Drug activity will not be affected by the opening of the store and CCTV should act as a deterrent.

Noise considered by Environmental Health and Pollution Control.

The CACI report evidences low car usage.

Previous applications for nursery and restaurant

New jobs will be created

Site and Surroundings

The Four Ways former public house is Locally Listed. It is a decorative late Victorian public house, dated 1896. Executed in red brick with painted stone detailing, this building has a distinctive curved façade with part of the frontage in Reedswood Lane and part fronting Old Birchills. Three storeys in height with three bays, the centre bay is gabled and contains the date stone. Side bays have the name of the inn lettered in stone at second floor level. The windows contain some good stained glass. The distinctive design and presence of this building make it a major local landmark for the Birchills district. The premises is set at the back of pavement. The ground floor windows and the central doorway have solid roller shutters.

There are two vehicular access to the premises from Reedswood Lane, one adjacent in close proximity to the junction with Old Birchills and the other adjacent number 22 Reedswood Lane. The rear of the premises forms the boundary with number 22 Reedswood Lane and to the rear of the public house is a garden area. The boundary of the former public house fronting Reedswood Lane is a dwarf wall approx. 0.5m high with piers approx. 2m high and infill fencing panels.

The elevation fronting Reedswood Lane reduces to two storeys and a single storey rear flat roof with railings on top.

To the north of the site is number 22 Reedswood Lane, a residential property. To the east of the site is a two storey hipped roof doctors surgery set back within the site with a car park fronting Old Birchills. Adjacent the site fronting Old Birchills is a commercial property and a hot food take-away both of which are two storeys high.

Opposite the premises on Old Birchills are residential properties and on the opposite side of Reedswood Lane is a retail unit at ground floor and residential above, the commercial premise's is known as 6 Bentley Lane. In front of this unit is an area of open hard surface with lamp posts either side facing Reedswood Lane and Bentley Lane, a telephone box and a tree.

Reedswood Lane is located to the right hand side of Old Birchills before the junction of Old Birchills and Bentley Lane. Pargeter Street is off set from this junction.

The site is located 165m from the edge of Birchills Local Centre.

Relevant Planning History

15/1383- Change of use from public house to day nursery. Refuse permission 2015 for the following reason:

1.The proposed day nursery fails to provide adequate onsite parking provision, drop off/pick up provision and turning/manoeuvring space within the site or cycle parking facilities. The intensified use of the site would be likely to lead to a significant increase in the number of vehicle trips to the site over and above the present use. As a consequence the use would give rise to indiscriminate on-street parking and vehicle queuing around a busy multiple arm road junction. The development is also likely to result in increased pedestrian movements across the junction which has inadequate pedestrian crossing facilities. The proposal would give rise to conditions prejudicial to highway safety.

07/0318/FL/W3- Change of use to Restaurant and Takeaway, installation of Flue, Retention of roller. Refuse permission 2007 for the following reasons:

1.The retention of the sold galvanised finished roller shutters on the ground floor of this locally listed building would be detrimental to its character and appearance in this prominent location and would be detrimental to the visual amenity of this predominately residential area. The addition of an extraction flue would also be detrimental to the character and appearance of the building and the visual amenity of the area due to its proximity to the highway, and its proposed materials and commercial appearance.

2. The proposed development would be detrimental to the amenities of nearby residents due to noise, smell, disturbance and additional traffic in the area and the extensive opening hours which would occur.
3. The proposed development would have an insufficient number of parking spaces to meet the needs of the development, insufficient space for vehicles to manoeuvre within the site, deficient visibility at the entrance to the car park and insufficient width of access. Due to these deficiencies and the proximity of the site to a junction, the approval of this application would be detrimental to highway safety.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

NPPF 6 – Building a strong, competitive economy

NPPF 7 – Ensuring the vitality of town centres

NPPF 12 – Achieving well-designed places

NPPF 15 – Conserving and enhancing the natural environment

NPPF 16 – Conserving and enhancing the historic environment

On **planning conditions** the NPPF says:

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

CSP4: Place Making

DEL1: Infrastructure Provision

DEL2: Managing the Balance Between Employment Land and Housing

CEN1: The Importance of the Black Country Centres for the Regeneration Strategy

CEN2: Hierarchy of Centres

CEN6: Meeting Local Needs for Shopping and Services

CEN7: Controlling Out-of-Centre Development

ENV2: Historic Character and Local Distinctiveness

ENV3: Design Quality

Saved Unitary Development Plan

GP2: Environmental Protection

ENV10: Pollution

ENV11: Light Pollution

ENV14: Development of Derelict and Previously-Developed Sites

ENV17: New Planting

ENV18: Existing Woodlands, Trees and Hedgerows

ENV28: The 'Local List' of Buildings of Historic or Architectural Interest

ENV32: Design and Development Proposals

ENV35: Appearance of Commercial Buildings

S1: Definition of Town Centre Uses

S2: The Hierarchy of Centres

S6: Meeting Local Needs

S7: Out-of-Centre and Edge-of-Centre Developments

T4 - The Highway Network

T7 - Car Parking

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

DW3 Character

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

Arboricultural Officer – Verbal comments 30/7/18 no objection to the loss of the tree and no replacement trees are required.

Environmental health – No objection subject to planning conditions relating to noise, opening hours and delivery times.

Police – No objection subject to secure by design.

Pollution Control – No objection subject to planning condition relating to noise mitigation from external machinery.

Strategic Policy- No objection the applicant has provided the necessary evidence to meet the requirements of UDP Policy S7 and BCC Policy CEN7.

Transportation – No objection subject to planning conditions to parking and footway crossing.

Representations

Seven letters from five residents have been received objecting to the proposal to the original and amended details of the application on the following grounds:

The site is a listed building at the junction of Old Birchills and Reedswood Lane
Convenience store

Four establishments within mile radius of location where alcohol can be purchased

No need for another off license

Residents suffer health concerns

Doctors surgery deal with children and young people

Noise issues including: residents work shifts, ill health of neighbours, noise from external installation, customer traffic noise late at night, extra traffic noise, delivery noise,

Litter

Crime: including crime rate is high, existing drug dealing activity would increase

Drunk and disorderly behaviour with off license

Highway issues including: Old Birchills is used for cutting across Walsall to M6, junction is a blind spot reducing vehicle visibility, difficult to navigate junction, four way traffic, Reedswood Lane congested, people park on the corner on Reedswood Lane, chaos caused by customers parking cars in the vicinity, double yellow lines, increase in road traffic accidents, overcrowding with cars, problems accessing neighbouring homes due to existing commercial uses, residents from Bentley Lane park in Reedswood Lane as do overspill from the doctors surgery and the factory, double parking, delivery vehicles park outside neighbouring properties, 80% of customers travelling to site is a generalisation, customers will park in doctors surgery car park.

A petition with 226 signatures has been received objecting to the proposal on the following grounds:

Lack of parking

Inadequate access

Traffic capacity

Impact upon amenity of neighbours

Impact upon surrounding area

Impact upon a listed building

Protecting town centre viability

Crime and anti-social behaviour

Councillor Jukes has called in the application for the following reasons:

Lack of parking

Inadequate access

Traffic capacity

Impact upon neighbouring amenity

Impact upon surrounding area

Over development

Determining Issues

Principle of development
Impact upon the locally listed building
Impact upon neighbouring residential and commercial occupiers
Access and parking

Assessment of the Proposal

Principle of development

A sequential test in support of the proposal has been submitted which identifies six vacant units within a half a mile radius of the application site. Out of these six units none were considered suitable due to the size or the alterations works which meant these vacant units were unviable. Whilst there are a number of vacant units being actively marketed within the local centre, Strategic Policy support the agent's claims that these are not viable for the reasons outlined above.

Strategic Policy have also undertaken their own desktop sequential study and as a result of this study have not found available suitable premises within an established centre. Although Strategic Policy would like to resist the proposed development of a retail unit in an out-of-centre location when the closest centre is in such ill health, Strategic Policy do not have the evidence to demonstrate that this proposal would have a detrimental impact on the health of the centre. In this instance the applicant has provided the necessary evidence to meet the requirements of UDP Policy S7 and BCC Policy CEN7 to support the proposal.

The planning agent has also submitted supporting information to state that the premises has not been functioning as a public house for the last 18 years and confirms there are two other functioning public houses and a liberal club all within walking distance of the application site. They also confirm the reason the public house ceased trading was due to the over demand of public houses in the vicinity and the business was no longer viable. Since its closure the premises has remained vacant. Furthermore, the applicant also has written confirmation that the public house is not on the assets of community value register.

On this basis, it is considered that evidence has been provided to meet UDP Policy LC8 where it has been demonstrated that there no longer a need for the public house or a possibility to retain a public house at this premises. Furthermore, the public house has been closed for a number of years now and there are suitable drinking premises in the surrounding location to meet any community need.

The planning agent also states that the premises ceased trading 18 years ago. It is considered the re-use of the premises would bring investment into the premises, secure the locally listed building from dereliction and assist the local economy. Given that planning permission has been refused in the past for a restaurant and a nursery, a retail use would be the most appropriate use, especially as the agent has demonstrated the need above for the proposal.

Neighbours have raised concerns about the sale of alcohol and their being four establishments where alcohol can be purchased in the area. An off license is a Class A1 retail use, in this case, the sale of alcohol will be an ancillary use to the main convenience store and still be classed as retail sales. The issue of whether a license to sell alcohol at the premises is acceptable is a matter for the Licensing Department.

Cllr Jukes has referred to the proposal being over development. The proposal seeks to utilise the existing floor space of the premises. No extensions are proposed. The building is existing. The proposal would not resulting over development of the site in accordance with planning policy.

The Arboricultural officer has no objection to the loss of the tree and no replacement trees are required.

Impact upon the locally listed building.

Other than external compressors no other external alterations are proposed to the exterior of the former public house. The compressors would be located towards the rear of the premises and as such would not be visually detrimental.

The former Four Ways Inn is a locally listed building recorded at a local level only.. It is not a listed building that is recorded on the Historic England national list of listed buildings. Policy ENV28 of the UDP states permission would not be granted for the demolition of adverse alteration to the building. In this case, the proposal does not seek demolition but internal alterations to convert the premises from a former pub into a convenience store. The planning agent has confirmed in writing that there will be no external alterations. The ground floor of the premises has solid roller shutters, which will be removed as part of the re-use of the premises, this can be conditioned to ensure they are removed prior to the first trading of the premises as a convenience store. The removal of these unsightly solid shutters would enhance the appearance of the locally listed building.

The planning agent has also stated that CCTV cameras will be installed. A planning condition will be attached seeking details of the type of cameras and the position of these cameras to be installed, to protect the locally listed building.

On balance, the retention and re-use of the locally listed building would safeguard this local asset in the community.

Impact upon neighbouring residential and commercial occupiers

The application site is located adjacent both residential and commercial properties. With regards to the impact upon neighbouring commercial occupiers, it is considered that the proposal would not unduly harm the amenities of neighbouring commercial occupiers to warrant refusal of the scheme.

Cllr Jukes and neighbouring occupiers have raised objections to the proposal on the grounds of impact upon neighbouring and surrounding occupiers. The site is in a mixed commercial residential area where there are existing commercial uses, public houses and a hot food take-away all within walking distance of the application site. It is in a mixed use area close to a busy highway where levels of amenity are not expected to be the same as those in an exclusively residential area.

There is no evidence to suggest that the change of use of this premises from a public house which would have had a beer garden adjacent number 22 Reedswood Lane with similar closing hours would unduly harm the amenities of neighbouring and surrounding occupiers to warrant refusal of the scheme. The proposed retail unit would still propose to close at 11pm, an hour earlier than the hot food take-away next door but one and earlier than the two public houses in the vicinity which have opening hours until 1am.

Neighbouring occupiers have raised a number of objections to the scheme, in particular noise from the use of the premises, noise from external insulation, extra traffic noise, and noise from vehicles visiting the premises and delivery noise. The restriction of the hours of use in a mixed commercial residential area would assist in providing neighbouring occupiers some noise relief and peace and quiet at a reasonable time of the night.

Pollution Control, Environmental Health and the Police have no objection to the proposal subject to planning conditions relating to noise mitigation and opening hours and delivery times. Environment Health have no objection to the proposed opening hours between 6am to 11pm Mondays to Sundays. Furthermore, there is no evidence that the proposed retail use would result in significant vehicle movements to impact upon neighbouring occupier's amenities in terms of noise.

Any noise from customers talking around the premises would be ambient noise levels. Environmental Health have also specified that they have no objection to paper deliveries at 6am as they are undertaken by small vans. A planning condition cannot be attached stating newspaper deliveries in a small van can be undertaken at 6am, as this condition would be unenforceable. As such the deliveries hours will be conditioned as recommended by Pollution Control.

Pollution Control have advised the submitted noise assessment demonstrates that the noise levels from the external refrigeration units should not be excessive

after acoustic louvres are fitted to them. They also state a planning condition be included within any permission that ensures the noise rating from the external machinery will be below 45 dB, one metre from a residential habitable room.

The proposed retail unit is a convenience store, it is more likely residents would take purchases home to consume as oppose to disposing of their litter on the street. In any case, a planning condition can be attached to secure provision of a litter bin within the premises.

Potential or existing health concerns of neighbouring residents do not outweigh the other material planning considerations in support for the proposal to warrant refusal of the scheme.

Neighbouring occupiers have also raised concerns about crime in particular the crime rate being high, drug activity would increase. They also state the off license within the premises would encourage drunk and disorderly behaviour. The issue regarding crime is a matter for the Police. There is no evidence to suggest that the proposed retail unit would exacerbate any existing problems in the area with regards to crime or drugs and bad behaviour. The issue regarding drug use is a matter for the Police to investigate. Furthermore, the Police have no objection to the proposal. It is unlikely that customers to the retail unit would be drunk and disorderly as there are two public houses within walking distance from the premises which are open until 1am where alcohol can be purchased after this retail unit closes at 11pm.

Pollution Control have also advised that no information has been provided on the use of the upper floors of the building. If the upper floors are to be used for residential purposes then a noise insulation scheme (acoustic ceiling) may be required between the commercial and residential activities. As this information has not been provided, no specific conditions or recommendations are being made.

To the eastern side of the site is a two storey doctor's surgery, who have raised concerns that they deal with children and young people. The proposed retail use would not unduly impact upon children and young people visiting the doctor's surgery premises any more than it would if it remains as a public house or derelict site.

On balance, it is considered that the proposed retail use would not unduly harm the amenities of neighbouring and surrounding occupier's amenities to warrant refusal of the application.

Access and parking

The proposal would increase the level of parking to a maximum +7 based upon a gross floor area of about 200sqm over the extant A4 use. The rear service area

and access is to be improved to provide at least 3 staff parking spaces and allow service vehicles to deliver off street.

Neighbouring occupiers have raised a number of objections to the proposal including lack of parking, inadequate access and traffic capacity. There is no evidence to suggest that the proposal would increase the number of vehicle trips to the premises, the site is within walking distance from surrounding residential premises, and it is very likely that customers will walk to the premises to purchase day to day convenience goods.

The access into the rear of the site would be widened to allow delivery vehicles to enter the site and make deliveries as opposed to causing an obstruction on the highway. There are no parking restrictions on Old Birchills and Reedswood Lane and customers visiting the premises are likely to be parked for a short period of time, as opposed to the time they would take as if shopping in a large supermarket.

Neighbours also raise concerns regarding Old Birchills being used for cutting across Walsall to the M6, the junction is a blind spot reducing vehicle visibility and difficulty navigating the junction with four way traffic. They also refer to increase in traffic incidents. The Highway Officers has made an assessment of the proposal and there are no road restrictions and the road is not a classified highway. There is no evidence to suggest that the propose retail unit would increase traffic incidents in the vicinity over and above the extant use.

They also refer to Reedswood Lane being congested, chaos caused by customers parking, overcrowding with cars problems accessing neighbouring homes due to existing commercial uses, residents from Bentley Lane park in Reedswood Lane as do overspill from the doctors surgery and the factory, double parking, delivery vehicles park outside neighbouring properties and customers will park in doctors surgery car park. There is no evidence to suggest that the customers to this retail unit would exacerbate the above existing problems. There are no road restrictions and the highway is not classified.

It is recommended the opening times are limited to the same as any surrounding retail units to avoid residents being disturbed. There is no actual parking to accommodate any use of this establishment only on street parking which may cause the residents and other highways users an issue due to its close proximity to the junctions.

On balance taking in account the site is in a locality where there are already a few shops without off street parking, where there are no restrictions to parking on street and that the shop is likely to serve the local community only where a high percentage of customers are likely to walk. On balance the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF.

Conclusions and Reasons for Decision

The necessary evidence to meet the requirements of UDP Policy S7 and BCC Policy CEN7 to support the proposal has been provided. It has been demonstrated that there is no longer a need for the public house or a possibility to retain a public house at this premises.

The re-use of the premises would bring investment into the premises, secure the locally listed building from dereliction and assist the local economy.

On balance, it is considered that the proposed retail use would not unduly harm the amenities of neighbouring and surrounding occupier's amenities to warrant refusal of the application.

On balance taking in account the site is in a locality where there are already a few shops without off street parking, where there are no restrictions to parking on street and that the shop is likely to serve the local community only where a high percentage of customers are likely to walk, the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF.

The proposal complies with the National Planning Policy Framework, policies CSP4, DEL1, DEL2, CEN1, CEN6, CEN7, ENV2 and ENV3 of the Black Country Core Strategy saved policies GP2, ENV10, ENV11, ENV14, ENV32, ENV35, S6, S7 and T13 of the UDP and DW3 of Designing Walsall 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

Delegate to the head of planning, engineering and transportation subject to no new material planning considerations being brought forwards as a result of re-consultation on amended plans.

Conditions and Reasons

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

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

2.The development shall be completed in accordance with the following plans:

Location plan submitted 10/04/18

Plans as proposed drawing number RB02 submitted 24/7/18

Plans existing and proposed drawing number RB01A submitted 24/07/18

Reason: To define the permission.

3a. Prior to the commencement of development details of the following shall be submitted to and approved in writing by the Local Planning Authority:

CCTV details including cameras types and the locations at which they will be fixed and the method of how they will be fixed to the exterior of the locally listed building.

Details of all external lighting to be fixed to the exterior of the locally listed building including the type of lamps and level of illumination.

3b. Only the approved written works shall be implemented and retained and maintained at all times.

Reason: In the interests to safeguard the locally listed building and the visual amenities of the area and to safeguard neighbouring residential amenities.

4a. Prior to the first occupation of the development, details of storage waste/disposal and waste containment including the placement of a waste bin within the premises by the entrance/exit shall be submitted to and approved in writing by the Local Planning Authority.

4b. Only the approved written works shall be implemented and retained and maintained at all times.

Reason: To ensure the site is served with adequate waste disposal.

5a.The sound levels from external machinery/equipment shall not exceed a Noise Rating of 45, one metre from a habitable room window, when operating either individually or in combination.

5b.Prior to the store opening the Applicant shall provide written verification that the noise from external machinery does not exceed NR45 one metre from a window of a habitable room the satisfaction of the Local Planning Authority.

Reason: To provide nearby occupants with a reasonable acoustic environment.

6a. Prior to the development first coming into use, the rear parking and delivery area 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, together with the clear demarcation of the parking bays.

6b. These areas shall thereafter be retained and used for no other purpose.

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

7. Prior to the rear parking and delivery area first coming into use, the existing vehicle footway crossing in Reedswood Lane shall be suitably extended to align with the widened access in accordance with the Council's footway crossing specification SD11/8 dated January 2008. All works within the public highway shall be in accordance with all statutory requirements

Reason: To ensure the satisfactory completion and operation of the access, in accordance with UDP Policy GP2, the Council's footway crossing procedure and in the interests of highway safety.

8. No deliveries shall be taken at or despatched from the site outside the hours of 22:00 to 7am.

Reason: To protect the amenities of neighbouring residential occupiers.

9. The retail premises hereby approved shall not open for trade outside the hours of 11pm to 7am Mondays to Sundays.

Reason: To protect the amenities of neighbouring residential occupiers.

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 of any works pertaining thereto.

2. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team on 01922 654675

Notes for the Applicant: Police

If secured by Design is not to be achieved in full on this development I would recommend the following as minimum standards.

If the premises were to undertake any replacement of doors or windows during the refurbishment then I recommend all ground floor windows and any accessible

windows are fitted with BS EN 356 grade P1A glass and I recommended the developer to be made aware of and fit the PAS 24:2016 doors.

To assist with anti-social behaviour or robbery/thefts that may occur on the premises of the store consideration should be given to the Sensortech Starbox system which is a form of monitoring to assist staff or managers when dealing with groups of rowdy offenders.

I also recommend some form of Fogging device is fitted as this will assist in any Robbery type offence as this Neighbourhood has a high proportion of this type of crime.

Make sure staff can both see and be seen, displays and posters should not obscure the line of vision, staff need to be able to see if anyone is acting suspiciously outside the premises and anyone outside should be able to see if there is a problem occurring inside.

Consideration also needs to be given to cash handling on site keep as little cash as possible on the premises with a minimum in each till, put notices up to this effect so offenders are aware the risks far out way the rewards. Do not count cash in view of the public always do it in a back office and use drop boxes from the tills rather than removing money trays containing large amounts of cash. The safest method of cash collection is through recognised cash carrying companies. I recommend the access to the staff only areas are fitted with access control system to stop offenders gaining access to this area when staff are distracted as this will be where staff may be storing personal possessions.

CCTV is an excellent deterrent as offenders do not want to be identified or caught. Sight the cameras covering entrances/exits, and till areas but also install a covert CCTV camera linked to the main recording system at the entrance door as offenders do not normally put their masks or facial coverings on until in the doorway so as not to arouse suspicion from passers-by by which time a full facial picture has been captured. Cameras can also alert any backroom staff to problems arising in the store. Site recording equipment should be stored away in a locked cabinet so that offenders cannot destroy the evidence during the robbery

Panic alarms can be placed at till counters (unfortunately these can be pressed by staff for the wrong reasons ending up with withdrawal of a response by the Police) however there are systems available for staff to have panic alarms placed in name badges which can be pressed for the monitoring company to open a recording of events and check if there is a problem. They will then in turn call Police avoiding false activations.

Place spyhole viewers in rear service doors to avoid staff being surprised by offenders. The Doors must remain locked when not in use however they must still comply with fire regulations

Ensure the premises is well lit both internally and externally, boost interior lighting if only by increasing wattage of bulbs. Lighting is needed outside and for storage areas as criminals and youths do not like to work in areas where they can be seen and identified.

The service yard/car park should be left open at all times as this increases the opportunities for crime or hostile reconnaissance

Fire Exits should be linked to the CCTV and alarm system to identify breaches and deter/prevent staff using exit for comfort break/crime opportunities. It should be closed/locked at all times to prevent anonymous entry to 'private' area
To reduce theft by staff it might be beneficial to have a room whereby security officers/managers can 'search' staff on a random basis. This could reduce theft by staff, there should be rigorous recruitment measures in place with full vetting and all staff to be given crime prevention training



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Aug-2018

Plans List Item Number: 4.

Reason for bringing to committee: Section 106 Agreement

Location: 2, EDWARD STREET, WALSALL, WS2 8RT

Proposal: CHANGE OF USE FROM RESIDENTIAL DWELLING (C3) TO ANCILLARY STORAGE AND OFFICE AND INSTALLATION OF ROLLER SHUTTERS TO NO.2 EDWARD STREET (RETROSPECTIVE) AND CHANGE OF USE AND HARD SURFACING OF OPPOSITE CHURCH LAND TO A CAR PARK

Application Number: 18/0177
Applicant: Mrs Pauline Cox
Agent: Parallel PI Limited
Application Type: Full Application

Case Officer: Mike Brereton
Ward: Pleck
Expired Date: 18-Apr-2018
Time Extension Expiry: 14-Sep-2018

Recommendation Summary: Grant Permission Subject to Conditions



Officers Report

Proposal

This part retrospective application seeks:

- Change of use of No.2 Edward Street from residential dwelling and outbuildings (C3) to ancillary storage, office and tent repairs;
- Installation of roller shutters to garage at No.2 Edward Street; and
- Change of use and associated hard surfacing of the opposite church land to a car park for deliveries, visitors and staff (corner of Edward Street and Pargeter Street).

The proposal relates to the continued operation of an existing tent hire business (A1 retail use) at No.105a Pargeter Street. The applicants' explain that the additional storage and office is necessary to support the growth of online internet orders.

Opening hours would be 09:00am to 17:30 Monday to Wednesday, Fridays and Saturdays.

Delivery times would be outside the hours of 09:00am to 09:30am and 15:00pm to 15:30pm and not at all on Thursday, Saturday and Sunday or Bank Holidays and October Half Term.

Site and Surroundings

The application site comprises two distinct parts:

- No.2 Edward Street, a traditional two storey end-of-terrace house with attached single side garage and rear outbuildings; and
- Curtilage land to church building (currently occupied by Fatima Education Trust).

The nearby area is predominantly traditional two storey residential terraced houses.

The application site is in an out-of-centre location and over 440m away from the nearest local centre of Birchills.

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 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF says:

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- DEL2: Managing the Balance Between Employment Land and Housing
- EMP1: Providing for Economic Growth
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals

- JP8: Bad Neighbour Industrial Uses
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- S16: Internet Shopping
- 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
- DW7 Diversity
- DW8 Adaptability

Consultation Replies

Community Protection Team - No objection.

Pollution Control – No objection, no acoustic mitigation required and subject to a condition to control working hours.

Local Highway Authority – No objection subject to conditions regarding storage and office remains ancillary, laying out and retention of off-site car park spaces.

Representations (*Officer Comments in italics*)

3 x letters of support received and appended to the submitted Design and Access Statement on the following grounds:

- Good relationship between site owners, employees and community (*this is not a material planning consideration in the determination of this planning application*);
- Minor parking issues are quickly resolved;
- No additional environmental impacts from storage use; and
- Never any noise, opening hours are limited and it's quieter than having a resident living in the property.

1 x objection on the following grounds (*this neighbour also submitted a letter of support above*):

- Existing traffic and parking issues resulting in health and safety issues;
- Conversion to commercial and roller shutters would change the look of my house and area; and
- Would de-value my property (*this is not a material planning consideration in the determination of this planning application*).

Determining Issues

- Principle of Development
- Design and Appearance
- Amenity
- Highways

Assessment of the Proposal

Principle of Development

The proposal relates to an existing tent hire business, which the applicants' state has been running in excess of 40 years. Historic planning records show the adjoining site (No.105 Pargeter Street), also owned by the applicants', has a lawful storage use from the 1950s.

Google images show the shop front element to No.105 has been in place since at least 2009 and on balance, it is likely that the use of the site has evolved over the years into its current retail element.

The proposed retention of ancillary storage, office and repair use to support an existing out-of-centre retail use is considered acceptable in principle and would not result in any significant adverse impacts on the vitality or viability of centres. Any additional retail floor space in this out-of-centre location does have the potential to result in adverse impacts on centres and a condition would be included to define the use of the application site and in the interest of safeguarding centres.

No significant changes are proposed to the internal or external layout and appearance of the application property, which would help bring the property back into residential use if necessary to meet future needs of the local community.

The revised NPPF (paragraph 80) also states *Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.*

Overall, the proposal is considered to be a sustainable development and acceptable in principle, subject to all other considerations set out in this report.

Design and Appearance

No significant changes are proposed to the internal or external layout and appearance of the application house. Whilst the installed roller shutters to the attached side garage have a more commercial appearance, when read in conjunction with the existing adjoining tent hire business, it is considered to have limited overall harm to the character and appearance of the area. A refusal would not be warranted on this basis.

A neighbours objection to the visual appearance of No.2 Edward Street and the roller shutters, has been assessed above and found to be acceptable as there is limited harm to the character and appearance of the area.

Amenity

This application is supported by an acoustic assessment. It concludes the existing separating walls between No.2 and No.4 provides adequate sound insulation. Pollution Control are satisfied with the report conclusions and no further mitigation measures are required, subject to restricting opening hours as set out in the submitted application documents.

The applicant explains that tent and awning repairs are carried out using a sewing machine. This is unlikely to result in any significant additional impacts on neighbours' amenity over and above the extant residential use and is considered acceptable in this instance.

A condition restricting the ancillary storage, office, repairs and deliveries in line with the submitted business opening days and hours to safeguard neighbours amenity can be imposed and considered to meet the 6 tests.

A further condition would be included to ensure no storage takes place on open land within the application site at any time to safeguard neighbours amenity which is considered to meet the 6 tests.

Overall, the proposal is considered would not result in any significant addition impacts to neighbours amenity.

Highways

Whilst on street parking is prevalent at this location, the application site benefits from use of third party land opposite for parking and deliveries. The applicants have agreed to secure this land and 11 x parking spaces in perpetuity through a Section 106 Agreement. The highway authority have also asked the car parking land is hard surfaced, fully laid out and drained which can also be secured via the S106.

The proposed off-site car park is directly opposite the application site and would only be used during the day when it is expected to have a reasonable level of natural surveillance from surrounding occupiers. The applicants have explained that the mosque is mostly used during evenings when the tent hire business is closed and the use of land opposite for car parking would not disperse parking to surrounding streets.

In the event that the off-site parking becomes unavailable in future, Section 106 clauses will include an alternative 11 parking spaces to be secured within a safe and accessible distance (within 400m of the application site) from the application site within a period of time or require the hereby approved ancillary use to cease in the event, alternative parking cannot be secured. This is to ensure the proposal does not result in significant additional highways safety and congestion impacts for the locality.

A further condition would be included, ensuring the use of No.2 remains ancillary to the tent hire business. This is to prevent the separate use of No.2 for storage / office and the associated increase in vehicle trips, which would have the potential to result in additional highways safety and congestion impacts.

A neighbour's parking objection has been assessed above and found to be acceptable subject to safeguarding conditions and the signing of a S106.

Conclusions and Reasons for Decision

Taking account of neighbour and consultee comments, and in assessing the proposal against local and national policy and guidance, it is considered that the proposal would not result in any significant additional impacts on centres, character or appearance of the area, amenity or to the operation of the highway.

There are no material planning grounds to refuse this application, which is acceptable subject to the conditions, and Section 106 Agreement, as set out in this report and the proposal accords with the policies set out in this report.

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

Grant Planning Permission Subject to Conditions and Delegate to the Head of Planning, Engineering and Transportation to complete a Section 106 Agreement for 11 off-site car parking spaces.

Conditions and Reasons

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

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

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

- Design and Access Statement. Amended deposited 02/07/2018
- Sound Insulation Test Report. Deposited 22/06/2018
- Existing Location and Block Plans (THL/01 Rev A). Amended deposited 08/05/2018
- Proposed Car Parking (THL/04). Deposited 03/05/2018
- Existing and Proposed Floor Plans (THL/02). Deposited 08/02/2018

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. The hereby approved storage, office and repair use shall not at any time operate independently separate to the adjoining Tent Hire premises (No.105 Pargeter Street outlined in blue on 'Existing Location and Block Plans (THL/01 Rev A)' deposited 08/05/2018) and remain for the life of the development.

Reason: To define the permission, to safeguard the vitality and viability of centres, to control vehicular trips to the site and to accord with NPPF 6 & 9, BCCS Policies CEN6, CEN7 & TRAN2 and Saved UDP Policies GP2, JP8, S6, S7, T7 & T13.

4a. The hereby approved ancillary storage, office, repair use and off-site car park shall not be used outside the hours of 09:00am to 17:30 Monday to Wednesday, Fridays and Saturdays.

4b. Deliveries to and from the property shall not take place outside the hours of 09:00am to 09:30am and 15:00pm to 15:30pm and not at all on Thursday, Saturday and Sunday or Bank Holidays and during October Half Term.

(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 safeguard nearby neighbours and occupiers amenity and to accord with NPPF 8 and Saved UDP Policy GP2.

5. Storage shall not take place on any open land within the application site at any time for the life of the development.

Reason: To ensure the satisfactory appearance of site, to safeguard nearby neighbours and occupiers amenity and to accord with NPPF 8, NPPF 12, BCCS Policy CSP4 and Saved UDP Policies ENV32, GP2 & JP8.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Aug-2018

Plans List Item Number: 5.

Reason for bringing to committee: Significant Community Interest

Location: 49-51, EASTBOURNE STREET, WALSALL, WS4 2BN

Proposal: DEMOLITION OF EXISTING BUILDING AND THE ERECTION OF A PAIR OF 3 BEDROOM SEMI DETACHED HOUSES AND THE CONVERSION OF EXISTING STORAGE BUILDING TO A 2 BEDROOM HOUSE.

Application Number: 18/0670

Applicant: Grahame Wiggen

Agent: David Hill

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

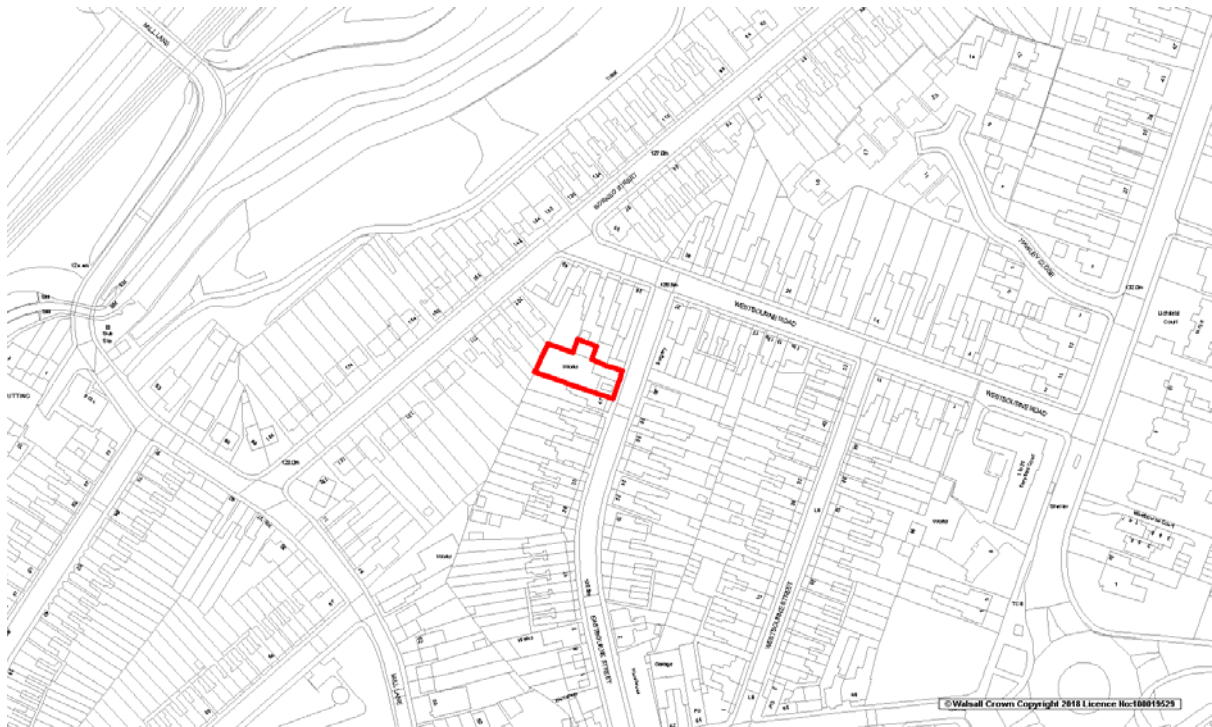
Case Officer: Paul Hinton

Ward: St Matthews

Expired Date: 13-Jul-2018

Time Extension Expiry: 17-Aug-2018

Recommendation Summary: Grant Permission with Conditions



Officers Report

Proposal

This application seeks planning permission for the demolition of existing single storey former workshop buildings and the erection of a pair of three bedroom semi-detached houses. An existing two storey brick lean-to building within the site is proposed to be partly extended and converted to a two bedroom house.

The pair of houses would be set back from the pavement by 2m and in line with the others houses along this part of the street. There would be undercroft parking to provide two tandem parking spaces for each of the semi-detached houses. The semi-detached houses would each have one front facing narrow dormer window. To the rear the houses have been designed to have a single storey rear projection and in the roof dormer windows are proposed. Stone detailing is proposed to the front facing window cill and window headers with corbelling detailing to the eaves. The front of the houses would be finished in white render, with the rear elevation finished in red brick and the side elevation a mixture of both. The roof would have dark grey tiles.

The existing two storey brick building is set back from the road by 14m and orientated to face across the site. Three sides of the building form the boundaries with adjoining houses. It is proposed to add a two storey white rendered extension to the other side of this mono pitched building. The extension would have a width of 1.2m and depth of 7m (the building has a depth of 8.3m). The existing north facing windows would be blocked up, with all openings on the southern side of the building, including high level windows at the first floor. Two tandem parking spaces would be provided for this property.

Each property would have its own rear garden. The development would have a density of 62 dwellings per hectare. This part of Eastbourne Street as a density of 47dph.

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

Design and Access Statement

- Designed to fit in with what is found in the locality
- Narrow fronted reflecting the local vernacular
- Narrow but deep private rear gardens in keeping with the surroundings
- Would make a positive contribution to the local vicinity and the street scene.

Site and Surroundings

The application site is known as the Old Dairy and is understood was last used for commercial purposes but has been vacant for a long period. The site is at the northern end of Eastbourne Street which is a residential road characterised by mainly terraced houses with on-street parking. The frontage of the site is dominated by a single storey building, part is domestic and part commercial. The development

proposes the removal of half of this structure. There is an existing lorry body within the front part of the site and the main warehouse building is missing parts of its cladding.

The site is 1115m walking distance from the Butts Local Centre which includes local shops. Mill Lane open space is 293m walking distance away. The nearest bus stop on Lichfield Road is 270m walking distance away which is served by regular bus services. Mill Lane open space. The boundary with Walsall Town Centre is 630m away.

Relevant Planning History

Application site

BC60275P – Outline: Residential development. GSC 11/2/2000.

40 Eastbourne Street

15/0550/FL – Retention of a detached 3 storey dwelling. GSC 8/6/15.

Relevant Policies

National Planning Policy Framework (NPPF)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728643/Revised_NPPF_2018.pdf

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 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:

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7 - Car Parking
- 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
- DW3 Character
- DW4 Continuity
- DW6 Legibility
- DW7 Diversity
- 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

SHLAA HO1504

Consultation Replies

Highways – no objection subject to the use of recommended conditions in regard to provision of parking spaces and retention of visibility splays.

Pollution Control – no objection subject to use of recommended conditions in regard to ground contamination and ground gas, construction management plan, electric vehicle charging points and low NOx boilers.

Structures and Geotechnics – no objection. Site lies within the limestone consideration for James Adams mine which has successfully been treated.

Police Crime Prevention Officer – no objection subject to use of recommended security measures in regard to window and door standards, defensible planting, boundary treatment and house alarm.

Severn Trent Water – no objection and no requirement for a drainage condition. Note for applicant in regard to public sewers.

Fire Services – no objection.

Representations

Adjoining occupiers notified by letter and site notice displayed.

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

- Overdevelopment
- Out of character
- Very few properties are three stories
- End on end parking will not be used
- Will remove invaluable on street parking
- Numbers on drawings are incorrect as has no. as part of the development site.
- Loss of sunlight
- Overlooking
- Additional traffic
- 40 Eastbourne Street has converted the garage contrary to the planning restrictions. Occupiers to this development could do the same. *(Not a material consideration for the determination of this planning application and has/is being dealt with separately)*
- Noise and traffic impact from the construction.
- Concern about asbestos roof *(not a material planning consideration)*
- Does not fit in with the vernacular of the street
- Potential damage to neighbouring house *(not a material planning consideration)*.
- Daily working hours are too early and also includes weekend working
- May impact on the structure and integrity of neighbouring buildings. *(not a material planning consideration)*
- There have been a number of break-ins and attempted break ins over the last 12 months.
- Applicant doesn't live in the area. *(not a material planning consideration)*
- Bat survey should be conducted

One letter of general comment has been received raising the following points:

- Concerned demolition would bring down neighbours wall *(not material to the determination of this planning application as this a private civil matter between land owners)*
- What are the plans for drainage?
- Will access be required to work on the site from third party land? *(not material to the determination of this planning application as this a private civil matter between land owners)*
- Additional parking.

Determining Issues

- Principle of Residential Development
- Design and Character of Area

- Amenity of Nearby Neighbours and Future Occupiers
- Ground conditions and air quality
- Highway safety
- Protected species
- Local Finance Considerations

Assessment of the Proposal

Principle of Residential Development

The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. This is a previously developed site. The NPPF also says that housing applications should be considered in the context of the presumption in favour of sustainable development. 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); therefore there is no requirement to release non-brownfield land at this time. The development of brownfield land, is encouraged and not the only way to support sustainable economic development to deliver the homes that the country needs.

This is a sustainable location within an existing residential area with shops, a primary school, open space and bus stops all within walking distance. The principle of housing in this location is therefore acceptable, subject to all other material considerations as set out below.

Design and Character of 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 for improving the character. BCCS Policies CPS4, HOU2, ENV2, ENV3; UDP saved policies GP2, 3,6 and ENV32 and Designing Walsall Supplementary Planning Document, require development to be informed/influenced by their context and reinforce locally distinctive elements.

The current site is vacant and includes former commercial buildings of poor condition within a residential area. The opportunity to bring the site back into beneficial use, including the introduction of gardens instead of buildings is welcomed.

The character of the area is defined by narrow properties at the back of footpath. The proposed semi-detached houses with widths, eaves height, ridge height, plus proposed window proportions, stone and corbelling detailing are similar to the neighbouring houses. While the under-croft parking, dormer windows and flat roof are not features of the original houses along the street, they are design features of the more recently constructed 40 Eastbourne Street. Together the existing house and the proposal would provide a symmetry to the end of the road.

As the two storey building to be converted already exists, this would cause no further harm to the character of the area. The two storey side extension would be a small addition that would provide a modern feature to the building. The extension would

provide a front door and first floor window that could be viewed from the street. This would assist with interaction and add to the variety of the area. This building represents the history of the area and its retention would be a sustainable form of development.

The proposed materials are similar to those used in the area and would assist with the integration of the proposal.

Neighbours object on the grounds of overdevelopment. The development would have a density of 62 dwellings per hectare. This part of Eastbourne Street has a density of 47dph. BCCS Policy HOU2 states that all developments should aim to achieve a minimum net density of 35 dwellings per hectare: the proposal accords with this aim. It also states density and type of new housing will be informed by the need for a range of types and sizes of accommodation to meet sub regional and local needs, the level of accessibility and the need to achieve high quality design and minimise amenity impacts. The NPPF says that decisions should optimise the potential of the site to accommodate development.

Over-development results in designs which impact unduly on the character and amenity of the locality. The design approach in this instance as discussed above, addresses these concerns and demonstrates that overdevelopment of the site would not occur.

Amenity of Nearby Neighbours and Future Occupiers

Neighbours object on the grounds of loss of light and privacy. The immediate neighbour at no. 47 is a detached house with single storey rear elements and a blank side elevation. The proposed semi-detached houses would be level with the front of no. 47. The two storey element would not project any further to the rear than the two storey part of no. 47 and the single storey would not project any further than the single storey element of no. 47. Due to this there would be no loss of light or outlook to this property. In regard to privacy the upper floor windows would look across the rear garden the same way as the existing adjoining neighbours. Accordingly there would be no loss of amenity to this property.

To the side of the other semi-detached house would be 14m from the conservatory window to 39 Westbourne Road. While the application proposes two side facing windows, these windows serve the staircase. The separation ensures there would be no loss of outlook or a material loss of light. To ensure there is no loss of privacy it will be necessary that the windows are top opening and obscure glazed. In addition in the interests of privacy it would be necessary to prevent any further openings. These can be conditional requirements that meet the six tests.

To the rear are the rear gardens of the houses in Borneo Street. The rear windows of the proposal would be 24m from the rear windows of these houses. This separation distance would provide sufficient previously and would not result in a material loss of outlook or light.

The front of the houses would be 14m from the houses across Eastbourne Street. This reflects the existing relationship and character of the area, without causing a material loss of privacy to the houses opposite.

The existing two storey building to be converted and extended has existing windows directly overlooking the rear garden of 43 Westbourne Street. It is proposed to block up these windows benefiting residential amenity. In converting this building the only windows would be on the southern side of the building. The ground floor kitchen and dining room windows would be screened by a boundary fence, protecting the privacy of the proposed semi-detached houses. The first floor windows are high level, ensuring there is limited overlooking of the neighbours. Windows are proposed facing Eastbourne Street and the properties in Borneo Street to the rear. These windows would be a sufficient distance away from neighbours to protect privacy. For the converted building each room has two windows to ensure access to natural light. Due to the orientation the outlook is a little contrived but not deficient to support refusal of the application on these grounds. A 66sqm rear garden is proposed which is considered acceptable for a two bedroom property within proximity to local outdoor spaces.

Future occupiers of the semi-detached houses, the layout ensures habitable room windows have a good outlook and access to natural light. These houses would have 72sqm and 90sqm of private amenity space.

Whilst neighbours concerns about construction noise and disturbance and associated vehicles is recognised, small-scale infill developments generally only last for short periods of time. In addition, a Construction Management Plan which also sets out hours of construction could be used to mitigate against the impact, plus there are other legislative powers that can be brought to bear, should noise be demonstrated as a nuisance.

Neighbours have raised concern about an asbestos roof. Asbestos is a hazardous material with separate legislation controlling the disposal of asbestos. The presence of asbestos would not be a reason to refuse the planning application. The onus would be on any developer to manage it in accordance with the separate legislation.

Concern about damage to neighbouring property/houses during any construction, is not a material planning consideration and would be a civil matter between the interested parties.

Whilst objectors comment a number of break-ins and attempted break-ins over the last 12 months have taken place, three additional properties would provide additional natural surveillance and would remove a vacant site that can itself be an attractor to anti-social behaviour. The Police have no objection to the application subject to use of recommended security measures. Measures in regard to window and door standards, boundary treatment and house alarm are considered necessary and can be a conditional requirement.

Comment has been raised about the property numbers on drawings being incorrect as no. 47 is referred to as the development site, but this is the adjacent house. This drafting error is noted. As the location, block plan and site address within the application form are correct, this error would not cause harm to the occupiers of no. 47.

Whilst neighbours ask drainage, Severn Trent Water do not require a drainage condition, as it can be considered via the Building Regulations submission.

Neighbours have also asked whether access will be required to work on the site. Should access be required from neighbouring land this would be a civil matter between the interested parties.

Ground conditions and air quality

Pollution Control raise no objection to the application, noting the historic land use has potential for ground contamination. A condition requiring further survey work to establish the potential impact and any mitigation is required and is recommended. To address potential air quality impacts from the development and in accordance with the Air Quality SPD an electric vehicle charging point is required and low NOx boiler. These also form part of necessary conditions.

Access and parking

Most houses in the street do not have off-street parking, therefore both sides of the road are dominated by on-street parking. There is one continual vehicle dropped crossing along the entire frontage of the site. The application seeks to use this access to serve the three houses, each having two off-street parking spaces that meets the requirements of saved UDP policy T13. This off-street parking provision would ensure there is limited further pressure on the existing road.

Objection has been received on the grounds that the tandem parking would not be used. The tandem parking would be controlled by the occupier of each property (rather than being a shared area) and is a common feature for many properties around the borough. The spaces meet the required size criteria. There is no evidence that these spaces would not be used. A safeguarding condition for the retention of the parking spaces to protect highway safety can be imposed in any permission.

Objection has also been received that the proposal would remove invaluable on street parking. As this is one continual dropped crossing that would have served the former dairy (albeit that access is only to less than half of the dropped crossings) vehicles are not supposed to park in this area. For the few that do park here illegally the loss of this area must be weighed against the provision of three further homes. The NPPF explains that development should only be refused on transport grounds where the residual cumulative impacts of development are severe. In this case only one potential parking space on the street would be lost. This would not result in severe cumulative impacts.

The vehicle movements associated with three further houses within this street of around forty houses would have less than substantial harm.

Concern has been raised that the more recently built house at 40 Eastbourne Street has converted the garage contrary to the planning restrictions and that occupiers to this development could do the same. Officers have checked the terms of the planning permission for no. 40, the conversion of the garage would not have required planning permission. The application here does not propose garages but driveways. It would be necessary that these areas are available and retained for vehicle parking and necessary condition is recommended.

It will also be necessary to ensure no means of enclosure or planting above 600mm takes place to the front boundary to ensure sufficient visibility to the drives are provided.

Highways raise no objection to the application. Noting that the development looks to remove an existing commercial site that could come back into use with unrestricted vehicle movements and parking demand as well as commercial traffic. The redevelopment to housing will remove this potential commercial traffic and therefore in vehicle trip generation terms the development could be seen as a betterment.

Protected species

One neighbour has commented that a bat survey should be provided. Conserving Walsall's Natural Environment SPD sets locational criteria for when a bat survey is required which includes within 50m of open land and watercourses or in a neighbourhood characterised by mature streets. The buildings are 65m from the edge of the nearest open space and the gardens in the neighbourhood are not mature. Accordingly the proposal does not meet the criteria where a bat survey is required.

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 three 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, consultee and neighbour responses against the national and local planning policies and guidance, it is considered that the principle of development is consistent with the provisions of the development plan. The design of the houses would cause no further harm to the character or appearance of the area. The proposal would not result in a material loss of amenity to neighbouring occupiers. The proposal would also provide sufficient amenity for potential occupiers subject to the further ground investigation work and mitigation measures where necessary. Sufficient off-street parking is provided to meet the needs of the development.

Safeguarding conditions in regard to materials, boundary treatment, electric charging points, no further openings, ground conditions, security and parking provision are necessary and meet the six tests. Taking into account the above factors 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, TRAN2, ENV2, and ENV3 of the Black Country Core Strategy and saved policies GP2, 3.6, ENV10, ENV32, H3, and T13 of Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall.

Positive and Proactive Working with the Applicant

Officers have worked with the applicant securing amended plans and clarification over the details of the scheme to recommend approval.

Recommendation

Grant permission subject to conditions.

Conditions and Reasons

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

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

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

- Site and location plan received 29/6/18
- Plans and elevations (Semi-detached houses) received 29/6/18
- Plans and elevations (Converted building) received 20/6/18

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

3a. Prior to the commencement of any part of the development hereby approved a site investigation, ground contamination survey and assessment of ground gas having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

3b. Prior to the commencement of any part of the development hereby approved a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of identified and/or potential hazards arising from any land contamination and/or ground gas shall be submitted in writing to the Local Planning Authority for written approval. (see Note for Applicant CL2)

3c. Prior to the commencement of any part of the development hereby approved 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)

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

3e. 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 a) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part c) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

3f. Prior to the development first being brought into use a validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL3)

Reason: To ensure safe development of the site, to protect human health and the environment in accordance with saved UDP policy ENV10.

4a. Prior to the commencement of any part of the development hereby approved including any engineering, site clearance/preparation, and/or construction works commencing a Construction Management Plan setting out how the works will be undertaken and giving details of arrangements for the control of noise, vibration, dust and debris (including site drag-out), the management of any materials arising from the works, details for the parking and turning facilities for site operatives and construction deliveries, the loading and unloading of plant and materials, the storage of plant and materials used in constructing the development, full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction and the hours of working shall be submitted to and agreed in writing of the Local Planning Authority.

4b. The Construction Management Plan shall be fully implemented upon commencement of any works and shall be maintained until the site is completed.

Reason: To protect the amenity of local residents 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 and in accordance with saved UDP policy GP2.

5a. Prior to the commencement of development a schedule of facing materials to be used in the external walls (including the size/texture and colour), roofs (including roof tiles that have a thin leading edge to reflect the slate of the existing character),

windows, doors, rainwater goods and surfacing shall have first been submitted to and agreed in writing of the Local Planning Authority.

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

Reason: To ensure the satisfactory appearance of the development in accordance with saved UDP policy ENV32.

6a. Prior the first occupation of the development details of boundary treatment which includes 1.8m high close boarded fencing with 0.3m trellis on top shall have first been submitted for written approval of the Local Planning Authority. All gates should have access control measures, be self-closing with hinges mounted to the rear of the public side. An access gate to the shared alleyway to the site of plot 1 shall be positioned flush with the ground floor frontage of plot.

6b. The approved details shall be fully implemented prior to first occupation of the premises and shall be retained thereafter.

Reason: In the interests of visual amenity and securing the development in accordance with BCCS policy ENV3 and saved UDP policy ENV32.

7. Prior to the first occupation of the converted building hereby approved the existing windows facing Westbourne Road, as shown on the approved elevation drawing shall be bricked up using materials that match in colour, size, profile and texture to those used within the building as it exists at the time of the application.

Reason: In the interests of residential and visual amenity and in accordance with saved UDP policy ENV32.

8a. Prior to first occupation of the dwellings hereby approved details of an electric vehicle charging point, to be provided for each dwelling shall have first been submitted to and agreed in writing of the Local Planning Authority.

8b. Prior to first occupation of the development the electric vehicle charging points shall be fully 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

9a. Prior to first occupation of the development two car parking spaces as shown on the approved drawing shall have been provided within the application site. The driveway parking areas (each 2.4m x 4.8m) shall be fully consolidated, hard surfaced and drained to ensure surface water from the parking area does not discharge onto the public highway or into a public highway drain.

9b. The two parking spaces shall thereafter be retained and used for no other purpose for the life of the development.

Reason: To provide satisfactory parking provision and to comply with saved policies T7 and T13 of Walsall's Unitary Development Plan.

10. Following the partial demolition of the building fronting Eastbourne Street the side elevation shall be made good using materials that match in colour, size, profile and texture to those used within the building as it exists at the time of the application.

Reason: In the interests of visual amenity and in accordance with saved UDP policy ENV32.

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

- All ground floor windows and any accessible windows should be fitted with BS EN 356 grade P1A glass this includes French doors and patio doors
- PAS 24:2016 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.
- 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.
- Rear boundary treatment shall include 1.8m high close boarded fencing with 0.3m trellis on top.
- All gates should have access control measures, be self-closing with hinges mounted to the rear of the public side and located as close as possible to the front building line.

Reason: To ensure the safety and security of the development and its occupiers in accordance with BCCS policy ENV3.

12. The side facing staircase window to plot 2, as shown on the approved plans shall have obscure glazed to Pilkington level 4 (or equivalent) privacy glass standard and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed. The window shall thereafter be retained in accordance with these requirements.

Reason: To safeguard the amenity of adjoining occupiers in accordance with saved UDP policy ENV32.

13a. Prior to the development first coming into use the approved landscaped areas to provide the required pedestrian visibility splays to Plots 1 and 3, shall be fully implemented

13b. These areas shall thereafter be retained and maintained so that no planting or structures within or around the landscaped areas shall exceed 600mm above footway levels.

Reason: In the interests of highway safety.

14. No boilers shall be installed and used in any of the units hereby approved, save for boilers which have maximum NO_x emissions no greater than 56 mg/kWh for gas and liquefied petroleum gas (LPG) boilers and a maximum of 120 mg/kWh for oil-fired boilers.

Reason: To conserve and enhance the natural environment in accordance with BCCS policies ENV8 and DEL1.

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

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

Notes for Applicant

Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

2. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the works within the public highway. For further advice please contact Highway Development Control Team on 01922 655927.

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 +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.

Severn Trent Water

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



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Aug-2018

Plans List Item Number: 6.

Reason for bringing to committee: Significant Community Interest

Location: LAND AT PHOENIX RISE, DARLASTON, WS10 7SL

Proposal: ERECTION OF 3 NO. 3 BED HOUSES AND PARKING PLUS 14 NEW PARKING SPACES FOR ADJACENT FLATS.

Application Number: 18/0693
Applicant: INDEX ASSETS AND CONSULTING LTD

Case Officer: Paul Hinton
Ward: Darlaston South

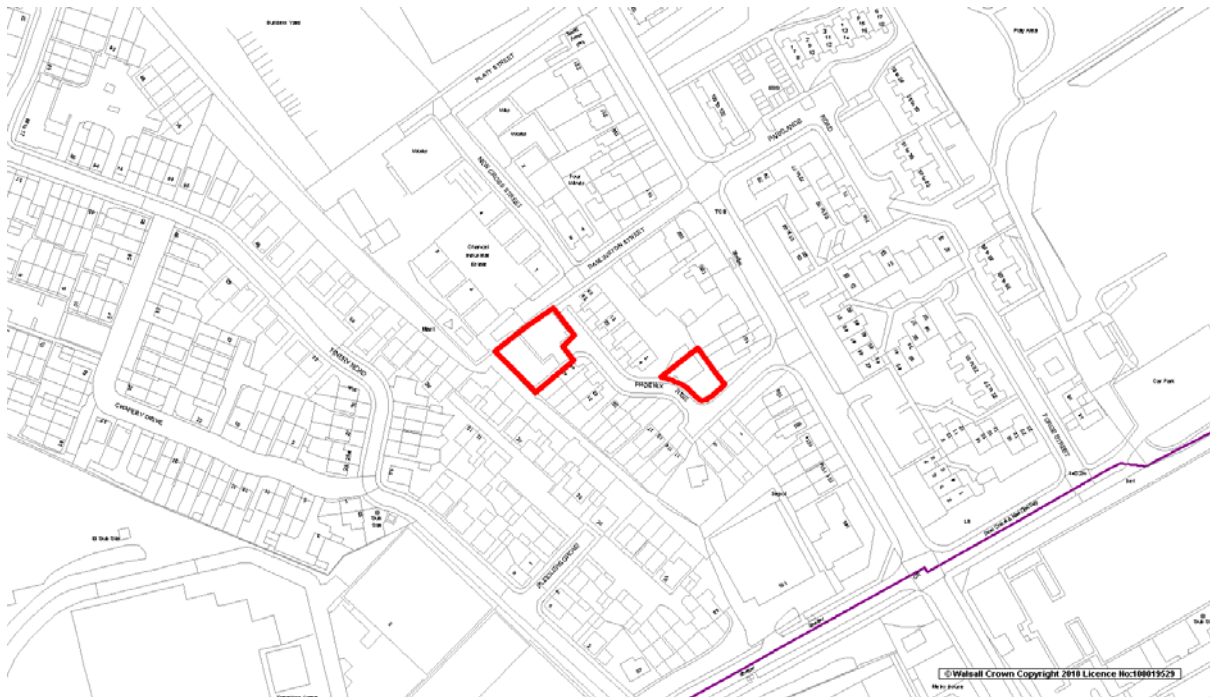
Agent:

Expired Date: 17-Jul-2018

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

Time Extension Expiry: 16-Aug-2018

Recommendation Summary: Grant planning permission subject to conditions, delegate to the Head of Planning and Engineering to resolve pollution control concerns regarding noise impacts, amending conditions to take into account any mitigation or further work needed.



Officers Report

Proposal

This application seeks planning permission for the erection of three, 3 bedroom houses. The site is split into two parts, a piece of land on the corner of the cul-de-sac currently used for residential parking and the other at the end of the cul-de-sac, also used for residential parking. The first plot (1) behind 161 and 163 Darlaston Road consists of a detached house with two parking spaces in front and a rear/side garden. The garden would be enclosed by a 1.8m high fence set back 1m from the pavement. This plot includes, two communal car park spaces with manoeuvring spaces accessed from Phoenix Rise and used by residents of the flats. A 1.2m high retaining wall is proposed between the side of the proposed house and the rear of 161 and 163 Darlaston Road houses. The rear gate to 163 Darlaston Road is retained via a shared access alongside the proposed house.

The second plot at the head of the cul-de-sac is for a pair of semi-detached houses (plots 2 & 3) each with two off-street front parking spaces and rear gardens. Proposed to the side of the houses a communal 12 car parking spaces to be illuminated by three solar street lights.

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

Design and Access Statement

- Two pieces of land currently provide total of 14 parking spaces
- Electric points for car charging would be introduced

Noise Exposure Assessment

- To achieve required internal noise levels mitigation measures including a glazing specification and use of appropriate ventilation are recommended.

Residential Mining Report

- In a surface area that could be affected by underground mining in two seams of coal.
- Area where coal is at or close to the surface
- No known coal mine entries within, or within 20m of the boundary of the site.

Coal Mining Risk Assessment

- Mining risk posed by this site can be mitigated by routinely adopted measures.
- Will be necessary to carry out an intrusive investigation into the geological sequence to determine the depth to known coal and ironstone seams.

Arboricultural Assessment Report

- None of the trees will be affected by the construction of the proposed buildings.

Site and Surroundings

Phoenix Rise is a residential cul-de-sac with a turning head at the end. The ground levels fall both east to west and also to the north. The road consists of semi-detached houses with their own drives to the first part and two storey flats towards the end. The flats rely on the two car parks subject to this planning application and on-street parking. The road bends at 90 degrees where currently on the corner is one of the resident's car parks with half of the site including an unmanaged landscape bund.

At the end of the cul-de-sac adjacent to the turning head is the other resident's car park, with partial landscaping and the rear part of this land an area of scrubland that has been subject to fly-tipping.

To the north and adjacent to the turning head is Chancel Industrial Estate that includes eight small industrial units facing a shared yard 10m from the side of the proposal.

The site is 0.5km from Darlaston District Centre, with Kings Hill Park 240m walking distance away. There are local shops along Darlaston Road, 200m walking distance away. Kings Hill Primary School is 600m walking distance away.

Relevant Planning History

BC01355P – Erection of 8 x 2 person dwellings with access from Phoenix Rise. GSC 7/10/1981

BC09908P – Erection of 8 x 1 bedroom apartments. GSC 19/1/1984

BC09275P – Erection of 8 x 1 bedroom apartments. GSC 1/12/1983

Relevant Policies

National Planning Policy Framework (NPPF)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728643/Revised_NPPF_2018.pdf

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 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**

On **planning conditions** the NPPF says:

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7 - Car Parking
- 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
- DW3 Character
- DW4 Continuity
- DW6 Legibility
- DW7 Diversity
- 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

Highways – no objection subject to the use of recommended conditions in regard to phasing of development, provision of dropped crossings, surfacing and retention of parking areas.

Coal Authority – no objection subject to use of recommended condition securing intrusive site investigation.

Pollution Control – needs revised noise survey, conditions in regard to site investigation, electric vehicle charging, low NOx boilers and control over construction hours.

Tree Officer – no objection.

Police – no objection subject to use of recommended security measures in regard to window and door standards, defensible planting, boundary treatment and house alarm.

Severn Trent Water – no objection and do not require a drainage condition. Recommended note for applicant.

Fire Services – no objection subject to suitable water supplies being available

Representations

Surrounding occupiers notified by letter and site notices displayed.

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

- Nowhere to park cars
- Nowhere to put rubbish bins
- Loss of privacy
- Proposed parking to the side of people's homes
- Occupants of flats 39-45 seem set to lose their path to the garden
- Existing right to park on this land
- Unless clearly signed as residential parking, others will park there
- Where can residents park while building work takes place?

Two letters have been received in support of the application making the following comments:

- Land has been neglected for some time and had been allowed to become overgrown.
- Development would enhance the area.
- Parking and access has been taken into account.
- Marked and dedicated parking spaces will be a bonus for all
- Car park will need to be maintained and street lighting considered.

Determining Issues

- Principle of Residential Development
- Design and Character of Area
- Amenity of Nearby Neighbours and Future Occupiers
- Ground conditions

- Highway safety
- Local Finance Considerations

Assessment of the Proposal

Principle of Residential Development

The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. This is a previously developed site. The NPPF also says that housing applications should be considered in the context of the presumption in favour of sustainable development. 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); therefore there is no requirement to release non-brownfield land at this time. The development of brownfield land, is encouraged and not the only way to support sustainable economic development to deliver the homes that the country needs.

This is a sustainable location within an existing residential area with shops, a primary school, open space and bus stops all within walking distance. The principle of housing in this location is acceptable, subject to impact upon the character of the area, residential amenity and parking.

Design and Character of 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 for improving the character. BCCS Policies CPS4, HOU2, ENV2, ENV3; saved UDP policies GP2, 3,6 and ENV32 and Designing Walsall Supplementary Planning Document, require development to be informed/influenced by their context and reinforce locally distinctive elements.

The existing properties in the street are simply designed two storey in height with a brick and tile finish. The proposed houses reflect a similar visual appearance and mass and side gable end roof design. The proposal would integrate into the character of the area without causing material harm. A necessary condition is recommended requiring the materials defined on the application forms are fully implemented to ensure the development integrates, which meets the six tests.

Both sites are currently unkempt. The proposal offers the opportunity to improve the appearance of the area.

At the end of the cul-de-sac are conifers and a silver birch tree. The tree report demonstrates the development would cause no harm. A whitebeam tree is within the garden of the flats at 2 and 4. The tree report also demonstrates the proposal would not impact on this tree. Safeguarding conditions which meets the six tests to retain and protect the tree during construction can be imposed.

Amenity of Nearby Neighbours and Future Occupiers

Plot 1 side gable would be 13m from the rear windows of the Darlaston Road houses. The proposed side elevation would not have any habitable room windows. Plot 1 front windows would have 21m separation to neighbours front windows directly across Phoenix Rise, is 3 metres short of the Designing Walsall 24metre standard. Designing Walsall SPD annex D confirms *'this standard will be applied more robustly at the rear than across roads at the front'*. The proposal would not breach the 45 degree code from flats at no. 2 and 4 Phoenix Rise.

Plots 2 and 3 proposed front windows would be 20m from the front windows of flats 26-32. This separation is identical to that between the existing flats and houses in the street, reflecting the existing character and would not result in an unacceptable loss of privacy. To the rear there would be a 24m separation between the proposed plots and the houses along Finery Road.

Accordingly due to the separation distances the proposal would not result in a loss of light, outlook or privacy for existing residential properties.

For potential future occupiers the layout of the three plots provide sufficient external private amenity spaces, between 55sqm-100sqm reflecting local character and garden sizes in the area. In addition, Kings Hill Park is within walking distance. Each property would have kitchen and living rooms, three bedrooms, en-suite bathroom and family bathroom with each habitable room having a window.

Chancel Industrial Estate is 10m from the side gable of plot 3, with an existing 1.8m high boundary wall that would be retained. This plot would have the same relationship with the industrial estate as that which currently exists between the flats at 30 and 32 Phoenix Rise. The noise survey concludes, subject to appropriate glazing and window ventilation occupiers would not be unduly effected from noise. Pollution Control explain that the noise survey was not carried out at the site and the results of the survey are not representative of the noise climate at the proposed development. As a result additional noise survey work is required. The applicant explains that a further noise survey has been commissioned and its results should be available prior to the committee meeting. Due to this, it is recommended that the application be granted subject to conditions and delegated to the Head of Planning and Transportation to resolve the noise issues.

The proposal seeks to provide communal parking for the flats to replace the existing provision. For plot 1, two spaces to the side of this house and plots 2 and 3, 12 parking spaces. It is recognised that communal parking areas are unrestricted and could be a cause of noise and disturbance. For plot 1 the parking area is away from habitable room windows and away from the rear garden. For plot 2 and the existing flats no. 43 and 45 the parking would be next to the side of the buildings and their amenity areas. The blank side elevation of the existing flats is next to the entrance to the existing parking area. While a greater amount of vehicles could be accommodated it is considered this would not result in any further material loss of amenity.

Currently there is no boundary fence/wall between the shared amenity of the flats and the scrubland and car park to the side. The application proposes the erection of a 1.8m high acoustic fence to this boundary. This would provide a visual screen from vehicle movements and headlights, whilst providing security to the amenity space for

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the flats and mitigate against some of the noise from a car park. While there would be a change from the activities associated with this partially fly-tipped scrubland to a car park the rationalisation of the car park and additional natural surveillance from additional houses would increase the security to this area. Any increased noise and disturbance would not be significant and the benefits of the scheme outweigh any perceived harm.

The Police raise no objection subject to use of recommended security measures, regarding window and door standards, defensible planting, boundary treatment and house alarm. Given the location of the proposed houses these security measures are considered reasonable and are recommended to be secured by condition.

One objection comments about nowhere to put rubbish bins. It appears existing residents store bins within the frontage of their properties. The proposal would not remove existing bin storage areas. Bin storage areas are proposed for the three houses.

It is proposed to illuminate the larger communal car park by bollard solar lighting. These illuminate dusk till dawn at 96 lumens. This level of illumination is considered sufficient for users of the parking area without causing harm to residents. Their implementation and retention will be a conditional requirement meeting the 6 tests.

Ground conditions

The site(s) is within a high risk area as defined by the Coal Authority due to a history of coal mining in the area. The application has been supported by a Coal Mining Risk Assessment that has been considered by the Coal Authority who concur with its findings; the coal mining legacy potentially poses a risk to the proposed development and intrusive site investigation works should be undertaken. A necessary condition has been recommended to undertake this work, including any mitigation measure that should enable a safe development of the site. This condition is considered meets the 6 tests.

Pollution Control raise no objection to the application whilst noting the historic use of the land has potential for ground contamination. A condition requiring further survey work to establish the potential impact and any mitigation is required and is recommended which meets the six tests. In addition to protect adjoining occupiers a condition controlling the hours of construction is required. To address potential air quality impacts from the development and in accordance with the Air Quality SPD, a conditions requiring an electric vehicle charging point is required. This condition is considered meets the six tests.

Access and parking

The two pieces of land are used as parking that can currently accommodate 14 vehicles. It appears these areas serve the 24 flats. While these areas were part of the original planning permission there are no planning conditions that require their retention and are now in private ownership. It is understood they were previously owned by a housing association that owned the flats. The scrubland to the rear appears to have been historically used for further parking for up to nine vehicles. Due to a lack of use this land has naturally vegetated and appears as an unkempt landscaped area subject to fly-tipping. This lack of use for parking is material to this application.

The planning application proposes 14 communal parking spaces to compensate for the areas of land currently used for parking. In addition two parking spaces are provided for each of the three proposed houses.

Highways consider the level of parking to be acceptable and raise no objection subject to the use of recommended conditions in regard to the phasing of the development to ensure the existing parking area (plot 1) is retained until the 14 communal parking spaces are provided. A condition regarding surfacing, drainage, gradient, aligning dropped kerbs and controlling front boundary heights is also required. These conditions are necessary and are recommended.

It is recognised that historically a further nine parking spaces were provided within the area now considered as scrub land and the proposal does not compensate for these nine spaces. This area remains open, but due to a lack of use it has naturally vegetated. Should this area have been required for parking to meet local need it would not have become overgrown. Therefore the loss of 14 existing parking spaces would be compensated for on a like for like basis.

In the absence of any existing planning conditions, there are no planning requirements to keep the existing parking spaces available for use. For example if these areas were gated to prevent use there would be no planning powers to prevent this. The proposal provides the opportunity to impose a condition to ensure these communal spaces are retained and available for use which would give residents long term assurances. This condition is considered to meet the six tests.

It is proposed to illuminate the area by solar LED bollards which would be a positive feature.

Accordingly the development would not give rise to severe transportation implications.

An objector has commented that the occupants of flats 39-45 seem set to lose their path to the garden. To the side of these flats there is a set of steps from the existing car park to the shared amenity space for the flats at the rear. The steps are on land which is now in the ownership of the applicant. The applicant explains there is no right of access across this piece of land. Should the neighbour consider they have now gained a right of access over the passage of time that would be a private civil matter between the parties.

An objector has also commented that there is an existing right to park on the land. As discussed sufficient parking compensation in planning terms is provided. Existing access rights would be a civil matter between the interested parties.

Concern has been raised about where residents can park during building works. As discussed it is recommended that the development is phased and plot 1 is not developed until the 12 space communal park has been brought into use.

Concern has also been raised about people other than residents using the car park. The applicant explains that the parking areas will be managed by a management company and the parking areas will be marked as residential parking.

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 three 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, consultee and neighbour responses against the national and local planning policies and guidance, it is considered that the principle of development is consistent with the provisions of the development plan. The design of the houses would cause no further harm to the character or appearance of the area. The proposal would not result in a material loss of amenity to neighbouring occupiers. The proposal would also provide sufficient amenity for potential occupiers subject to the further ground investigation work and mitigation measures where necessary. Noise mitigation measures are also required. Sufficient off-street parking is provided to meet the needs of the development and to retain sufficient parking for the existing flats.

Safeguarding conditions in regard to materials, boundary treatment, electric charging points, no further openings, ground conditions, site levels and parking provision are necessary and meet the six tests. Taking into account the above factors 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, TRAN2, ENV2, and ENV3 of the Black Country Core Strategy and saved policies GP2, 3.6, ENV10, ENV32, H3, and T13 of Walsall Unitary Development Plan and Supplementary Planning Document Designing Walsall.

Positive and Proactive Working with the Applicant

Officers have worked with the applicant securing amended plans and clarification over the details of the scheme to recommend approval.

Recommendation

Grant planning permission subject to conditions, delegate to the Head of Planning and Engineering to resolve pollution control concerns regarding noise impacts, amending conditions to take into account any mitigation or further work needed.

Conditions and Reasons

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

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

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

- Location plan received 19/6/18
- Site plan received 25/7/18
- Proposed floor plans received 19/6/18
- Proposed elevations received 19/6/18
- Site/street levels received 19/6/18
- Noise Exposure Assessment received 22/5/18
- Coal Mining Risk Assessment received 29/6/18
- Solar LED bollard light received 25/7/18
- Steel bollards received 25/7/18
- Acoustic fencing details received 25/7/18

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

3a. Prior to the commencement of any part of the development hereby approved, an intrusive site investigation confirming potential risks posed to the development by the past coal mining activity including potential ground gas and any remediation measures required to ensure the safety and stability of the proposed development shall have first been submitted for written approval of the Local Planning Authority.

3b. The development shall be fully undertaken in accordance with any approved remediation measures.

Reason: To ensure the safety and stability of the development.

4a. Prior to the commencement of any part of the development a ground contamination survey having regard to current best practice shall be undertaken. (see Note for Applicant CL1).

4b. Prior to the commencement of any part of the development a copy of the findings of the ground contamination survey, together with an assessment of identified and/or potential hazards arising from any land contamination shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2).

4c. Prior to the commencement of any part of the development a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2).

4d. The remedial measures as set out in the 'Remediation Statement' required by part c) of this condition shall be implemented in accordance with the agreed timetable.

4e. 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 a) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part c) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

4f. Prior to the first occupation of any part of the development hereby approved, a validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL3).

Reason: To ensure safe development of the site and to protect human health and the environment and in accordance with saved UDP policy ENV10.

5a. Prior to the commencement of development full details of existing and proposed finished levels of the site, proposed finished levels of the car park, access way and floor levels for the development hereby approved, shall have first been submitted for written approval of the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site and any drainage or other works necessary to facilitate the development.

5b. The development shall be fully carried out in accordance with the approved details.

Reason: Level details are required to be resolved prior to any work commencing in the interests of the amenity and highway safety of the area and to ensure satisfactory development of the site in accordance with saved UDP policies GP2 and ENV32.

6a. Notwithstanding the details submitted and prior to the commencement of any part of the development precise acoustic mitigation measures to be installed into the dwellings, as informed by the Environmental Noise Assessment report received on 15/8/17 shall be submitted for written approval of the Local Planning Authority.

6b. Prior to the first occupation of any part of the development hereby approved a validation report confirming the installation of the approved noise mitigation measures shall be provided in writing to the Local Planning Authority for approval.

6c. The agreed and installed noise mitigation measures shall be retained for the life of the development.

Reason: To provide a satisfactory residential environment for future occupiers in accordance with saved UDP policy ENV10.

7a. Prior to any part of the development first being brought into use, the solar LED bollard lights hereby approved shall be fully installed in accordance with the approved details.

7b. The lights shall thereafter be retained for the life of the development.

Reason: To ensure the safe use of the site and to safeguard the amenities of the occupiers of adjoining premises in accordance with saved UDP policy ENV32.

8a. Prior to the first occupation of Plots 2 and 3, the parking spaces serving these dwellings 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. The gradient of the parking spaces shall be no steeper than 1 in 12.

8b. These areas shall thereafter be retained for the life of the development and used for no other purpose.

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

9. Prior to the parking spaces to Plots 2 and 3 first coming into use, the existing full height highway kerbs shall be dropped to align with the parking spaces.

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

10a. Prior to the communal car park adjacent to Plot 2 and 3 first coming into use, the area shall be fully consolidated, hard surfaced and drained so that surface water run-off from this area does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays. The termination of the existing footway on the southern side of the access, cut short by the new car park, shall include a pedestrian dropped kerb.

10b. The communal car park shall thereafter be retained for the life of the development and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the car park, in accordance with UDP saved Policy GP2, the Council's footway crossing procedure and in the interests of highway safety

11. Prior to the parking spaces for Plot 1 first coming into use, a new vehicle footway crossing to align with the new access shall be installed. The new crossing shall not exceed five 900mm flat kerbs and two 900mm taper kerbs.

Reason: To ensure the satisfactory completion and operation of the access, in accordance with UDP saved Policy GP2, the Council's footway crossing procedure and in the interests of highway safety

12a. Prior to the communal car park adjacent to Plot 1 first coming into use, the area shall be fully consolidated, hard surfaced and drained so that surface water run-off from this area does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays.

12b. The communal car park shall thereafter be retained for the life of the development and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the car park, in accordance with UDP saved Policy GP2 and in the interests of highway safety.

13. Prior to the communal car park adjacent to Plot 1 first coming into use a new vehicle footway crossing to align with the new access shall be installed. The new crossing shall not exceed five 900mm flat kerbs and two 900mm taper kerbs.

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

14a. Prior to the development first being brought into use the following boundary treatment shall be installed:

- A continuous timber fence at 2m metres in height with a minimum superficial density of 15kgm², plus 0.3m of trellising on top, to the boundary between 43/45 Phoenix Rise and the communal car park and to the boundary of plot 2 and the car park
- 0.3m high trellising flush to the front face of the existing boundary wall between the rear garden of plot 3 and Chancel Industrial Estate.
- 1.8m high close boarded fence, with 0.3m trellis on top around the garden boundary to plot 1 as shown on the approved site plan.

14b. The approved details shall be installed and retained for the life of the development.

Reason: To protect future occupiers from noise and disturbance, in the interests of visual amenity and security.

15a. Notwithstanding the details submitted and prior to the commencement of the development hereby approved, details of an electric vehicle charging point, to be provided for each of the dwellings shall have first been submitted in writing for approval of the Local Planning Authority.

15b. Prior to first occupation of the development the electric vehicle charging points shall be fully installed in accordance with the approved details and shall be retained 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.

16. The existing communal car park on the site of Plot 1 shall remain fully open to residents and visitors of Phoenix Rise until such time as the new communal car park adjacent to Plots 2 and 3, is fully implemented and brought into use.

Reason: To ensure off street parking is available to existing residents and visitors during the construction works, in the interests of the free flow of traffic along the public highway and to highway safety.

17. The development hereby approved shall only be constructed in the materials indicated on the approved plans and the application form.

Reason: To ensure the satisfactory appearance of the development

18. For the avoidance of doubt the steel bollards to the communal parking next to plot 1 shall be finished in black and thereafter retained.

Reason: In the interests of highway safety and visual amenity in accordance with saved UDP policies GP2 and ENV32.

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

(Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).*

Reason: To protect the amenities of surrounding occupiers.

20. The development hereby approved shall be constructed to meet the following minimum security measures and thereafter retained as such;

- All ground floor windows and any accessible windows should be fitted with BS EN 356 grade P1A glass this includes French doors and patio doors
- There should be an area of defensible space in front of all ground floor front facing windows
- PAS 24:2016 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.
- 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.

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

21. Any frontage boundary treatment (structural, planting or otherwise) around Plot 1 and the adjacent communal car park, shall not exceed 600mm in height above carriageway level.

Reason: To provide adequate inter-visibility at the access points and around the bend in the road, in the interests of highway safety.

22. No boilers shall be installed and used in any of the units hereby approved, save for boilers which have maximum NOx emissions no greater than 56 mg/kWh for gas and liquefied petroleum gas (LPG) boilers and a maximum of 120 mg/kWh for oil-fired boilers.

Reason: To conserve and enhance the natural environment in accordance with BCCS policies DEL1 and ENV8. .

Notes for Applicant

Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

2. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the works within the public highway. For further advice please contact Highway Development Control Team on 01922 655927.

3. The dropped kerb access to the existing communal car park, made redundant as a result of the development, shall be reinstated back to full kerb height.

Contaminated Land

CL1 Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in National Planning Policy Framework; British Standard BS10175: 2011+A1:2013 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; British Standard BS8485:2015 Code of Practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings, BS8576:2013 Guidance on investigations for ground gas; 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 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.

Severn Trent Water

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



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Aug-2018

Plans List Item Number: 7.

Reason for bringing to committee: Significant Community Interest

Location: 10, DOWNHAM CLOSE, WALSALL, WS5 3BX

Proposal: CONSTRUCTION OF 2 X DETACHED DWELLINGS, CREATION OF NEW VEHICLE ACCESSES AND EXTENSIONS AND ALTERATIONS TO THE EXISTING DETACHED HOUSE (NO.10).

Application Number: 17/1410
Applicant: G JONES
Agent: PALMER DESIGN
Application Type: Full Application

Case Officer: Mike Brereton
Ward: Pheasey Park Farm
Expired Date: 14-Dec-2017
Time Extension Expiry: 31-Aug-2018

Recommendation Summary: Grant Permission with Conditions



Officers Report

Proposal

Construction of 2 x detached four bedroom two storey dwellings measuring:

- Plot 1 – 10.2m deep, 6.1m wide, 7m high to ridge of pitched roof (4.6m to eaves); and
- Plot 3 – 9.7m deep, 6.6m & 9.1m wide, 7.4m high to ridge of pitched roof (4.8m to eaves), 4.1m high (2.4m to eaves) to the attached garage.

Alterations and extensions to the existing detached house No.10 (Plot 2) to provide extended lounge, dining and kitchen areas at ground floor and a total of four bedrooms at first floor:

- Plot 2 – 8m deep, 9.2m & 9.5m wide, 6.9m high to ridge of pitched roof (4.6m to eaves).

Proposed gaps would be:

- 1.5m between Plot 1 and No.9 Downham Close;
- 1.9m between Plot 1 and Plot 2 (No.10 Downham Close);
- 16m between Plot 2 and Plot 3;
- 5.5m between proposed single garage to Plot 3 and garage serving No.5 Fallowfield Road (at right angles);
- 11m between proposed two storey section of Plot 3 and nearest side elevation of No.5 Fallowfield Road (at right angles);

Proposed separation distances would be:

- 12m between proposed elevations fronting Elmstead Close and the boundaries on opposite side of road serving No.3 Fallowfield Road;
- 23.3m between proposed first floor front facing windows in Plot 1 and No.1 Downham Close;
- 27m between the rear elevation of Plot 1 and side elevation of No.5 Fallowfield Road;
- 16m between rear facing habitable windows in Plot 2 and the side elevation of Plot 3;
- 27m between rear facing habitable windows in Plot 1 and the side elevation of No.5 Fallowfield Road; and
- 9m between the rear elevation of Plot 3 and the boundary to rear garden serving No.9 Downham Close.

This application includes the creation of new vehicle accesses off Downham Close and Elmstead Close.

The proposed density of development is 43 dwellings per hectare.

Documents submitted in support of this application:

- **Flood Risk Assessment** - concludes that the application site is in Flood Zone 1, flooding from groundwater would be negligible and surface water flooding would be low to high and recommends mitigation measures.

- **Sustainable Urban Drainage Assessment** - concludes surface water run-off could be discharged via the existing underground culvert or to the surface water sewer and include indicative SUD schemes.
- **Preliminary Bat Roost Assessment** - concludes there is negligible risk to bats arising from the proposal and recommends precautions during works.

Site and Surroundings

The application house and nearby houses along Downham Close are modern detached two storey houses with pitched main roofs and front gables with part-tiled front elevations.

Single storey flat roof side sections exist at numbers 7 & 9 Downham Close between 7m-9m wide each. Numbers 2 & 8 Downham Close have extended at first floor above the original single storey sections. Gaps between detached properties are between 6.3m and 11m (at first floor) and between 1.2m and 6.5m (at ground floor).

The existing application house currently measures between 5.6m - 8m deep, 14m wide at ground floor, 6m wide and 8m deep at first floor, 6.9m high to ridge of main pitched roof (4.6m to eaves) and 2.7m high to single storey flat roof section nearest No.9.

The area has a mix of houses including a row of 4 x modern terraced two storey houses and 2 x semi-detached modern two storey houses are present at the end of Downham Close. Link-detached modern two storey houses are also present along Elmstead Close (with 2.5m gaps at first floor).

2 x large detached houses have recently obtained planning permission on former residential garden land at Fallowfield Road (No.1 and land rear of 426-428 Sutton Road) which are of simple modern design. The density of the vicinity is between around 15 and 29 dwellings per hectare.

Relevant Planning History

Land Rear of 426 to 428 Sutton Road (off Fallowfield Road)

17/1095 - Erection of two storey house and creation of vehicle access off Fallowfield Road. GSC 06/12/2017

1a Fallowfield Road:

16/1057 - Retrospective: Retention of detached house including omission of previous approved integral garage. GSC 05/12/2016

15/0440/FL – New detached house. GSC 12/6/15.

11/0570/FL – New Dormer Bungalow. GSC 04/07/12

09/0672/OL - Outline application for erection of a detached bungalow to include scale and layout. Allowed at appeal 22/6/2010.

Relevant Policies

National Planning Policy Framework (NPPF)

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

The revised 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"*.

The revised NPPF defines sustainable development as *"meeting the needs of the present without compromising the ability of future generations to meet their own needs"*.

Key provisions of the Revised 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:

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness

- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7 - Car Parking
- 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
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

- ***Section 5 – Mitigation and Compensation:***
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures

Consultation Replies

Lead Local Flood Authority – No objection subject to a condition to require details of culvert protection, full surface water system details and maintenance, raised finished floor levels and implementation of the submitted SUD scheme. Riparian rights relating to responsibility of culvert maintenance (*this element would be added as note to applicant*).

Pollution Control – No objection subject to conditions regarding hours of construction and air quality.

Severn Trent – No objection subject to a drainage condition.

Police – No objection and recommends use of Secure by Design measures.

Community Safety Team - No objection and recommends use of Secure By Design measures including anti-snap locks to external doors, 2m high plus trellis boundary fencing and fencing/gates flush with frontages.

Local Highway Authority – No objection subject to provision of 3 x parking spaces per plot to meet Saved UDP Policies T7 & T13 and conditions regarding laying out of parking spaces and visibility splays. Also, new vehicle footway crossing (*this element would be added as note to applicant*).

Tree Officer – No objection.

Park Hall Residents Association – No comments received.

Fire Authority – No comments received.

Representations (*Officer comments in italics*)

1 x objection plus a petition on behalf of 14 residents on the following grounds:

- Impacts on existing culvert;
- Orchard Hills has been defaced enough in recent years (*each application is judged on its own merits*);
- Proposal is contrary to NPPF Paragraphs 53, 56, 58-61, 64 (*these have since been replaced by the revised NPPF 2018*);
- House in Fallowfield Road has been vacant for 2 years (*this is not a material planning consideration in the determination of this planning application*);
- Proposal is contrary to BCCS Policies CSP4, HOU2, ENV2 & ENV3;
- Proposal is contrary to Saved UDP Policies GP2, ENV32, T7 & T13
- Proposal is contrary to DW1, DW3, DW4, DW10 & Appendix D, Designing Walsall SPD;
- Over-development and out of character;
- Would result in building works in close proximity to No.9 (*this is not a material planning consideration in the determination of this planning application*);

- Design, excluding any single storey element, would not reflect the character of the area;
- Adverse impact on visual amenity and street scene;
- Unsatisfactory level of amenity for future occupiers of development;
- Breach of 45 degree code, loss of light and shading and overlooking to No.9;
- Impacts on outlook of No.1 & No.2;
- Adverse impact on building line along Elmstead Close;
- Clarification required on revised internal floor area of Plot 2;
- Plot 3 appears isolated and would result in overlooking and loss of privacy to No.5 Fallowfield Rd;
- Development does not meet minimum separation distance between habitable windows;
- Would exacerbate existing congestion issues;
- Insufficient parking proposed and highway safety concerns;
- Impacts on flora and fauna;
- Increased flooding from surface water;
- Impacts on existing culvert and sewer;
- Lack of drainage details submitted;
- Excessive massing, scale, height and siting; and
- Lack of materials details.

A copy of covenants covering the 'Orchard Hills Estate' has been submitted with the petition. *Covenants are outside the scope of the planning system and not a material consideration in the determination of this application.*

Determining Issues

- Principle of Development
- Design, Character and Appearance
- Amenity
- Ecology and Natural Environment
- Highways
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The NPPF encourages the approval of applications for sustainable development and puts great emphasis on the delivery of new homes, including development of suitable windfall sites within existing settlements.

The principle of residential development on garden land in this locality was previously found to be acceptable at No.1a Fallowfield Road, and land rear of 426-428 Sutton Road as it is considered to be a sustainable location.

This current application follows the same principle of development, is located within an existing settlement and is considered acceptable subject to all other material considerations as set out in this report.

Design, Character and Appearance

The overall modern design and appearance of the proposed houses, and extensions, are considered reflect the design of the houses in the locality and the character of the area.

Proposed garden sizes are between 97m² and 145m² reflects the mixed garden sizes in the locality and above the minimum recommended 68m² set out in Designing Walsall SPD Appendix D.

The proposal includes development of land currently used as residential garden curtilage (not classed as brownfield or previously development land in the NPPF annex 2). The proposed scale, mass, height and layout of development, and proposed garden sizes are considered would broadly reflect the mixed style and pattern of development in the area. The introduction of Plot 3 (facing Elmstead Close) is considered provides an active frontage providing beneficial natural surveillance of the street scene contributing to improved safety and security whilst reflecting the Corn Hill and Longmeadow Road development pattern of houses directly fronting the street.

Plots 1 and 2 reflect the Downham Close building line whilst plots 2 and 3 would sit 3m forward of the current building line provided by the side elevation of the application house (No.10). This would reflect the nearby building line of Numbers 9 and 10 Elmstead Close. There are no strongly defined building lines in this locality and the proposal is considered would not result in any significant additional impacts in this regard.

Furthermore, the part retention of a grass verge along Elmstead Close and deep set back of No.5 Fallowfield Road helps to soften the appearance of plot 2 whilst integrating Plot 3 into its setting.

For the reasons set out above, the proposal is considered would not result in any significant additional detrimental impacts on the character of the area and accords with NPPF Paragraphs 68 (windfall sites within existing settlements) & 122(d) (character and setting).

Whilst the proposed density of 43 dwellings per hectare is higher than others in the area (up to 29 dwellings per hectare), BCCS Policy HOU2 promotes a minimum density of 35 dwellings per hectare for new housing development, providing it would not prejudice the character or distinctiveness of the area.

Notwithstanding the recommendation for 'low density' development in this location set out within the Local Character Guidance of the Designing Walsall SPD, the proposed density is not significantly higher than others in the locality, and is considered would not result in any significant additional impacts on the distinctiveness or character of the area (as assessed above). The revised NPPF (paragraph 127) states; *ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities), will function well and add to the overall quality of the area, maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials, create places that are safe, inclusive and accessible, with a high standard of amenity,*

where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience, whilst optimise the potential of the site to accommodate.

The Community Protection Team and Police have recommended a number of security measures to ensure the safety and security of occupiers of the development including overall Secure by Design measures, anti-snap locks to external doors, 2m high (plus trellis) boundary fencing and fencing/gates being flush with frontages. In addition, it is considered defensive planting should be used along the outside of the boundary fronting Elmstead Close to offer improved security along this vulnerable section. These measures would all be secured by condition.

Neighbours objected on policy and design grounds. This application has been assessed against all relevant and up-to-date national and local planning policies and guidance as set out in this report. The scale, design, density and character of the proposal has been assessed above and found to be acceptable. The submitted application forms explain external materials would match the existing application house and this is considered acceptable and would be secured by condition.

Overall, for the reasons set out above, the density, layout, design, landscape and security of the proposal is considered acceptable in this instance.

Amenity

Proposed habitable windows fronting Elmstead Close would not directly face any neighbours' nearest habitable windows. The proposed separation distances are considered to broadly reflect the existing distances experienced in the locality and would not result in any significant additional impacts on neighbours' amenity over and above any already experienced in this sub-urban residential setting.

Whilst there would be potential for Plot 3 to overlook the end part of the garden serving No.9 Downham Close, this is not significant and no worse than ability of existing dwellings to overlook the garden.

Proposed garden sizes are between 97m² and 145m² which reflects the mixed garden sizes in the locality and is significantly above the minimum recommended 68m² set out in Appendix D, Designing Walsall SPD.

The proposal would not breach the 45 degree code to any nearest neighbours' habitable windows and would not result in any significant additional harm to neighbours' outlook. Plot 1 would extend 3m beyond the nearest two-storey section of No.9 Downham Close. The 0.3m lower height of Plot 1, use of pitched main roof and north-west facing rear elevation of No.9 is considered would minimise any additional loss of light or shading to No.9 during most of the day.

The proposal separation distances are also considered to provide an acceptable level of amenity for intended occupiers of the development. The proposal meets the overall aims and objectives of Appendix D, Designing Walsall SPD and is considered acceptable.

Pollution Control recommend a condition to restrict the hours of construction in the interest of safeguarding neighbours amenity. Whilst this can be controlled via

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separate environmental legislation, due to the close proximity of the site to existing residential dwellings and the number of new homes, and works to be carried out, it is considered reasonable to impose the condition in this instance.

Neighbours' objections relating to potential impacts on amenity have been fully considered above and found to be acceptable. It is considered that large outbuildings and extensions currently allowed under permitted development rights do have the potential to result in future impacts on adjoining neighbours' amenity. A condition removing permitted development rights for the application site, similar to recent permissions for the new houses along Fallowfield Road to safeguard neighbours amenity.

Ecology and Natural Environment

Ecology and Trees

The submitted Preliminary Bat Survey, concludes a negligible risk to bats arising from the proposed development and that no further actions are necessary in this instance. It does recommend that care is taken during works and this would be added as a condition to safeguard any identified local bat populations during the works.

The proposed site plan shows the retention of some trees on-site along with new planted and landscaped areas. This is considered helps to minimise any potential impacts to existing wildlife and proportionate to the scale of development and sub-urban location. The Council's Arboricultural Officer does not object to the loss of some of the trees within the site, which are considered to have limited amenity value.

A condition to ensure the removal of any existing trees, hedges and shrubs is undertaken outside of the bird nesting season to safeguard the local wildlife population is considered reasonable.

Neighbours objections relating to impacts on local wildlife populations, have all been considered and found to be acceptable, subject to conditions, as set out above.

Flooding and Drainage

A culvert and foul drain exist below the application site. The proposed site plan shows the buildings would not be located directly above these assets / equipment.

The submitted Flood Risk Assessment concludes that the application site is in Flood Zone 1, flooding from groundwater would be negligible and surface water flooding would be low to high and recommends mitigation measures in the form of raised finished floor levels, flood resilient design, SUD strategy and maintenance of underground culvert/sewers.

The applicant has submitted additional SUD feasibility reports which concludes surface water run-off could be discharged via the existing underground culvert or to the surface water sewer along Downham Close (subject to agreement with Severn Trent Water). The reports also include indicative SUD schemes including permeable paving areas, ACO drainage channels and use of a hydro-brake to control the flow of surface water into the existing culvert or sewer. This is considered acceptable in principle and proportionate to the scale of development. Conditions would be included to require submission of further detailed SUD and surface water schemes,

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along with their maintenance, along with raised finished floor levels and SUD schemes, in line with the recommendations of Severn Trent Water and the Lead Local Flood Authority.

Severn Trent Water has given the applicant a provisional approval to build close to the public sewer. This process falls outside of the remit of the planning system but would be added as a note to applicant.

Neighbours objections relating to surface water flooding, impacts on existing culvert and sewer and drainage. These matters have all been considered and found to be acceptable, subject to conditions, as set out above. Overall the Local Lead Flood Authority and Severn Trent Water, confirm the proposal is acceptable subject to further drainage details which can be secured by condition.

Highways

Plot 3 includes a garage and has sufficient space within the driveway for a further two cars. Sufficient space is also present within the driveways to Plots 1 & 2 to accommodate up to three cars and this meets the requirements of Saved UDP Policy T13. A condition would be included to ensure the spaces are laid out and retained, with appropriate visibility splays in line with the recommendations of the Local Highway Authority.

The Local Highway Authority requested a further condition to secure works to provide a new footway crossing and kerbs. However, paragraph 55 of the revised NPPF reinforces the government's aim to reduce the number of conditions, and to ensure they are *"only imposed where they are necessary, relevant to planning..."*. As these works fall outside of the application boundary, and can be dealt with under separate Highways legislation, it is considered not necessary, or relevant, to include these works by way of condition in this instance. A note to applicant would be included.

Permitted development rights for construction of additional vehicle accesses would be removed by way of condition to ensure the safety of the highway.

The proposed site plan shows each plot would include electric vehicle charging points. This is in line with the recommendations of Pollution Control and the Air Quality SPD provisions and would be secured by way of condition.

It is considered that additional vehicle trips associated with a further 2 x dwellings is likely to be limited and would not result in severe transportation impacts.

Neighbours objections relating to congestion, parking and visibility. These matters have all been considered and found to be acceptable, subject to conditions, as set out above.

Local Finance Considerations

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

This application proposes 2 new homes (and extensions to an existing house).

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

Principle of Development

This application proposes sustainable development which would deliver new homes within an existing settlement. This application accords with Revised NPPF2, NPPF4, NPPF5 & NPPF11.

Design, Character and Appearance

Neighbours' objections regarding national and local policy considerations and overall design, along with consultee comments have been considered as set out in this report.

This application has been assessed against all relevant and up-to-date national and local planning policies and guidance. The overall scale, design, density and character of the proposal has been assessed and found to be acceptable, and to reflect the character of the area.

The proposal is considered acceptable, subject to conditions regarding use of appropriate external materials and security measures. These conditions are considered meet the government's tests and guidance.

There are no material planning grounds to refuse this application. The proposal accords with Revised NPPF12, Revised NPPF Paragraphs 68, 122(d) & 127, BCCS Policies CSP4, HOU2, ENV2 & ENV3, Saved UDP Policies GP2 & ENV32, DW1 to DW4, DW10 & Appendix D of the Designing Walsall SPD.

Amenity

Neighbours' objections relating to potential impacts on amenity have been fully considered and found to be acceptable as set out in this report.

This proposal is considered acceptable subject to conditions to remove permitted development rights for outbuildings, extensions and additional vehicle access, along with restricted hours of construction in the interest of safeguarding neighbours amenity. Whilst hours of construction can usually be controlled via separate environmental legislation, due to the close proximity of the site to existing residential dwellings and the number of new homes, and works to be carried out, it is considered reasonable to impose the condition in this instance. These conditions are considered meet the government's tests and guidance.

There are no material planning grounds to refuse this application. The proposal accords with Revised NPPF12, Saved UDP Policy GP2 and Appendix D of the Designing Walsall SPD.

Ecology and Natural Environment

Neighbours' objections relating to impacts on local wildlife populations, surface water flooding, and impacts on existing culvert and sewer and drainage, along with consultee comments have been considered as set out in this report.

The proposal is considered acceptable subject to conditions regarding drainage, SUD and surface water scheme details (and their maintenance) and raised finished floor levels along with precautions during works to safeguard local bat populations and removal of any existing trees, hedges and shrubs outside of the bird nesting season to safeguard the local wildlife populations. These conditions are considered meet the government's tests and guidance.

There are no material planning grounds to refuse this application. The proposal accords with Revised NPPF14 & NPPF15, BCCS Policies ENV1 & ENV5, Saved UDP Policies ENV23 & ENV40 and NE1 – NE2 of the Natural Environment SPD.

Highways

Neighbours' objections relating to congestion, parking and visibility, along with consultee comments have been considered as set out in this report.

The proposal is considered acceptable subject to conditions regarding the laying out and retention of 3 x parking spaces per plot (the garage to Plot 3 counts as one space), retention of appropriate visibility splays and provision of electric vehicle charging points. These conditions are considered meet the government's tests and guidance.

The Local Highway Authority recommended condition for works to provide a new footway crossing and kerbs is considered would not meet the government's tests and guidance as the works fall outside of the application boundary, and can be dealt with under separate Highways legislation. This would be added as a note to applicant instead.

There are no material planning grounds to refuse this application. The proposal accords with Revised NPPF9, BCCS Policy TRAN2 and Saved UDP Policies T7 & T13.

Local Finance Considerations

The weight given to Local Finance Considerations is a matter for the decision-maker. This proposal represents new homes within an existing settlement and on balance, great weight should be attributed to the delivery of new homes in an appropriate location, which is the case for this scheme. There are no material planning grounds to refuse this application.

This application accords with Revised NPPF2, NPPF4, NPPF5 & NPPF11.

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding layout, flooding and drainage, amended plans and additional information has been submitted which enable full support to be given to the scheme.

Recommendation

Grant Planning Permission Subject to Conditions

Conditions and Reasons

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

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

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

- Application Form. Deposited 18/10/2017
- Flood Risk Assessment (70464R1). Deposited 19/02/2018
- Preliminary Bat Roost Assessment (November 2017). Deposited 09/11/2017
- Sustainable Urban Drainage Assessment (70464.01R1 – Plot 1). Deposited 06/06/2018
- Sustainable Urban Drainage Assessment (70464.01R1 – Plot 2). Deposited 06/06/2018
- Sustainable Urban Drainage Assessment (70464.01R1 – Plot 3). Deposited 06/06/2018
- Land Survey (PW31701). Deposited 18/10/2017
- Location and Block Plans (PD389/01 Rev B). Amended, deposited 08/02/2018
- Existing House and Elevations (PD389/02 Rev A). Amended, deposited 08/02/2018
- Proposed Site Plan (PD389/03 Rev B). Amended, deposited 08/02/2018
- Proposed Street Scenes (PD389/07 Rev B). Amended, deposited 08/02/2018
- Plot 1 – Proposed Plans and Elevations (PD389/04 Rev A). Amended, deposited 08/02/2018
- Plot 2 – Proposed Plans and Elevations (PD389/05 Rev B). Amended, deposited 08/02/2018

- Plot 3 – Proposed Plans and Elevations (PD389/06 Rev B). Amended, deposited 08/02/2018

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

3a. Notwithstanding the details included within the submitted application form, prior to commencement of development a schedule of all external materials to be used in the development shall be submitted to and approved by the local planning authority including their size, colour and texture.

3b. The development shall subsequently be fully implemented in accordance with the approved details and retained thereafter.

Reason: To ensure the satisfactory appearance of the development and to comply with Revised NPPF12, BCCS Policy CSP4 and Saved policy ENV32 of Walsall's Unitary Development Plan.

4a. Notwithstanding the details shown on the submitted 'Proposed Site Plan (PD389/03 Rev B)' deposited 08/02/2018, and prior to first occupation of the development, 3 x parking spaces shall be provided within the front drive area of each plot within the development measuring 2.4m x 4.8m each (the garage to Plot 3 counts as one space). These spaces shall be fully laid out, consolidated, hard surfaced and drained so that surface water run-off from this areas does not discharge onto the highway or into any highway drain.

4b. The parking spaces and garage space shall thereafter be retained and used for no other purpose.

4c. Prior to first occupation of any plot within the development, the electric vehicle charging points as shown on 'Proposed Site Plan (PD389/03 Rev B)' deposited 08/02/2018 shall be fully implemented and thereafter retained.

Reason: To provide sufficient spaces to serve the development, to ensure highways safety, to meet the aims of improving local air quality, and in accordance with Revised NPPF9, BCCS policies DEL1 & ENV8, Saved UDP policies T7 and T13 and the Air Quality SPD.

5a. Notwithstanding the details shown within the submitted 'Sustainable Urban Drainage Assessment (70464.01R1 – Plots 1, 2 & 3)' deposited 06/06/2018, and prior to commencement of development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority.

5b. The scheme shall be fully implemented in accordance with the approved details prior to the development first coming 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.

6a. Notwithstanding the details shown within the submitted 'Sustainable Urban Drainage Assessment (70464.01R1 – Plots 1, 2 & 3)' deposited 06/06/2018 and 'Flood Risk Assessment (70464R1)' deposited 19/02/2018, and prior to commencement of development, a detailed scheme to protect existing culverts, surface water system for the site, and Sustainable Urban Drainage scheme along on-going with maintenance details shall be submitted to, and approved in writing by, the Local Planning Authority.

6b. The approved details shall be fully implemented prior to first occupation of any plot within the development and thereafter retained in accordance with the approved details.

6c. Finished floor levels set no lower than 300mm above local ground level.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the impact of flooding on the proposed development and future occupants and to accord with Revised NPPF14, BCCS Policy ENV5 and Saved UDP Policy ENV40.

7a. Roosting bats are present in the area and bats may therefore be present in the building within the site. The following precaution shall be taken when implementing the planning permission:

- I. Contractors undertaking dismantling works shall be made aware that bats may be present and undertake demolition works in the expectation that bats may be present. Works dismantling roofs, soffits, gables or in the vicinity of cracks and crevices shall be carried out carefully with hand tools.

If no bats or evidence of bats are found during these operations, the approved works can continue.

7b. If bats or evidence of bats are found during these operations:

- I. bats should not be handled or touched and the vicinity of the roost shall be immediately reinstated.
- II. no further destructive works shall be carried out to the building until the need for Natural England licence has been established.
- III. Within one week of finding bats or evidence of bats, a written report by the supervising ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation
- IV. Work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable and/or in accordance with the terms of any Natural England licence issued

Reason: To conserve local bat populations and to comply with Revised NPPF15, BCCS Policy ENV1, Saved UDP Policy ENV23 & NE1 to NE6 of the Natural Environment SPD.

8. Existing trees, hedges and shrubs shall not be removed during the bird nesting season of between May and September.

Reason: To conserve local wildlife populations and to comply with Revised NPPF15, BCCS Policy ENV1, Saved UDP Policy ENV23 & NE1 to NE6 of the Natural Environment SPD.

9. A 2.4m x 43m visibility splay shall be retained at the Downham Close/Elmstead Close junction at all times within which no structure or planting shall exceed 600mm in height above carriageway levels.

Reason: To ensure highways safety and in accordance with Revised NPPF9, and Saved UDP policies T7 and T13.

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

- 2m high close boarded fence to boundary, constructed so that the smooth face faces outwards, shall include 0.3m high anti-climb (Criss Cross) trellis topping. Where concrete post and panels are to be used the fence panels shall be secured together using galvanised metal straps, so that the panels cannot be lifted. The fencing shall be treated wood with a guaranteed life span of 25yrs;
- All fencing/gates shall be flush with frontages;
- Side access gates shall be self-closing and lockable on both sides;
- 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; and
- The houses shall have a suitable intruder alarm, with a siren box front and back, with dual or quad technology sensors and auto dialler function.

Reason: To ensure the safety and security of the development and its occupiers and to accord with Revised NPPF8 and NPPF12.

11. Demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall not take place on any Sunday, Bank Holiday or Public Holiday*, and shall not take place outside the hours of 08:00am to 18.00pm weekdays and 08.00am to 14.00pm Saturdays. Plant, machinery or equipment associated with such works shall not 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 safeguard nearby neighbours and occupiers amenity and to accord with Saved UDP Policy GP2.

12a. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or succeeding Orders, no additional side facing windows or doors other than those approved by this permission, and no enlargements, additions or other alterations, as defined by Classes A, B, C, D and E of Part 1 of Schedule 2 of the Order, shall be constructed.

12b. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or succeeding Orders, no means of vehicle access under Class B of Part 2 of Schedule 2 of the Order, other than that as approved by conditions 6 & 7 of this decision, shall be constructed at any time.

Reason: In the interests of maintaining the amenity of the occupiers of the adjoining dwellings and to ensure highways safety in accordance with Revised NPPF9 & NPPF12 and UDP Policies GP2, T7 & T13.

Notes for Applicant

1. Prior to the parking areas to Plots 2 and 3 first coming into use, a new vehicle footway crossing to align with the new accesses should be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. The new crossings should not exceed five 900mm flat kerbs and two 900mm taper kerbs. There should be at least one full height kerb separation between the dropped kerbs to Plot 1 and Plot 2 on Downham Close. All works within the public highway must be in accordance with all statutory requirements.

2. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

3. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing works within the public highway. For further information please contact the Traffic Management Team on 01922 654675.

4. Severn Trent Water advise that 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.

5. Each affected prospective land owner will need to be informed as part of their deed that a culverted watercourse passes below their property and should be informed of their responsibilities to maintain the culvert as riparian landowner as part of their deeds.

F.A.O :Mike Brereton
Walsall Planning Department

Delivered By Hand

ECONOMY AND
ENVIRONMENT

24 NOV 2017

RECEIVED

Dear Mr Brereton

Re: Planning Application: 17/1410
10 Downham Close, Walsall, WS5 3BX

In respect of the aforementioned application please find written representations of the occupiers/owners of the properties mentioned below who wish to object to the proposed application submitted by Mr G Jones. It would be appreciated if the comments of the owners/occupiers could be taken into account when considering your decision as to whether the subject application should proceed.

3, FALLOWFIELD ROAD, WALSALL, WS5 3BS
1, ELMSTEAD CLOSE, WALSALL, WS5 3BT
2, ELMSTEAD CLOSE, WALSALL, WS5 3BT
1, DOWNHAM CLOSE, WALSALL, WS5 3BX
2, DOWNHAM CLOSE, WALSALL, WS5 3BX
1, DOWNHAM WOOD, WALSALL, WS5 3BY
2, DOWNHAM WOOD, WALSALL, WS5 3BY
3, DOWNHAM WOOD, WALSALL, WS5 3BY
4, DOWNHAM WOOD, WALSALL, WS5 3BY
6, DOWNHAM WOOD, WALSALL, WS5 3BY
7, DOWNHAM CLOSE, WALSALL, WS5 3BX
8, DOWNHAM CLOSE, WALSALL, WS5 3BX
9, DOWNHAM CLOSE, WALSALL, WS5 3BX
4, FALLOWFIELD ROAD, WALSALL, WS5 3BS

Please note that separate representations of objection are to be submitted by the owners of 10 Downham Close which you should receive prior to the 24th November 2017.

Finally it is understood from various members of the community that there is a Culvert that runs in the gardens of the properties at 7,8,9 and 10 Downham Close which proceeds into 3 Fallowfield Road. Enclosed is a historical plan which makes reference to a storm sewer, however, it is understood that the Culvert is in addition to this storm sewer. The Culvert is positioned where plot 3 is proposed to be built. We can confirm

copies of the enclosures will be forwarded to the councillor for the ward at the next councillor's surgery on the 2nd December 2017.

Yours faithfully

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Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Aug-2018

Plans List Item Number: 8.

Reason for bringing to committee: Significant Community Interest

Location: LAND OPPOSITE ALDRIDGE FIRE STATION, FORMERLY 38 NORTHGATE, WALSALL WOOD

Proposal: ERECTION OF TWO DWELLINGS

Application Number: 17/1500

Applicant: Gentry Homes Ltd

Case Officer: Devinder Matharu

Ward: Aldridge North And Walsall Wood

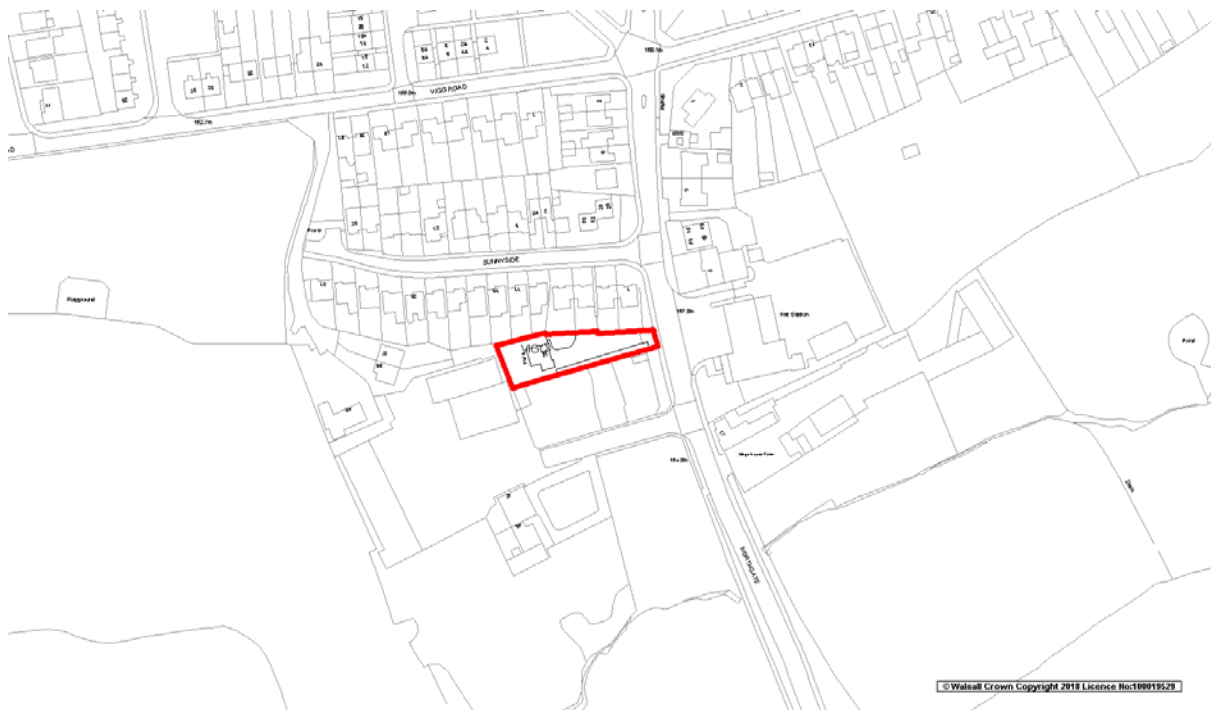
Agent: Alison Clack

Expired Date: 13-Jun-2018

Application Type: Full Application

Time Extension Expiry: 10-Aug-2018

Recommendation Summary: Grant permission subject to conditions



Officers Report

Proposal

The application proposes the erection of two dwellings.

The houses would measure 5.6m by 8.6m, 5.2m to the eaves and 8.3m to the pitch. Both properties have four bedrooms with a flat roof dormer on the front elevation. The design includes a flat roof in between the two gables ends. Amended plans have been submitted which show a deeper flat roof in the middle of the proposed houses either side of the proposed gable pitches.

The two dwellings would be set back 45m from the public highway and have a gated access point off Northgate. The houses would be positioned to the rear of number 9 Sunnyside. Plot 1 would be positioned to the southern part of the site and plot 2 to the northern part of the site.

Plot 1 is set off the southern boundary by 0.9m at the closest point and 1.2m at the furthest point. Plot 2 is located nearest to number 9 Sunnyside at a distance of 13m from the rear conservatory. The plot would be set 5m off the boundary with this neighbouring property. A 1.5m space between the two plots would be provided.

A detached pitched roof garage measuring 5.6m by 5m, 2.3m to the eaves and 4.4m to the pitch would be located to the rear of 5 Sunnyside and would be set off the boundary with this neighbouring property by 1.2m.

Plot 1 would have an average rear garden length of 9.9m and a total amenity area of 114 square metres. Plot 2 would have an average rear garden length of 9.2m and a total amenity area of 68 square metres. The area to the rear of number 1, 3 and 5 Sunnyside would be soft landscaped.

The application site was formerly part of 38 Northgate, where planning permission was granted for 5 houses in 2015. Four of the houses fronting Sunnyside have been built under this permission. Plot number 5 under this earlier permission was to be located to the rear of number 9 Sunnyside. The site of plot 5 is now where two properties are being proposed instead of one.

The proposed houses are 0.6m higher than number 9 Sunnyside.

A design, access and planning statement have been submitted addressing the proposal.

The following supporting information has been submitted with the application:

- The proposed house types creates a combination of interest whilst having regard to the need to meet your requirement of not exceeding the ridge height of the previously approved plot

- The pair of dwellings proposed will not be viewed as being part of the Sunnyside frontage; and therefore there is no requirement to be restricted to the design or size of housing in the adjoining road
- Similarly, Northgate is made up of a wide variety of house types, sizes and styles – which arguably create its character at this point far more than a row of identical dwellings.
- On the opposite corner of Sunnyside there is a flat roof dwelling, several flat roofed garage units, and a two storey extension with a flat roof actually backs on to the site, and of course the Fire Station itself which is a large flat roof structure.

Site and Surroundings

To the north of the site are detached properties fronting Sunnyside. On the opposite side of Sunnyside are flats and semi-detached houses. Opposite the application site on Northgate is Aldridge fire station. To the south and west of the site is Sunnyside Farm, a large rectangular shaped parcel of land that extends southwards to Coppice Lane. The northern and western part of this adjacent land is utilised for commercial uses with the southern and western part left as open land. An application for planning permission for residential development of this adjacent land at Sunnyside Farm was considered by Planning Committee on 1ST February 2018 where it was resolved to grant permission subject to conditions and a S106 Agreement. Sunnyside Farm is within the Green Belt.

Kingshayes Farm is located to the south of Northgate and is a locally listed building. Streets Corner Local centre is located 773m to the north of the application site, Walsall Wood local centre is located 617m to the north east of the application site, and Lazy Hill Road local centre is located 1041m to the south of the application site.

Relevant Planning History

Application site

15/1257- Demolition of existing property and erection of 5 new dwellings. GSC 05-Jan-2016.

BC25056P – 38 Northgate, 2 storey extension, refused 1989

EAB890 38 Aldridge Road, lounge extension granted 1963

B4696/2584 38 Aldridge Road, extension to cottage, granted 1963

Number 11 Sunnyside

BC59997P- first floor and lounge extension, granted 1999.

Sunnyside Farm

17/0902 – Demolition of existing buildings and the erection of 62 dwellings, the creation of open space and associated infrastructure and works. Committee resolution on 1st February 2018 to approve, awaiting agreement of section 106.

There are many historic applications at Sunnyside Farm relating to commercial operations at the premises.

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 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF says:

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV11: Light Pollution
- ENV17: New Planting

- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T1- helping people get around
- T5- highway improvements
- T4 - The Highway Network
- T7 - Car Parking
- T8- walking
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- 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
 - NE2
 - NE3
- Survey standards
 - NE4
- The natural environment and new development
 - NE5
 - NE6
- Development with the potential to affect trees, woodlands and hedgerows
 - NE7
 - NE8
 - NE9
 - NE10

Designing Walsall

- Policy DW1 Sustainability
- Policy DW3 Character
- Policy DW4 Continuity
- Policy DW5 Ease of Movement
- Policy DW9 High Quality Public Realm
- Policy 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

Archaeology – No objection

Community Safety- No objection subject to comments relating to security and surveillance.

Coal Authority – No objection

Environment Agency – No objection subject to advice for applicant regarding contaminated land

Fire Officer – No objection but water supplies for firefighting need to be in accordance with national guidelines.

Natural England – No objection

Police – No objection subject to secure by design.

Pollution Control – No objection subject to planning conditions relating to noise mitigation, construction working hours, electric charging points and low Nox boilers.

Public Rights of Way – No objection

Severn Trent Water – No objection

Ramblers Association – No objection

Transport – No objection subject to planning conditions regarding parking and visibility.

Representations

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

- loss of light
- shading
- intrude on skyline
- restrict view
- proposed house three storeys high
- increased size a step too far
- advised only one plot rear of 1 to 5 Sunnyside
- overlooking
- loss of privacy
- additional noise and nuisance

Determining Issues

- Principle of development
- Character of the area
- Design and layout

- Impact upon neighbouring residential and commercial occupiers
- Parking and access
- Local Finance Considerations

Assessment of the Proposal

Principle of development

The principle of residential development has already been established on the site through the granting of planning permission for five houses under planning permission 15/1527. The principle of residential development is therefore acceptable.

Natural England originally advised the site was within the Cannock Chase special area of conservation and as a consequence required measures to be taken to assess the likelihood of significant effect and an appropriate assessment to the effects of this development with regards to conservation objectives. Natural England at a later date withdrew this request and had no objection to the proposal. For clarification purposes, the site is 12km from the nearest part of the SAC.

Character of the area

The character of the area is mixed residential and commercial. With residential to the north fronting Sunnyside and on the opposite side of the road on Northgate.

To the south of the site is Sunnyside Farm which is used for commercial/industrial uses. However, outline planning permission for residential development has been resolved to be granted by planning committee subject to a section 106 agreement to secure a landscape and habitat management and maintenance plan. Therefore, in the future the site will be utilised as a comprehensive residential development.

The proposal would be in keeping with the residential character of the existing area and the proposed comprehensive residential redevelopment of the area.

Neighbours have stated that they were advised when purchasing the new houses on Sunnyside that only one plot would be built towards the rear of numbers 1 to 7 Sunnyside. These neighbours have been notified about the current application and had the opportunity to comments. The housing density on the opposite side of Sunnyside is 16 houses per hectare, the proposal seeks two houses. The housing density on this site is 22. Therefore, on balance the proposal could accommodate a higher density of housing but given the character of the area, it is considered two houses with the site constraints would be supportable.

Design and layout

The design of the proposed houses are considered acceptable. Although there are no other properties with a front flat roof dormer, the houses are set back into the site and would be viewed against the houses on Sunnyside and considered individually as there is no direct street frontage.

The houses are three storeys high with the roof space utilised for a bedroom and ensuite. The design of the proposed houses has altered from that originally submitted as the agent has amended the design reducing the mass of the roof. The

proposed houses will be 0.6m higher than number 9 Sunnyside. It is considered this slight increase in height would not detract from the character of the area or the street scene sufficient to warrant refusal of the scheme.

The position of these two houses is more or less in the same position as the detached house approved on this part of the site under 15/1257, which was considered acceptable at that time, and is still acceptable despite there being two houses instead of one.

The housing layout approved under 17/0902 for Sunnyside Farm is in outline format. So the design and scale and mass of the houses are as yet unknown.

The Police and the community Protection Officer has advised that the development is built in accordance with secure by design, as the site is vulnerable from three sides. This situation would be a short-term situation as an outline housing scheme has been approved on that land.

Impact upon neighbouring residential and commercial occupiers

The proposed houses would be positioned to the rear of number 9 Sunnyside. The occupiers of 3, 5 and 7 Sunnyside Farm have objected to the proposal on the grounds of loss of light, shading, overlooking, loss of privacy and noise and nuisance. The windows of the proposed houses face the front and rear of the site and not immediately towards these neighbours. In the circumstances, it is unlikely that the proposed houses would result in direct overlooking of these neighbouring properties, including number 9 Sunnyside sufficient to warrant refusal of the application. The houses would overlook the front driveway, the detached garage and soft landscape to the northern part of the driveway that would provide interrupted views towards the site.

There are no side facing windows proposed to impact upon the amenities of number 9 Sunnyside. A planning condition can be attached to ensure no side facing windows are installed to protect the amenity of these neighbouring occupiers.

Pollution Control have recommended a planning condition to restrict the hours of works to protect neighbouring occupier's amenities during the construction phase. With regards to noise and disturbance from the two houses, there is no evidence to suggest a further two houses would result in considerable noise and nuisance to warrant refusal of the scheme.

The housing layout approved under 17/0902 for Sunnyside Farm is in outline format. Even so, the proposed houses on the application site would not unduly impact upon the amenities of these potential occupiers as there is a 9m separation distance from the rear of the proposed houses to the site boundary. To protect these neighbouring occupiers' amenities, a planning condition can be attached preventing any rear extensions. Whilst there will be some overlooking from the rear of the proposed houses to the rear garden of plot 63 of the outline scheme approved under 17/0902, it is considered this wouldn't unduly harm the amenities of these neighbouring properties to warrant refusal of this current scheme.

Plot 2 is to the south of number 9 Sunnyside. Any shading from this property would be within the curtilage of this property, as it is set off the boundary.

Plot 1 would be to the north of the car park area approved for the flats under planning permission 17/0902 and as such would not unduly result in loss of light or shading to the car parking area of this neighbouring site.

The proposed houses would not unduly result in loss of light or result in shading to number 1 to 7 Sunnyside. The proposed detached garage to the rear of plot 3 would be set off the boundary and whilst the total height of the garage would be 4.4m, the walls to this garage are 2.3m high, 0.3m higher than the boundary treatment of this neighbouring property. It is considered that a small section of the garage wall would be visible above the boundary treatment and would not unduly harm the visual amenities of these neighbouring occupiers to warrant refusal of the scheme. Furthermore, the proposed roof is a hip, where the roof slopes away from the boundary, allowing ambient light into the rear garden of this neighbouring property.

Neighbouring occupiers have also raised objections in relation to intrusion on the skyline and restricted view. The proposed houses are positioned to the rear of number 9 Sunnyside, so would not affect the outlook from the rear of numbers 1 to 7 Sunnyside. The proposed house would not unduly harm the outlook from number 9 Sunnyside, as a house has been previously approved on this site under planning reference 15/1257. Loss of a distant view is not a material planning consideration.

The proposed housing development would not unduly impact upon the existing commercial uses on the land to the south of the site, Sunnyside Farm.

Parking and access

Transportation have no objection to the proposal, as the proposal seeks to utilise an existing access point onto Northgate with adequate parking for each property. Northgate is a Classified Road B4152 and a District Distributor road. UDP Policy T4 looks to strictly regulate access onto such roads.

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

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 the erection of 1 house.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 792 new homes during 2010-2011 the award of £1,095,219 (which included a premium for affordable housing but also a deduction for an increase in vacancies) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards might be offset against reductions in the 'formula grant' the Council will receive from Government.

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

Conclusions and Reasons for Decision

The principle of residential development has already been established on the site through the granting of planning permission for five houses under planning permission 15/1527. The proposal would be in keeping with the residential character of the existing area and the proposed comprehensive residential redevelopment of the area. The design of the proposed houses are considered acceptable. Although there are no other properties with a front flat roof dormer, the houses are set back into the site and would be seen against the houses on Sunnyside. Furthermore, the houses would be viewed as separate houses as there is no direct street frontage.

The design of the proposed houses has altered from that originally submitted as the agent has amended the design reducing the mass of the roof.

The windows of the proposed houses face the front and rear of the site, it is unlikely that the proposed houses would result in direct overlooking of neighbouring properties. There are no side facing windows proposed to impact upon the amenities of number 9 Sunnyside.

With regards to noise and disturbance from the two houses, there is no evidence to suggest a further two houses would result in considerable noise and nuisance to warrant refusal of the scheme.

The housing layout approved under 17/0902 for Sunnyside Farm is in outline format. Even so, the proposed houses on the application site would not unduly impact upon the amenities of these potential occupiers as there is a 9m separation distance from the rear of the proposed houses to the site boundary.

Plot 2 is to the south of number 9 Sunnyside. Any shading from this property would be within the curtilage of this property, as it is set off the boundary.

Plot 1 would be to the north of the car park area approved for the flats under planning permission 17/0902 and as such would not unduly result in loss of light or shading to the car parking area of this neighbouring site.

The proposed houses would not unduly result in loss of light or result in shading to number 1 to 7 Sunnyside. The proposed detached garage to the rear of plot 3 would be set off the boundary, a small section of the garage wall would be visible above the boundary treatment and would not unduly harm the visual amenities of these neighbouring occupiers to warrant refusal of the scheme. The proposed roof is a hip, where the roof slopes away from the boundary, allowing ambient light into the rear garden of this neighbouring property.

The proposed houses are positioned to the rear of number 9 Sunnyside, so would not affect the outlook from the rear of numbers 1 to 7 Sunnyside. The proposed house would not unduly harm the outlook from number 9 Sunnyside, as a house has been previously approved on this site under planning reference 15/1257.

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The proposed housing development would not unduly impact upon the existing commercial uses on the land to the south of the site, Sunnyside Farm.

The development will not have severe transportation implications.

The proposed development meets the aims and objective of the NPPF, policies CSP4, HOU1, HOU2, ENV2 and ENV3 of the Black Country Core Strategy, saved policies GP2, ENV10, ENV11, ENV32, ENV40 and H3 of the UDP and policies DW3 and DW10 of Designing Walsall SPD.

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

Grant permission subject to conditions

Conditions and Reasons

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

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

2.The development shall be completed in accordance with the following plans:

- Proposed site plan drawing number 1760_P01/B submitted 30-07-18
- Proposed plans and elevation drawing number 1760_P02/C submitted 30-07-18
- Site location plan submitted 18/04/18
- Cross section drawing number 1760_P03/D submitted 30-07-18
- Topographical survey submitted 18/04/18

Reason: To define the permission.

3a. Prior to the commencement of development, written details of the electric vehicle charging points to be installed for each property shall be submitted to and approved in writing by the Local Planning Authority.

3b. The agreed written measures shall be implemented prior to occupancy and a written validation statement shall be submitted to the Local Planning Authority upon their installation.

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.

4a. Prior to the commencement of development, details for an acoustic survey to deal with noise from road traffic and nearby industry shall be submitted to and approved in writing by the Local Planning Authority.

4b. Acoustic mitigation measures resulting from the noise survey shall be agreed in writing with the Local Planning Authority.

4c. The agreed acoustic mitigation measures shall be implemented prior to occupancy and a Validation Statement provided in writing to the Local Planning Authority.

Reason: In the interests of future occupants.

5a. Prior to the commencement of development above damp proof course, details of bat and bird boxes to be installed on the external elevations of the properties hereby approved on the western and southern elevations shall be submitted to and approved in writing by the Local Planning Authority.

5b. The development shall be completed in accordance with the approved bat and bird boxes in the approved locations and retained and maintained at all times.

Reason: To protect foraging bats across the site and to provide habitat for nesting birds.

6a. Prior to the first occupation of either dwelling on the development, the parking areas and vehicle manoeuvring space 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.

6b. These areas shall thereafter be retained and used for no other purpose.

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

7. A 2.4m x 43m visibility splay shall be provided in both directions at the access point and retained at all times, within which no structure or planting shall exceed 600mm in height above carriageway levels.

Reason: In the interests of highway safety and UDP Policy GP2 and T4.

8. No boilers shall be installed and used in any of the units hereby approved, save for boilers which have maximum NO_x emissions no greater than 56 mg/kWh for gas and liquefied petroleum gas (LPG) boilers and a maximum of 120 mg/kWh for oil-fired boilers.

Reason: To conserve and enhance the natural environment in accordance with BCCS policies ENV8 and DEL1.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no side facing windows

or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

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

10. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, or succeeding orders, *no development* within the provisions of Schedule 2, Part 1, Classes A, B, C, D, E, F and G and no fences gates or walls within the provisions of Schedule 2, Part 2 shall take place without first applying for planning permission.

Reason; To control the site and to protect neighbouring amenity.

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

Reason: In the interests of protecting the local amenity.

Notes for the Applicant:

1. Highways

The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.

2. 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://www.dropbox.com/s/5s5i45fxr3m3hrt/national-guidance-document-on-water-for-ffg-final.pdf?dl=0>. For further information please contact the WMFS Water Office at the address given above or by email on Water.Officer@wmfs.net

3. **Secure By Design.** Information can be found at <http://www.securedbydesign.com/pdfs/SBDNewHomes2014.pdf>

All ground floor windows and any accessible windows should be fitted with BS EN 356 grade P1A glass this includes French doors and patio doors and should improve the standard of security to the more vulnerable ground floor windows. The frontages and accessible windows of the houses need to have defensible planting under them. This can be created by dense low level shrubbery which should be around 1m in depth. This will assist in stopping unauthorised persons gaining access to vulnerable windows and make it more difficult for persons to peer in through window or have access to the locking mechanisms. The defensible space should overlap the whole length of the window at least. Low level dense shrubbery is the preferred method to create this barrier with a mature height of no more than 1m and should be suitable for the light and soil environment at its location.

I recommended the developer to be made aware of and fit the PAS 24:2016 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.

Most properties are attacked from the rear therefore perimeter security needs to be effective in order to protect the most vulnerable area. I would recommend 2.4m on all rear perimeter fences and should be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. This can include 300mm anti-climb (Criss Cross) trellis topping. The trellis should not be of a robust construction as this will create a climbing aid, rather than create a topping that will break, crack, and create noise if climbed, as intended. Where concrete post and panels are to be used the fence panels need to be tied using galvanised metal straps, so that the panels cannot be lifted by offenders as a means of entry. The fencing needs to be treated wood with guarantee life span of 25yrs.

All side entry gates should be the same height (2.4m) and be key lockable from both sides, they should be positioned flush with the front of the building line. Their design and construction should not provide climbing aides to offenders. The fencing needs to be located as near to the front of the building as possible but should not butt up next to a fence or wall of differing height forming a step ladder.

Secured by Design states the safest place to park a vehicle is in a locked driveway in front of the vehicle owner's property. Vehicles need to be parked in a position whereby they can clearly be seen by the owner from their property which also includes being able to see their garage. To deter car crime it is important to ensure that all parking places have good natural surveillance and are overlooked by windows from the buildings they serve which this development needs to address. It will also be important not to allow plantings to obstruct views and as a general recommendation, where good visibility is needed, shrubs should be selected to have a mature growth height no higher than 1 metre, and trees should have no foliage below 2 metres, thereby allowing a 1 metre clear field of vision.

Garage doors must be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or WCL 2 BR 1

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.

The property 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.

4.Environment Agency

Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination. Refer to the [Environment Agency Guiding principles for land](#)

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[contamination](#) for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health. Refer to our website at www.environment-agency.gov.uk for more information.

Note to Applicant Air Quality SPD

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 and a low NOx 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.

5. Notes for Applicant - Acoustics

Relevant acoustic guidance and documents:

ProPG: Planning & Noise – New Residential Development

Planning Practice Guidance – Noise

BS8233: 2014 - Guidance on Sound Insulation and Noise Reduction for Buildings,

BS4142: 2014 – Methods for Rating and Assessing Industrial and Commercial Noise

WHO Night Noise Guidelines

BS7445: 2003 – Description and Measurement of Environmental Noise

Noise Policy Statement England

Pollution Control cannot verify that the agreed acoustic mitigation measures have been or will be installed as per manufacturer's instructions. It is recommended that such confirmation be obtained from a suitable third party, such as a Building Control Inspector or the acoustic performance verified by a person or organisation certified for the purposes of sound insulation testing by either by the Association of Noise Consultant (ANC) or the United Kingdom Accreditation Service (UKAS).



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Aug-2018

Plans List Item Number: 9.

Reason for bringing to committee: Significant Community Interest

Location: 19, GREENSLADE ROAD, WALSALL, WS5 3QH

Proposal: TWO STOREY AND SINGLE STOREY REAR EXTENSION, REAR DORMER WINDOW, CONVERSION OF GARAGE TO STUDY AND NEW DROPPED KERB

Application Number: 18/0593

Applicant: Mr Jaswinder Singh

Agent: Mr Mukesh Mistry

Application Type: Full Application:
Householder

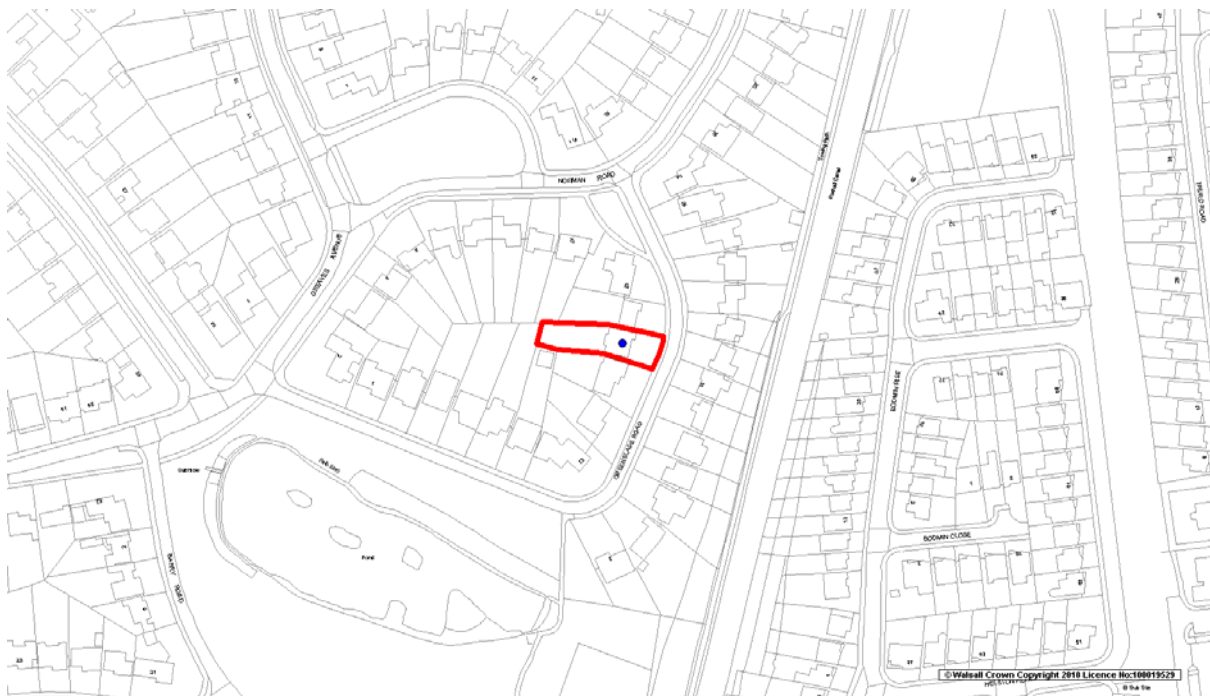
Case Officer: Helen Smith

Ward: Paddock

Expired Date: 14-Jul-2018

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Officers Report

Proposal

This is a previously extended 1960's detached house with a plain and simple design which is located within a residential area. The street scene consists of similar detached houses and bungalows a number of which have previously been extended.

Greenslade Road ground levels gradually rise in a northerly direction. The application house rear elevation faces across rear gardens serving houses on Greenslade Road, Greaves Avenue and Norman Road.

This proposal is for the following additions and alterations;

Two Storey Rear Extension

- 3 metres deep
- 8 metres wide
- Gable roof with ridge line as high as the ridgeline of the host dwelling
- Eaves height to match the height of the existing eaves of the host dwelling
- Increase the total number of bedrooms from 7 to 8
- Enlarge lounge at ground floor

Single Storey Rear Extension

- Extends 2.5 metres further rearwards than the proposed two storey rear extension
- Gable roof
- 2.5 metres high to the eaves
- 3.8 metres high to the ridge
- Provide a dining area

Rear Dormer Window

- 4.3 metres deep
- 1.5 metres high
- 6.6 metres wide
- Flat roof design
- 0.9 metres above the roof eaves of the host dwelling
- 0.1 metre below the ridge height of the host dwelling
- Enlarge an existing loft bedroom
- Two side facing roof lights
- Set in 2.7 metres from the roof edge nearest to 21 Greenslade Road
- Set in 2 metres from the roof edge nearest to 17 Greenslade Road

Dropped Kerb

- New dropped kerb to serve the existing in/out driveway as one of the accesses does not have a dropped kerb
- There is a services manhole cover in the footpath which appears to be British Telecom

Additional Alterations

- The existing garage would become a study

Site and Surroundings

There is off-street parking for at least three vehicles on the front driveway. The loft space is already converted to habitable rooms and consequently it was considered a bat survey would not be required in this instance.

The neighbouring houses include;

17 Greenslade Road

This house is to the south of the application house and is a bungalow with front and rear facing dormer windows. The application house has a higher ground level than no. 17.

No. 17 has a ground floor utility room window near to the shared side boundary with the application house and a dormer window at first floor which serves a bedroom. There is mature planting along the shared boundary between the application house and no. 17.

21 Greenslade Road

No. 21 sits to the north of the application house and has a ground floor dining room window with a bedroom above near to the shared boundary with the application house. The rear two storey elevation of this neighbouring house sits 3.5 metres forwards of the rear elevation of the application house.

14 & 16 Greenslade Road

These houses face across Greenslade Road towards the front elevation of the application house across a separation distance of 32 metres.

6 Greaves Avenue

There would be a habitable room window to window separation distance of 82 metres.

Relevant Policies

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728643/Revised_NPPF_2018.pdf

The 2018 NPPF sets out the Government's position on the role of the planning

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

Key provisions of the NPPF relevant in this case:

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

On **planning conditions** the NPPF says:

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

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- 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 Conserving Walsall's Natural Environment and Designing Walsall SPDs are consistent with the NPPF.

Policies are available to view online: http://cms.walsall.gov.uk/planning_policy

Relevant Planning History

14/0653/FL – Proposed amendments to planning application 13/1453/FL for first floor rear extension, loft conversion with three rear dormer roof extensions and four front roof lights (resubmission of 14/0318/FL) – refused permission 18/06/14 and a subsequent appeal was dismissed because of the design of three proposed rear dormers (appeal reference no. APP/V4630/D/14/2222770).

The Inspector considered that the proposed three rear dormers of different designs lacked cohesion resulting in a cluttered and unbalanced rear elevation. The introduction of a rear dormer was considered by the Inspector to not necessarily be harmful.

14/0318/FL – Proposed amendments to planning application 13/1453/FL for first floor rear extension, loft conversion with three rear dormer roof extensions and two front roof lights – refused 4/4/14 because of the poor design of three proposed rear dormer additions.

13/1453/FL – Proposed first floor rear extension – GSC 21/01/14

03/0156/FL/H4 - Two storey extension and conservatory to the rear – GSC 2/7/03

Consultation Replies

Transportation – No highway objections subject to the inclusion of a planning condition in respect of a proposed dropped kerb (*works on the highway require highway consent and fall outside the scope of planning legislation*).

Canal and River Trust – No comments

Representations

Officers' comments in italics

Objections have been received from four neighbours on the following grounds;

- Overdevelopment
- Yet another application for this house (*the Council is required to assess each planning application it receives on its own merits*)
- A similar planning application was previously refused on the grounds of overdevelopment and they presume this decision would still stand
- Impact on sunlight at 21 Greenslade Road
- Fence between no. 19 and 21 has not been repaired for 10 years (*this is a civil matter between neighbours and not a material planning consideration*)
- A shadow drawing has been provided by the neighbours at 21 Greenslade Road to illustrate the potential impacts of this development on light
- Land level is approximately 2 metres higher than 8 Norman Road and 6 metres higher than some houses on Greaves Avenue resulting in overlooking

- Proposed changes would set a precedent for future extensions and would change the character of the estate for ever (*planning applications are determined on the merits of the individual case without setting a precedent*).
- Increased parking on the road which will cause difficulty getting off their drive (*the proposal meets Council's UDP saved policy T13 required parking standards and Highways officers have no objections to the proposal on highway safety grounds*)
- We do not want under any circumstances any dormer with windows in the roofs of houses on our estate (*this would be unreasonable particularly as national government provides permitted development allowances for roof extensions to most houses*)

Determining Issues

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

Assessment of the proposal

Design of Extension and Character of the Area

Views of the dormer and rear extension from Greenslade Road and other public vantage points would be limited. There would be views of the roofscape from the rear gardens of adjacent dwellings and the proposed dormer would be viewed against the backdrop of the existing roof of the host dwelling which is considered in this instance would limit the visual impacts of this proposed development.

Amenity of Nearby Residents

The proposed rear dormer would be set within the existing roof and away from each gable end of the house. It is considered that the dormer not reduce the amount of daylight to neighbouring properties.

21 Greenslade Road sits to the north of the application house, with the initial plans being amended to take account of this orientation. The proposed two and single storey rear extensions would be set in 3.6 metres from the shared side boundary with 21. This is considered would avoid the rear extension having an overbearing impact or loss of light on neighbours' amenity at no. 21.

The neighbour at 21 Greenslade Road has provided a shadow drawing to demonstrate the likely impacts of the extension on neighbours existing light and amenity at different times of the day and year. Whilst the application sits to the south of no. 21 it was noted during a site visit to number 21, that the existing rear elevations of no. 21 are already shaded because of mature planting along the rear garden boundary between no's 19 and 21. The proposal is considered would not significantly worsen the amenity enjoyed by no. 21 and will accord with policy.

17 Greenslade Road sits to the south of the application house and it is considered this orientation would limit the impacts of this development on neighbours' existing light.

The proposed extensions meet the separation distances recommended in Designing Walsall SPD, Appendix D and considered would not cause any significant harm to the residential amenities of neighbouring properties in terms of outlook, privacy or daylight.

The proposed extensions to the rear meet the Council's 45 degree code, as referred to in Appendix D, in relation to the adjacent houses 17 and 21 Greenslade Road. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

Whilst the residential application property has previously been extended, it sits within a 51 metres long and 12 metres wide plot. The remaining open space around the dwelling house is sufficient to prevent the proposal from being considered an overdevelopment of the site.

Two previous planning applications (14/0318/FL and 14/0653/FL) were refused permission on the grounds that the proposed rear dormers 3 metres deep and planning application (14/0653/FL) at 5.4 metres (14/0653/FL) were oversized and too heavy.

This proposal is for a single dormer rather than three as previously proposed and the Planning inspector considered in the subsequent planning appeal that the proposed triple dormer design was unacceptable but that the introduction of a rear dormer would not necessarily be harmful. It is necessary for the Local Planning Authority to consider each planning application on its own merits rather than apply a general approach.

The remaining rear garden length would be 24 metres at the application house. The facing habitable room window to window distances from the proposed rear dormer and rear extension to neighbouring houses would exceed the 24 metres separation distance, which is the Council's minimum recommended separation distance between facing habitable room windows as referred to in Designing Walsall SPD Appendix D.

The two side facing roof lights are high level and angled upwards to limit any overlooking of neighbours' properties and these can be conditioned to be obscurely glazed.

Windows in the proposed rear extension and dormer would be angled in relation to houses fronting Greenslade Road to the south-west and Norman Road to the north-west which would limit overlooking and impacts on privacy even taking the difference in land levels into account.

Parking

UDP saved policy T13 Parking requires the provision of three off-street parking spaces to serve a dwelling with four or more bedrooms. The existing drive is an

'in/out' driveway with only one dropped kerb and Highways have requested a planning condition is included to require the applicants to install a second dropped kerb. However as this would be works to the highway it is considered that this requirement would need to be addressed by highways legislation rather than planning legislation as the condition does not meet the 6 tests for conditions within the national planning policy guidance.

Conclusions

The key material planning considerations, neighbour comments and consultee responses have been weighed in assessing the planning application. The proposal is considered accords with the aims and objectives of relevant national policies and guidance, Council policy and guidance and on balance is considered to be acceptable. The proposed conditions are considered to meet the 6 tests within the national planning policy guidance. There are no objections from significant consultees and the community interest that has been expressed is considered to not outweigh the recommendation to approve.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the depth of the proposed single storey extension and the scale of the rear dormer, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

Grant Permission Subject to Conditions

Conditions and Reasons

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

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

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

- Location Plan, deposited 09/05/18
- Block Plan as Proposed, deposited 09/07/18
- Existing and Proposed Plans and Elevations, drawing no. 201813/1B

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: 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 as it exists at

the time of this application, and shall be retained as such after completion of the extension.

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

4: The side facing roof lights opposite the side boundaries with 17 and 21 Greenslade Road will be obscure glazed to Pilkington's Level 4 privacy standard or equivalent and retained as such thereafter.

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

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

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

Notes for Applicant

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. Prior to the proposed development coming into use the proposed additional access onto the highway shall be agreed and approved by the Local Planning Authority.
3. Any alterations to the existing adopted highway to create an additional access shall be carried out in accordance with statutory requirements. The developer is required to contact Walsall Council Traffic Management Team on 01922 654675 to discuss the access works and obtain the required licence and approval to carry out works in the highway.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Aug-2018

Plans List Item Number: 10.

Reason for bringing to committee: Called in by Cllr Wilson who considers the application requires delicate judgement but hasn't specified which material planning grounds require the delicate judgement.

Location: 55, LONGWOOD ROAD, ALDRIDGE, WALSALL, WS9 0TA

Proposal: FIRST FLOOR SIDE EXTENSIONS, SINGLE STOREY REAR EXTENSION WITH FLAT ROOF AND BALCONY, ACCOMODATION WITHIN THE ROOF SPACE WITH REAR DORMER AND ALTERATIONS TO FENESTRATION DETAILS (RESUBMISSION OF 17/1007).

Application Number: 18/0376

Applicant: David Plant & Hayley
Summerfield

Agent: Gerry Bradley

Application Type: Full Application:
Householder

Case Officer: Sally Wagstaff

Ward: Aldridge Central And South

Expired Date: 10-Aug-2018

Time Extension Expiry:

Recommendation Summary: Refuse



Proposal

The application relates to the erection of a first floor side extension, single storey rear extension with flat roof and balcony, conversion of the front curved bays to square bays, conversion of the roof space with rear dormer and alterations to fenestration details. The property will be internally reconfigured to include an additional bedroom and en-suite at first floor including a balcony, additional bedroom within the roof space, larger kitchen/dining area/ living area at ground floor, and a new garage.

The proposed side extension is:

- 10.6 metres in depth
- 4.3 metres in width
- 5.2 metres to the eaves
- 8.2 metres to the ridge
-

The proposed first floor extension will be set in from the boundary 1.2 metres with the entry between the properties to remain. The extension is to extend beyond the rear elevation of no. 57 by approximately 4.3 metres at ground floor and at first floor 2 metres.

The proposed single storey rear extension is:

- 3 metres in depth
- 14.092 metres in width
- Flat roof 3.3 metres in overall height

The extension would project beyond the rear of no. 53 by approximately 4 metres.

The balcony is:

- 3 metres in depth
- 8 metres in width

The existing verandah/sunroom is to be removed and the kitchen and dining room extended to the same depth as the current structure. The flat roof is to be utilised as balcony space with an obscured balustrade.

The rear dormer measures:

- 1 metre in projection from the roof slope
- 6 metres in width
- 1.3 metres in height

The proposed scheme includes two ground floor side elevation windows to two habitable rooms proposed to be obscurely glazed. The first floor includes an obscurely glazed en-suite window.

The design is modern with a palette of materials including grey upvc windows and rainwater goods and a white render finish to the elevations.

The current application is the resubmission of the recently approved scheme 17/1007. This earlier application was amended in line with office concerns regarding the excessive scale of the extension and its impact upon the character and openness of the Green Belt. The reduced scheme removed the additional gable to the front and with a 2.5 metre set in from the boundary with no.57; the amendments resulted in the loss of the 5th bedroom within the roof space. The current application reverts back to a similar scheme to that which was originally submitted for application 17/1007

The applicant has suggested potential amendments including removing the proposed front gable next to no.57 creating a design similar the approved scheme however the first floor would be in line with the ground floor rather than set in. A second option to flip the front gable to be next to no. 53 was also suggested by the applicant however it is considered that the amendments would not overcome officer concerns regarding the scale and mass of the proposal.

The agent has been advised of discrepancies on the plan include an inaccurate visualisation of the proposed rear elevation as it would extend beyond the rear of the neighbours houses and the scale on the existing and proposed plans should read 1:50 not 1:00.

Prior to submission the applicant's agent was advised the scheme was unlikely to be supported as the officer had extensively negotiated on the previous application to reduce the mass of the proposal. The agent was advised that completely infilling the area over the garage would erode the space between no. 55 and 57 which was considered important to retain to provide a visual gap and to prevent harm to the openness of the Green Belt.

Site and Surroundings

The property is a two storey detached property on the edge of the greenbelt. As built the property was smaller than the neighbouring properties no's 53 and 57 but set in a wider plot. The dwelling has been previously extended with the addition of a flat roof garage to the side approximately 4.3 metres in width and a single storey rear extension approximately 2.8 metres in depth with a lean to roof constructed between 1976 and 2004. There is no planning history for the extensions. The property is traditional in style with a gable feature, lower eaves and flat roofed porch. The property has a large rear garden which slopes down quite steeply from the house. There is a driveway to the front.

Properties on Longwood Road differ in size and design and many have been previously extended to the rear. The gaps between properties differ but the majority of houses retain a gap of 1 metre at ground floor and 2-3 metres at first floor on at least one side. The existing gap at ground floor is to remain and there would be approximately 1.2 metres at first floor between no. 57 and no.55. The gap between no. 55 and no. 53 would not change but due to the Mucklow roof being replaced by a hipped roof the visual gap between the two properties would be altered.

The neighbouring property no. 57 is a two storey detached property which appears to have been originally built to the boundary with the application site. The property had previously been extended with an extension to the garage, a bedroom and

shower room over the garage and porch granted permission in 1986. This extension has a dummy pitch to the front elevation and a flat roof behind, there is also a single storey flat roofed rear extension attached to the far side of the rear elevation with side facing double doors. This property does not have any side elevation windows within the first floor and two obscurely glazed windows at ground floor. No. 57 has a door at ground floor nearest to the boundary with the application site and a habitable room window at first floor approximately 1 metre from the boundary.

The neighbouring property no. 53 is a two storey detached property with a Mucklow style roof. This property is also built to the boundary with the application site. The side access between the two properties will remain as existing. The property has a raised platform to the rear leading from the patio doors on the far side of the property. There is a flat roof lean to, to the side of the property. There is a habitable room window within the ground floor of the side elevation of this property which currently looks onto the gable of the application property.

Relevant Planning History

17/1007 - First floor side extension, single storey rear extension with flat roof and balcony, accommodation within the roof space with rear dormer and alterations to fenestration details. Grant Permission Subject to Conditions 15/01/2018.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 13 – Protecting Green Belt land**

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.

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Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV1: The Boundary of the Green Belt
- ENV2: Control of Development in the Green Belt
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW3 Character

Consultation Replies

None

Representations

None

Determining Issues

- Design of Extension and Character of Area
- Impact on the character and openness of the Green Belt
- Amenity of Nearby Residents
- Protected Species
- Parking
- Conclusions

Assessment of the Proposal

Design of the Extension and Character of the Area

The property is to be re-designed with the existing gable to the front becoming a central feature with a larger dominant gable where the existing garage stands. The Mucklow roof is to be replaced with a hipped roof, the ridge height will remain as existing however the massing of the roof will increase. The previous scheme Included removal of the dominant gable feature to the front and the extension at first

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floor was pulled away from the boundary to create a more subservient extension in width and to retain a larger gap between no. 55 and no. 57. It is considered that the original gable feature is lost against the dominant gable due to its width and height. The proposal removes the first floor gap and breathing space between no. 55 and no. 57. It is acknowledged the neighbouring properties first floor extension has been built to the boundary however the ground floor as originally built is to the boundary compared to the application site in which the garage has been added at a later date.

It is considered, the scale and mass of the proposal is disproportionate compared to the size of the original dwelling. The erosion of the entire first floor gap next to no. 57, coupled with the loss of part the visual gap between no. 55 and no. 57 is considered to be unacceptable in terms of the impact upon visual appearance the street scene and character of the area.

The rear extension involves a balcony on the single storey flat roof rear extension. There are balconies to the rear of properties within the immediate vicinity of the application site. It is considered that this feature is an emerging characteristic of the area.

Whilst properties within the street scene are not uniform in size on balance, it is considered the proposal would have a detrimental impact upon the character of the area by virtue of scale, mass and height.

Impact on the character and openness of the Green Belt

The property is on the edge of the greenbelt and has been historically extended with a single storey side and rear extension which has resulted in the footprint of the originally property increasing by approximately 192 sqm which is 48% added to the original floor area. The proposal would include an additional floor area to the rear ground floor which is approximately 42 sqm which is over 50% of the original property. The proposal would involve additional volume at first floor and massing including additional roof space.

The previous application was amended to reduce the width of the first floor side extension retaining a larger gap with 2.5 metres between no.57 and no. 55. The separation distance retains views to the Green Belt behind aiding openness of the Green Belt. The agent argues that the scheme submitted is not significantly different to that approved with regards to the distance to the boundary at first floor and the impact this has on views of the green belt from within the street scene. However, it is considered the scale and mass of the current proposals would be disproportionate in relation to the original dwelling and the proposal would have a materially greater impact on the openness of the Green Belt by virtue of height, bulk and mass of the extended dwelling.

Amenity of Nearby Residents

The rear extension would project beyond the rear of no. 53 however this would comply with the 45 degree code measured from the quarter-point of the rear bedroom window of no. 53 which is the closest habitable room at first floor and the kitchen window at ground floor.

The agent has drawn the 45 degree code onto the plans and the officer can confirm that proposal as submitted would comply with the 45 degree code measured from the mid-point of the neighbour's first floor habitable room window.

It is acknowledged that the proposal includes a ground floor extension which extends beyond the rear elevation of neighbouring properties by approximately 4 metres. Nevertheless the proposal complies with the 45 degree code, this tool is used to assess light and outlook from neighbouring properties habitable room windows.

It is considered the proposal would not have a detrimental impact upon the light and outlook enjoyed by the occupants of neighbouring properties.

The balcony proposed to the rear elevation is closest to no. 53. It is acknowledged that a balcony would lead to an element of overlooking neighbouring amenity. Within the vicinity of the application there is evidence of balconies to the rear including no. 59, to add no. 53 has a raised platform within the garden to be used as patio area. The balcony is to have an obscure screen to protect the privacy of the neighbouring property no. 53.

It is considered that in balance the proposal would not be unduly detrimental to privacy enjoyed by the neighbouring properties.

Protected Species

The site is located on the edge of the Greenbelt within close proximity to woodland on the opposite side of the road and green infrastructure which could be used for commuting and foraging. A preliminary bat assessment was carried out on 21st August 2017 to accompany the previous application which is valid until 07/09/2018. This was to identify the suitability of the building to support bats, identify evidence of bats having used or using the building, and to identify key ecological constraints to the proposed development. The building was assessed as having negligible potential for potentially supporting roosting bats, due to a lack of suitable cracks, crevices and sheltered voids within the brickwork and roof, no further surveys are required. It was recommended bat boxes are placed high upon the external walls during and post works to provide new roosting opportunities for bats.

Parking

The property currently has a garage and 2 parking spaces to the front elevation. The development seeks to extend the property increasing the number of bedrooms from 3 to 5. UDP parking policy T13 requires 3 parking spaces for 4 bedroom dwellings. The development retains 2 frontage parking spaces and a garage space which accords with the policy requirement. Means of access is unchanged.

Conclusions and Reasons for Decision

On balance, the scale and mass of the proposal and the loss of the gap above the existing flat roof is considered would harm the openness of the Green Belt. For these reasons the proposals are contrary to the aims and objectives of the National Planning Policy Framework including paragraphs 56, 57, 58 and 64, policies ENV2 and ENV3 of the Black Country Core Strategy and saved policies GP2, ENV2 and

Given that there are no material planning considerations that outweigh reasons to refuse the proposals it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Refuse

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal.

Recommendation

Refuse

1) The proposed development would be a disproportionate addition to the size of the original dwelling due to the increased scale and massing of the roof and side extension. As such the proposal would conflict with the aims and objectives of the National Planning Policy Framework including paragraphs, 124, 127 and 130, Walsall's Saved Unitary Development Plan policies, GP2, ENV32 and Designing Walsall SPD Appendix D.

2) The proposed extension would be disproportionate in relation to the size of the original dwelling and the bulk, mass and increased is considered would have a materially greater impact on the openness of the Green Belt As such the proposal would conflict with the aims and objectives of the National Planning Policy Framework including paragraphs 144 and 145, Walsall's Saved Unitary Development Plan policies, ENV2 and ENV3.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 09-Aug-2018

Plans List Item Number: 11.

Reason for bringing to committee: Council Employee Application

Location: 84, BROADWAY WEST, WALSALL, WS1 4DZ

Proposal: RESUBMISSION AND AMENDMENT TO PLANNING APPROVAL 18/0041 TO SWAP THE PORCH TO FORM PART OF THE LOUNGE ADDING FRONT DOORS TO THE EXISTING RECEPTION ROOM.

Application Number: 18/0822

Applicant: Mr Ashvin Patel

Agent:

Application Type: Full Application:
Householder

Case Officer: Mike Brereton

Ward: Palfrey

Expired Date: 20-Aug-2018

Time Extension Expiry:

Recommendation Summary: Grant Planning Permission Subject to Conditions



Officers Report

Proposal

This re-submitted application to make amendments to a previously approved planning application by the 26/04/2018 Planning Committee.

This amended application is to re-locate the front entrance door to the forward projecting section with French doors measuring 1.8m wide and 2m high, along with associated internal layout changes.

All other elements of the remainder of development remain the same as previously approved:

- Two storey rear extension with hipped roof to provide an enlarged kitchen area at ground floor and an additional 2 x bedrooms and en-suite at first floor.
- The first floor would be set in by 1.3m above the ground floor extension nearest to the boundary with No.82.
- The two storey rear extension would measure 7.2m wide at ground floor, 5.9m wide at first floor, 5.3m deep and 6.7m high to ridge (4.8m to eaves) to match existing. The roof over ground floor section would be 3.5m and 2.2m high.
- A single storey front infill extension with a part-hipped roof to provide an extended lounge. The single storey front extension would measure 3m wide, 5m deep and 3.7m high (2.2m to eaves).
- Removal of existing external chimney stacks.

Site and Surroundings

The application house is a traditional two storey L-shaped semi-detached house of simple design with hipped main roof and facing brickwork. The nearby area is made up of similar two storey houses with pitched and hipped main roofs and examples of front, side and rear extensions of mixed design and roof styles. There is no strong characteristic of main entrance door positions, with examples of front and side doors attributed to the mix of house designs in the locality.

Adjoining neighbour No.86 has already infilled the front area with a single storey extension with pitched roof and supporting pillar features and both adjoining neighbours have large two storey and single storey rear extensions.

Relevant Planning History

18/0041 - Demolition of existing rear Sun Room and erection of two story rear extension. Demolition of existing front porch and erection of a single story front extension. Removal of chimney breast's and stacks. GSC 27/04/2018.

18/0012 - Prior Approval: Single storey rear extension measuring 6m deep, 4m high and 3m to eaves. Prior Approval Not Required 01/02/2018.

Relevant Policies

National Planning Policy Framework (NPPF)

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

The revised 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"*.

The revised NPPF defines sustainable development as *"meeting the needs of the present without compromising the ability of future generations to meet their own needs"*.

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF says:

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

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection

- ENV32: Design and Development Proposals

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D – Residential Design Standards

Consultation Replies

None required.

Representations

Neighbours notified and no comments received.

Determining Issues

- Design, Appearance and Character
- Amenity

Assessment of the Proposal

Design, Appearance and Character

The proposed modest change to re-locate main entrance doors to the front projecting section is considered would reflect the mixed character of the area and would not result in significant additional harm to the appearance of the application house or wider area.

This application is considered acceptable subject to the inclusion of all conditions attached to the previous permission, and as updated to reflect this revised design.

Amenity

This revised design would not result in any significant additional impacts to neighbours amenity.

Conclusions and Reasons for Decision

When taking into account local and national planning policy and guidance, the proposed development is considered would reflect the mixed character of the area and would not result in significant additional harm to the appearance of the application house or wider area.

This proposal is considered acceptable subject to the conditions attached to previous permission, and as updated, and accords with NPPF2, NPPF4 & NPPF12, BCCS

policies CSP4, ENV2 & ENV3, UDP Saved Policies GP2 & ENV32 and DW3 & Appendix D of the Designing Walsall SPD.

For the reasons set out above it is considered this application should be supported.

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding 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. This development must be begun not later than 3 years after the date of this decision.

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

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

- Block Plan. Deposited 25/06/2018
- Location Plan. Deposited 25/06/2018
- Proposed Floor Plans (BR2 Rev A). Amended deposited 06/07/2018
- Proposed Elevations (BR3 Rev B). Amended deposited 06/07/2018

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. The walls and roof of the extensions shall comprise facing materials that match, in size, colour and texture as those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

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

4. A minimum of three parking spaces measuring 2.4m by 4.8m each shall be retained on the front drive within the curtilage of the application house and fully consolidated, surfaced and drained at all times.

Reason: To meet the requirements of UDP saved policy T13 and in the interest of highway safety.

5. The single storey rear extension under Prior Approval reference 18/0012 issued on 01/02/2018 shall not be constructed as part of the development hereby approved.

Reason: To define the permission.

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

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