



Development Management - Planning Committee

Report of Head of Planning, Engineering and Transportation, Economy and Environment Directorate on 07th July 2016

Contents Sheet

Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	15/1922	Windsor House, 22 Vicarage Place, Walsall, WS1 3NA	Change of use from warehouse and offices to a mosque with community facilities and ancillary dwelling. The proposal includes alterations and extension to the building plus a dome and minaret, parking, ancillary, landscaping, bin store, wall and fence.	Grant Permission Subject to Conditions
2	19	15/0385/OL	Former Harvestime Bakery, Hollyhedge Lane, Walsall, WS2 8RB	Outline planning application for demolition of all buildings at the former Harvestime Bakery site and the erection of up to 80 residential units with all matters reserved except means of access.	Grant Permission Subject to Conditions

3	43	15/1834	FORMER SERVIS AND ALUCAST SITE,DARLASTON ROAD, WEDNESBURY, WALSALL, WS10 7SR.	RESERVED MATTERS FOR 15/0191/OL FOR THE ERECTION OF UP TO 170 DWELLINGS COMPRISING OF APPEARANCE, LANDSCAPING, LAYOUT, SCALE, SECONDARY ACCESS AND ASSOCIATED WORKS. (AFFECTING PUBLIC FOOTPATH WED 7 & WED 9).	Approve Reserved Matters with Conditions
4	65	16/0465	HIGHFIELDS SOUTH QUARRY, WALSALL ROAD, WALSALL WOOD, WALSALL, WS9 9AH	Variation of condition 4 of planning permission 07/0046/WA/E1 to allow additional 9.2 years, until 31/12/2025 to complete the existing approved scheme for the phased filling and restoration of Highfields South Quarry to create open space.	Grant Permission Subject to Conditions
5	81	16/0236	Meadow House, Stroud Avenue, Willenhall, Walsall, WV12 4ET	S73 to vary existing consent 15/0221 to increased depth of proposed single storey projections to 6 new dwellings.	Grant Permission Subject to Conditions

6	93	16/0332	ELECTRICITY SUB STATION 13051, BAKERS LANE, ALDRIDGE, WALSALL, WS9 8LZ	Change of Use from Former Electricity Sub Station (Sui Generis) to a Beauty Salon (A2(c))	Grant Permission Subject to Conditions
7	103	15/1300	LAND TO SIDE AND REAR OF 16 BLAKENALL LANE, WALSALL, WS3 1HG	Erection of bungalow.	Grant Permission Subject to Conditions
8	119	15/0969/FULL	Land Rear of 56 and 62, Wednesbury Road, Walsall, WS1 3RR	Erection of 4 self contained flats	Grant Permission Subject to Conditions
9	129	16/0198	1, FOLEY CHURCH CLOSE, STREETLY, SUTTON COLDFIELD, B74 3JX	New detached house with detached garage to rear.	Grant Permission Subject to Conditions
10	139	15/1540	PROVIDENCE CHAPEL, NEW ROAD, WILLENHALL, WEST MIDLANDS, WV13 2BG	Conversion of former chapel (Class D1) to form 14 bed HMO (Class Sui Generis)	Grant permission subject to conditions and a unilateral undertaking to ensure that the premises remain as a standard HMO and not supported living accommodation.
11	155	15/1557	82, FOLEY ROAD WEST, STREETLY, SUTTON COLDFIELD, B74 3NP	Replacement 5 bedroom detached house.	Grant Permission Subject to Conditions

12	165	16/0058	8, TILLEY STREET, DARLASTON, WEDNESBURY, WS10 8AZ	Single storey front and single storey rear extensions.	Grant Permission Subject to Conditions
13	175	16/0425	136, Bridle Lane, STREETLY, SUTTON COLDFIELD, Walsall, B74 3HQ	Demolition of rear conservatory, erection of single storey and two storey rear extension.	Grant Permission Subject to Conditions
14	183	16/0056	54, SCARBOROUGH ROAD, WALSALL, WS2 9TS	Two storey rear extension and conversion of existing garage to habitable rooms.	Refuse
15	193	16/0326	54, CARTBRIDGE CRESCENT, WALSALL, WS3 1TJ	Two storey side extension	Grant Permission Subject to Conditions
16	201	16/0334	117, SUTTON ROAD, WALSALL, WS5 3AG	Resubmission of planning application 15/1547. Retrospective - Retention of double storey side and single storey rear extension with loft conversion.	Refuse



Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jul-2016

Plans List Item Number: 1.

Reason for bringing to committee: Major Application

Location: WINDSOR HOUSE, 22 VICARAGE PLACE, WALSALL, WS1 3NA

Proposal: CHANGE OF USE FROM WAREHOUSE AND OFFICES TO A MOSQUE WITH COMMUNITY FACILITIES AND ANCILLARY DWELLING. THE PROPOSAL INCLUDES ALTERATIONS AND EXTENSION TO THE BUILDING PLUS A DOME AND MINARET, PARKING, ANCILLARY, LANDSCAPING, BIN STORE, WALL AND FENCE.

Application Number: 15/1922

Applicant: The Ahmadiyya Muslim Association UK

Agent: Windle Cook Architects Ltd

Application Type: Full Application

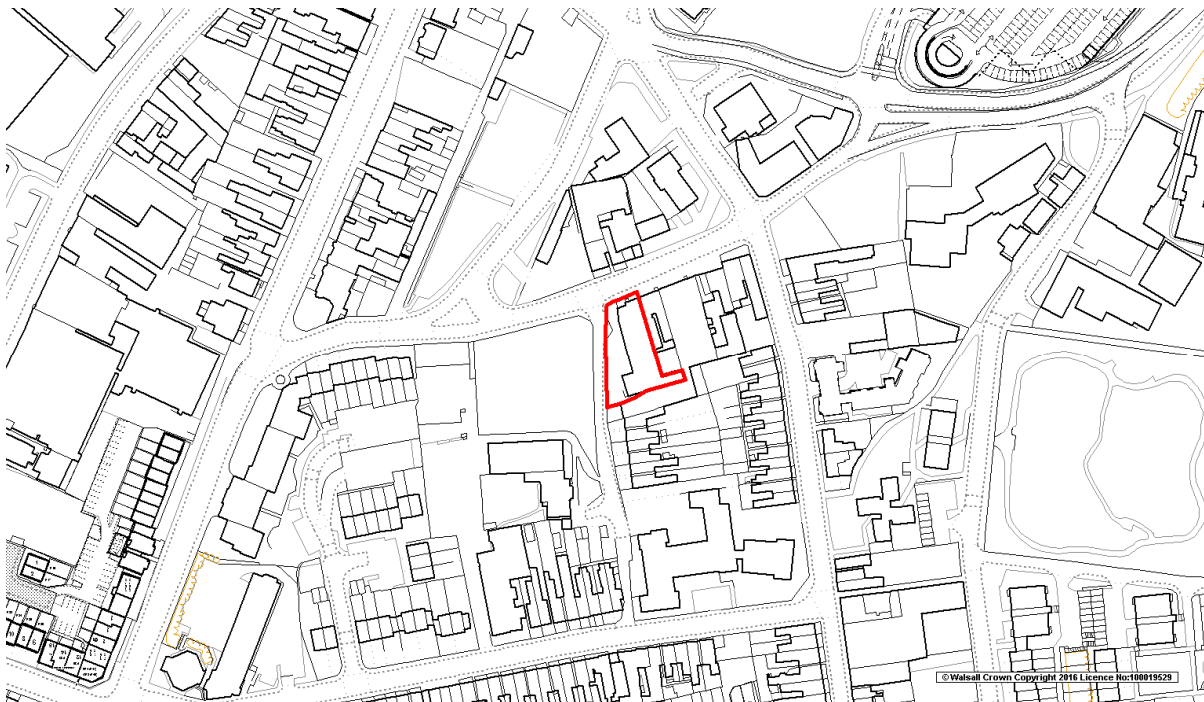
Case Officer: Alison Ives

Ward: St Matthews

Expired Date: 09-Mar-2016

Time Extension Expiry: 18-Jul-2016

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The proposal is for change of use from a former warehouse and offices to a mosque with community facilities and an ancillary dwelling. The new dwelling would be formed in the two storey building facing Vicarage Place formerly used as offices. The remainder of the proposal is for a new extension behind the former offices to create a building for use as a mosque and community facility including a dome and minaret. The proposals also include parking, ancillary landscaping, bin store, wall and fence.

The building is at the corner of Vicarage Place and Vicarage Walk on the edge of Walsall district centre. The front part of the building falls within Bradford Street Conservation Area and there is a Listed Building St Mary's The Mount Roman Catholic Church on the opposite corner of Vicarage Walk. This is a mixed commercial and residential area.

The premises were formerly used for a warehouse with ancillary offices attached but has been vacant for 15 years and has suffered from vandalism and arson attacks and there has been ingress of water through the defective pitched roof and fire damage to windows within the office building. Planning permission was recently granted (reference 15/1921) for replacement windows and new roof tiles to make the building water tight.

It is proposed to refurbish the Windsor House building at the front of the site by making the building weather tight and habitable, and replacing the roof and windows and refurbishing the interior. This will become a two bedroom dwelling. The warehouse building at the rear of the offices has already been demolished so it is proposed to construct a building extension in its place with an area of 908 sqm to be used as a mosque and community facility, along with dome and minaret, new boundary treatment and car parking.

The application follows permission 12/0758/FL for similar proposals to convert the premises to a mosque but this has now lapsed.

The proposed extension is 32m long, between 13-15m deep and between 7 and 8.5m high with a flat roof. The proposed minaret and dome are 12.5m high both located on the Vicarage Walk elevation of the building. The proposal will provide for a mosque and community rooms plus kitchen, ancillary toilets, boiler room, lift, store room and entrance lobby.

The existing "clinker" wall is to be rebuilt along the first section of Vicarage Walk with new walls and gates along the remainder. There are 5 car parking spaces accommodated within the site plus motorcycle and cycle parking storage all accessed off Vicarage Walk. An amended plan has been received showing provision of a 2m wide footway along the first section of Vicarage Walk which has resulted in the repositioning of the "clinker" wall and repositioning of the cycle and motor cycle storage areas. New tactile paving is also included across this junction.

The application is supported by the following documents:

- Remediation Statement
- Intrusive Ground Investigation
- Phase 1 Desk Study Investigation
- Travel Plan
- Noise Impact Assessment
- Heritage Impact Assessment
- Design & Access Statement

Relevant Policies

National Planning Policy Framework (NPPF)

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*".

All the **core planning principles** have been reviewed and those relevant in this case are:

- Find ways to enhance and improve places in which people live their lives
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 2 - Ensuring the vitality of town centres***
- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 7 - Requiring good design***
- ***NPPF 11 - Conserving and enhancing the natural environment***
- ***NPPF 12 - Conserving and enhancing the historic environment***

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy

Black Country Core Strategy

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP3: Environmental Infrastructure
- CSP4: Place Making
- CSP5: Transport Strategy
- EMP6: Cultural Facilities and the Visitor Economy
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection

- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV27: Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- JP7: Use of Land and Buildings in Other Employment Areas
- JP8: Bad Neighbour Industrial Uses
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- T1 - Helping People to Get Around
- T2 - Bus Services
- T4 - The Highway Network
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- LC8: Local Community Facilities
- WA5: Conservation Areas and Areas of High Townscape Value

Supplementary Planning Documents

Conserving Walsall's Natural Environment

Designing Walsall

Other policies

- Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment: English Heritage (2008)
- Walsall Shopfront SPD 2014
- Historic England Heritage at Risk study 2015
- Historic Environment Good Practice Advice Notes 2, and 3

Policies are available to view online:

Relevant Planning History

15/1921 - Re-cover existing pitched roof with new tiles and replace timber sash windows and fascias – Granted Subject to Conditions 18/05/16.

12/0853/CC - Conservation Area Consent for demolition of former factory building as part of redevelopment for a Mosque under 12/0758/FL – Granted 19/10/12.

12/0758/FL - Partial demolition, extension and alterations to existing building to include Dome and Minaret following approval of change of use to Mosque under reference 09/1247/FL – Granted

subject to conditions 19/10/12. This permission has lapsed as not all pre-commencement conditions were discharged in time.

09/1247/FL – Change of Use to Mosque including community facility and ancillary dwelling – Allowed on appeal 09/11/10. (Condition 1 required commencement within 3 years)

07/0901/FL/W7 - Erection of 14 new apartments and associated works following the demolition of existing buildings – Granted subject to conditions 03/04/08.

05/1290/FL/W7 - Demolition of existing building and erection of 21 apartments – Refused 22/09/05.

Consultation Replies

Coal Authority – No objections. The site is within the defined Development Low Risk Area so the Coal Authority's Standing Advice should be included within any decision.

Community Safety – No objections. This area has been subject to on-going issues of drug misuse and prostitution which is exacerbated by the lack of surveillance from surrounding buildings. Recommendations regarding boundary treatment and lighting are suggested as well as other security measures.

Conservation – No objections subject to conditions to secure details of the boiler flue/extract fan, pointing of the building and railings. Works to refurbish Windsor House will make it water tight and will have a positive impact on the conservation area and setting of the listed building. The proposed mosque building broadly replicates that previously approved.

Ecology – No objections.

Equality & Diversity - No objections. The folding gates to the disabled parking spaces should be open when the building is in use to ensure disabled access is maintained.

Landscape – No objections.

Police – No objections. There is an awareness that there may be increased community tension from the local community and other organisations opposed to this type of development. This is the highest crime area in Walsall so security measures are recommended.

Pollution Control - No objections subject to conditions to restrict construction times to minimise the impacts on neighbouring residential premises and to undertake contaminated land remediation to an appropriate standard.

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

Transportation – No objections subject to conditions to secure details of access, parking and travel planning. The previous B8 warehouse and ancillary office use required 12 spaces based upon a GFA of 900 sqm. The proposed Mosque and Community facilities are slightly larger at 908 sqm GFA requiring 45 spaces inclusive of 4 disabled spaces giving a net requirement of 33 additional spaces.

Limited parking is available on the constrained site in the form of 4 parking spaces plus 2 disabled spaces. In order to mitigate for the significantly low level of on-site parking provision, the applicant is to implement a travel plan to encourage the use of sustainable travel. Also taking into account the site is located close to the town centre it is in a highly sustainable location with good access to public transport and public parking. Secure, cycle and motorcycle parking is also provided on site.

In order to improve accessibility to the development, the revised proposals introduce a new short section of adoptable footway to the main entrance together with pedestrian dropped crossing improvements across the Vicarage Walk junction.

On balance the Highway Authority considers that the current revisions to improve accessibility to what is in effect a public building, is a significant improvement to the previous proposals and that the development will not have severe transportation implications and is acceptable.

Representations

Thirteen individual letters of objection and 2 petitions, one with 14 signatures and one with 43 signatures has been received and are summarised as follows:

- Already sufficient mosque's in Caldmore community within 5 minutes walk of residents
- The mosque will only be used by one part of the community which will create further community tensions.
- Community cohesion should be considered
- This is not a Muslim mosque as the Ahmadiyya sect is not a recognised as part of the Islamic world
- The development should be refused as application 09/1247/FL was *(this application was allowed on Appeal)*
- This development is not appropriate for a busy built up area
- Increased noise and disturbance at odd times of the day
- Traffic and noise will have a negative impact on the surrounding area
- Difficult access on a busy one-way highway
- Access to the site will create a potential highway hazard
- Inadequate parking and displaces parking for residents
- Already inconsiderate parking in the area of Glebe Street which blocks emergency service vehicles
- Increased traffic/congestion
- Impedes access for pedestrians and those with walking aids and scooters
- Potential encroachment onto private land from parking
- Increased highway congestion up to five times a day

An MP has also expressed an interest in the application but raises no comments.

All letters of representation are available for inspection upon publication of this committee report.

Determining Issues

- Principle of development
- Layout and design
- Impact on the conservation area and setting of the Listed Building
- Relationship to adjacent properties
- Access and parking

Observations

Principle of development

The principle of development for a mosque and community centre has already been established by the appeal allowed under application reference 09/1247/FL and the approved application 12/0758/FL.

The proposals are being considered as a place of worship and community facility so reference to the different religious sectors is not a material planning consideration. There are concerns about community cohesion but this is also not a material planning consideration. Objections to the fact that there are already sufficient mosque's in the Caldmore area is not a material consideration as there is no policy restricting the number of mosques or community facilities in an area.

The principle of the use has already been considered to be appropriate for this site as determined by the appeal and earlier permission and is in a sustainable location close to the town centre where there are alternative means of travel available.

Layout and design

The layout of the extensions to form the mosque and community rooms is identical to that previously approved. The only changes are to the boundary treatment to rebuild and reposition the "clinker" wall and provide satisfactory boundary treatment that respects the conservation area and maintains visibility to the parking spaces. The amended layout allows for provision of a 2m wide footway to serve the main access which is an improvement.

Security measures requested by the Police are recommended to be secured by a condition.

The layout and design are considered acceptable and have largely remained unchanged from that previously approved.

Impact on the conservation area and setting of the Listed Building

Bradford Street Conservation Area is considered to be 'at risk' in the latest 2015 heritage at risk study written by Historic England. Along with this consideration regarding the 'at risk' status, and a consideration of harm to the conservation area and the listed building, an additional special consideration needs to be given to the character and appearance of the conservation Area as required by Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990.

The Conservation Area only covers the front of the site where Windsor House is located. However the building to the rear is within the setting of the Conservation Area and hence consideration needs to be given to the harm caused. Although the building is not within the curtilage of the listed building, the site is clearly within the setting, particularly the boundary treatment which is replicated along Vicarage Walk.

The existing boundary treatment along Vicarage Walk consists of a 'clinker wall' which is approximately half a metre thick and is of rubble construction to the base thinning out to brickwork and stone copings. It is in poor condition having suffered from vandalism and lack of maintenance. The Roman Catholic Church side of Vicarage Walk has a similar wall largely intact. The clinker wall is a dominant feature of the conservation area and the setting of the listed building in this location so every effort should be made to reinstate the historic fabric. It is proposed to remove the rear portion of clinker wall and use the material to rebuild the clinker wall for approximately the first 8 metres from the front of the site, albeit set back to allow for the new footway. The reinstatement of the clinker wall is a very positive component of this scheme which is important in this particular case as the Bradford Street Conservation Area has an 'at risk' status with Historic England. As such the removal of the components of the clinker wall further along Vicarage place is considered appropriate in order to gain a matching clinker wall to the opposite side of Vicarage Walk. The metal railings in between the walls should have a painted finish and a condition is recommended to secure this.

On the basis of the above the proposal is considered to result in 'less than substantial' harm to the conservation area and the setting of the listed building. Where a proposal results in less than substantial harm, paragraph 134 of the NPPF requires that the benefits of the proposal should be weighed against the harm caused. Improvements to the scheme have been made including the

reinstatement of the clinker wall and the appropriate use of detailing to the new build as well as the existing Windsor house building to enable the proposal to blend in appropriately with the character and appearance of the Conservation Area and of the setting of the listed building. There are also short term benefits in the construction of the building and from the creation of a new community facility in the form of a place of worship. These benefits will outweigh any harm caused to the conservation area and the setting of the listed building.

The impact on the conservation area and setting of the listed building is considered to be acceptable.

Relationship to adjacent properties

The proposed extensions to create the mosque and community building extend to the southern boundary with the access and car parking area for an adjacent commercial property beyond which is the gable wall of the end terraced house 13 Vicarage Walk. This allows a greater separation between the building and more sensitive residential properties. The relationship is also no different to that previously considered acceptable.

Objectors are concerned that there will be increased noise and disturbance at odd times of the day and traffic noise will have a negative impact on the surrounding area. The closest residential properties are those in Vicarage Walk to the rear of the site and further south in Glebe Street and Caldmore Road. Nevertheless the site is in a mixed commercial and residential area near to the town centre where levels of amenity are less sensitive than in exclusively residential areas. Pollution control officers have also recommended conditions to protect residential amenity during the construction phase and to secure noise attenuation measures and prevent audible call to prayer or other announcements beyond the site boundary.

Access and Highways

The access to the proposed community building is on Vicarage Walk which is the same as previously approved. Transportation officers initially raised an objection to the proposals on the basis that the site has poor accessibility in terms of access for pedestrian and disabled users. This is particularly important as there would potentially be large numbers of people accessing the building from Vicarage Walk where there was no footway and would have been likely to lead to increased conflicts between vehicles and pedestrians in Vicarage Walk over and above the extant use.

The amended drawing shows a 2m wide footway extending from the footway in Vicarage Place around the junction with Vicarage Walk extending along to the entrance of the proposed mosque/community building. It also shows tactile paving on the junction to assist pedestrians crossing the junction. This will improve accessibility for disabled users or parents with pushchairs etc to safely access the site free from conflicts with vehicular traffic. The Equality and Disability officer also supports this proposal subject to the folding gates for the disabled parking spaces remaining open during opening hours. A condition is recommended to secure this.

Objectors consider that the site is difficult to access on a busy one-way highway and will create a potential highway hazard, increased traffic and congestion and impedes accessibility for the disabled. Also that there is inadequate parking which is likely to result in parking on-street reducing the spaces available for residents and potential encroachment onto private land from parking.

Whilst the proposals do not provide the level of parking normally required for a development of this the principle of the development has already been approved with minimal parking. The proposals create four parking spaces plus 2 disabled spaces and in order to mitigate for the significantly low level of on-site parking provision a travel plan will be implemented to encourage the use of sustainable travel. The site is also close to the town centre in a highly sustainable location with good access to public transport and public parking. Secure, cycle and motorcycle parking is also

provided on site. This will help alleviate potential impacts from potential parking, increased traffic and congestion at the site. On balance the highway officer considers that the development will not have severe transportation impacts and is acceptable.

The amended scheme also introduces a section of adoptable footway to the main entrance together with pedestrian dropped crossing improvements across the Vicarage Walk junction. This will improve accessibility for disabled users and others from that currently available.

Given the accessibility of the site from the town centre it is not expected that parking demand will be any different from that likely to arise from nearby uses in the area. The potential for overspill parking to impede access for existing residents is a matter for highways enforcement to review.

On balance the amended proposal offers improved access arrangements and will not have severe transport impacts on the adjacent highway.

Positive and Proactive working with the applicant

Approve

Officers have received amended plans to address transportation officer comments and the revised details are acceptable and no further changes have been requested. The works will have less than substantial harm to the Listed Building and Conservation Area and will allow the building to present a positive influence on both. The improved pedestrian access arrangements are acceptable to the Transportation officer.

Recommendation: Grant permission subject to conditions.

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

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

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

- Site Location Plan (15-493-O.S.) received 23/12/15
- Survey Plans (15-493-SURVEY) received 23/12/15
- Existing Elevations (15-493-C500) received 23/12/15
- Proposed Floor Plans (15-493-C501 Rev A) received 28/06/16
- Proposed Elevations & Sections (15-493-C502) received 23/12/15
- Proposed Boundary Treatment Vicarage Walk (15-493-C504 Rev B) received 02/06/16
- Proposed Scale Sections (15-493-C505) received 23/12/15
- Proposed Roof Plan & Construction Notes (15-493-C508 Rev B) received 23/12/15
- Scale Wall Sections (15-493-C510) received 23/12/15
- Scale Jamb Details (15-493-C511) received 23/12/15
- Scale Elevations Sheet 1 (15-493-C512) received 23/12/15
- Scale Elevations Sheet 2 (15-493-C513) received 23/12/15
- Scale Elevations Sheet 3 (15-493-C514) received 23/12/15
- Scale Details (15-493-C115) received 23/12/15
- Scale Details (15-493-C516) received 23/12/15
- Landscape Plan & Details (15-493-C518 Rev B) received 02/06/16
- Landscape Plan Planting Proposals (15-493-C519 Rev A) received 02/06/16
- Scale Elevations Sheet 2 (15-493-C520) received 23/12/15
- Scale Elevations Sheet 5 (15-493-C521) received 23/12/15
- Proposed Boundary Walls to Vicarage Walk (15-493-C525) received 23/12/15
- North Elevation (15-493-C526) received 05/02/16
- Box Sash Windows (15-493-C527) received 23/12/15

- South Elevations (15-493-C528) received 23/12/15
- Remediation Statement prepared by Sub Surface Midlands Limited (M3121) received 23/12/15
- Intrusive Ground Investigation prepared by Analytical Geotechnics Ltd (1103843/P2) received 23/12/15
- Phase 1 Desk Study Investigation prepared by Analytical Geotechnics Ltd (1103843) received 23/12/15
- Travel Plan received 23/12/15
- Noise Impact Assessment prepared by Hepworth Acoustics (P15-663-R01) received 15/02/16
- Heritage Impact Assessment prepared by Windle Cook Architects Limited received 15/02/16
- Design & Access Statement received 23/12/15

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

3a. Prior to the commencement of the development drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority.

3b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

4a. Prior to the commencement of any demolition and construction activities a Management Plan to control noise, dust and debris shall be submitted to and approved in writing by the Local Planning Authority.

4b. The agreed Management Plan shall remain in place until all construction activities have been completed.

Reason: To protect the residential amenities of neighbouring properties.

5a. The applicant shall agree a timetable in writing with the Local Planning Authority to remediate the contaminated land, in accordance with the '*Remediation Statement*', by Sub Surface Midlands Limited, Report M3121, dated August 2015 (see Note for Applicant CL2).

5b. The remedial measures as set out in the '*Remediation Statement*' shall be implemented in accordance with the agreed timetable.

5c. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not previously identified is encountered then the development shall cease until the '*Remediation Statement*' has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority

5d. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use (see Note for Applicant CL3).

5e. The applicant shall provide written confirmation that all imported clean cover materials are not contaminated and are suitable for their intended use.

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

6a. Prior to the commencement of the development a scheme for noise attenuation shall be submitted to and approved in writing by the Local Planning Authority.

6b. The development shall be undertaken in accordance with the approved noise attenuation details.

Reason: In the interests of the amenity of nearby residents

7. No external 'call to prayer' or other messages or announcements shall be audible beyond the boundaries of the site.

Reason: In the interests of the amenity of nearby residents

8a. Prior to the commencement of the development, full engineering details of all adoptable highway works and works within the existing highway, including layouts, alignments, widths and levels, together with all necessary drainage calculations and arrangements, shall be submitted to and receive technical approval in writing by the Local Planning Authority in consultation with the Highway Authority. The details also shall include;

- i. The widening of the public footway on the eastern side of Vicarage Walk past the main building entrance, including the relocation of any existing street furniture,
- ii. The provision of a tactile pedestrian crossing facility across the Vicarage Walk junction,
- iii. The provision of new dropped kerb footway crossings to align with the new parking spaces off Vicarage Walk,

Note: The relocation of the existing street lighting column if required shall be with the agreement in writing with Walsall Council's street lighting partner Amey.

8b. Prior to the mosque and community facilities first coming into use, the highway infrastructure works detailed under condition 8a shall be fully implemented in accordance with the approved details and to the satisfaction of the Local Highway Authority.

Reason: To ensure the satisfactory completion and operation of the development, to ensure access to the building is fully inclusive and improve accessibility, in accordance with UDP Policy GP2, T1,T8,T10, T11, Inclusive Mobility guidance, NPPF, to highway safety and to the free flow of traffic on the public highway.

9a. Prior to the mosque and community facilities first coming into use, the parking spaces shown on the approved plans, together with the disabled parking and cycle/motorcycle parking and refuse/recycle storage facilities, shall be fully implemented in accordance with the approved details.

9b. These areas shall be fully consolidated, hard surfaced, suitably drained and the parking bays clearly demarcated on the ground and the facilities shall thereafter be retained and used for no other purpose.

Reason: To ensure satisfactory functioning of the development

10. Upon first occupation of the mosque and community facility, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained with

the submitted Travel Plan dated August 2009 and updated in December 2015, shall be fully implemented, monitored and reviewed for the lifetime of the development, in accordance with the approved Plan.

Reason: To reduce car borne trips to the site to mitigate the limited on-site parking and to encourage sustainable travel modes, in accordance with BCCS policy TRAN2 and UDP Policy T10.

11. At no time shall any gates on the development open outwards across the public highway. The folding gates to the disabled parking spaces shall remain open during opening hours of the facility.

Reason: In the interests of highway safety and to ensure that disabled parking bays are available.

12a. Prior to the installation of the extract fans and boiler flue scaled drawings which detail their external appearance, how far they project from the facade, and their colour, which shall be submitted to and approved in writing by the Local Planning authority.

12b. The works to install the extract fans and the boiler flue shall be undertaken in accordance with the approved details.

Reason: To preserve the character and appearance of the Conservation Area.

13. The pointing of the proposed building should be given a flush finish (not weather struck or what is also referred to as 'strap pointing').

Reason: To preserve the character and appearance of the Conservation Area.

14. Prior to the installation of the proposed railings, details of the colouring of the railings shall be submitted to and approved by the local Planning Authority.

Reason: To preserve the character and appearance of the Conservation Area.

15a. Prior to the commencement of any built development above damp proof level on any structure full details of all external facing materials shall be submitted to and agreed in writing by the local planning authority.

15b. The development shall be implemented in accordance with the agreed facing materials.

Reason: To ensure the materials throughout the development harmonise with those in the surrounding vicinity.

16. Prior to the first occupation of the building details of the following security measures or any other alternative measures deemed appropriate shall be submitted to and agreed in writing by the local planning authority and then implemented in accordance with the agreed details:

- (i) Installation of a comprehensive CCTV covering the perimeter of the building and entrance / exit areas. The CCTV should be able to capture evidence standard images day and night. Images should be stored on an appropriate DVR recorder for a minimum of 30 days. The DVR recorder itself should be stored in a locked room in a lockable steel cabinet to LPS1175 SR1 standards.
- (ii) Suitable lighting should be installed to work with and assist CCTV coverage.
- (iii) Entry Exit Points should be well lit.

- (iv) The premises should be protected by a comprehensive intruder and fire detection system. If the premises are to be unoccupied at times the system should ideally be monitored by a third party monitoring station (Alarm Receiving Centre).
- (v) The main entry exit doors to the residential property and the main building itself should be to PAS24 2012 rating.

Reason: To ensure the satisfactory development of the site and address potential crime issues.

17. 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; and 08.00 to 14.00 on Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

Reason: To protect the local amenity, public footpaths and highways.

Note 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 enter into an agreement under S38/278 of the Highways Act 1980 for all adoptable highway works and works within the existing public highway.

Note for applicant – Severn Trent Water

There may be a public sewer located within the application site and the developer is advised to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the developer is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with 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. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Notes for Applicant – Contaminated Land

CL1

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

CL2

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.

RECEIVED BY
FIRST STOP SHOP

25 FEB 2016

Gleeb Street
Walsall
WS1 3NX

25th February 2016

Walsall Council
Planning Department
Darwell Street
Walsall.

ECONOMY AND
ENVIRONMENT

26 FEB 2016

RECEIVED

Dear Planning officer,

As residents we wish to object to the planning application at 22 vicarage place Walsall. Application number 15/1922.

We object on the basis of deception as it is not a Muslim Mosque as the Ahmadiyya sect is not recognised as part of Islamic world. We believe that the misrepresentation by this group will have serious community cohesion concerns for us as neighbours and as such we need to be heard.

The council has to protect the misrepresentation and deception to innocent people looking to practice the true religion of Islam.

Yours sincerely

We worry that the plan to build a new mosque
will cause a lot of trouble with parking.
Our neighborhood is intensely built-up area

21 Glebe Street

21 Glebe Street

objection to Parking - in the area for 40 Glebe St WS1 3NU

40 Glebe Street
WALSALL
WS1 3NU

15/1922
petition 2
(1/2/16)

Planning department
Walsall Council,
Darwell Street
Walsall



Maryvale Court
Glebe Street
Walsall
WS1 3LP
26-2-2016

Dear planning officer,

As residents in this area, we wish to object to the planning application at 22 Vicarage place Walsall – Application number 15/1922.

We object to this plan on the basis that,

1. This area is already too congested and building this Mosque with all it says in the planning document will make things worst
2. Car parking is also a huge issue around this area that one finds it extremely difficult to access the road on foot and people with walking aid and scooters suffer the most.
3. We also object because of the disruption to people's peace due to the noise that will come from the noise especially at odd times of the day and night.

We therefore ask the Council to please reject this planning application for the good of all.

Yours residents of Maryvale Court.

ECONOMY AND
ENVIRONMENT

26 FEB 2016

RECEIVED

NO.	NAME	ADDRESS	SIGNATURE
1		40 Maryvale Cr.	
2		15 Maryvale	
3		4. Maryvale	
4		31 Maryvale	
5		43 Maryvale	
6		43 Maryvale	
7		6 Maryvale	
8		37 Maryvale	
9		32 Maryvale Cr.	
10		1 Maryvale Cr.	
11		3. Maryvale Court	
12		7 Maryvale Court	
13		52 Maryvale Court	
14		17 Maryvale	

RECEIVED BY
FIRST STOP SHOP
26 FEB 2016

ECONOMY AND
ENVIRONMENT
26 FEB 2016
RECEIVED



Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jul-2016

Plans List Item Number: 2.

Reason for bringing to committee: Major Application

Location: FORMER HARVESTIME BAKERY, HOLLYHEDGE LANE, WALSALL, WS2 8RB

Proposal: OUTLINE PLANNING APPLICATION FOR DEMOLITION OF ALL BUILDINGS AT THE FORMER HARVESTIME BAKERY SITE AND THE ERECTION OF UP TO 80 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED EXCEPT MEANS OF ACCESS.

Application Number: 15/0385/OL

Applicant: Shiptinvest No.1 Ltd

Agent: RPS

Application Type: Outline Application

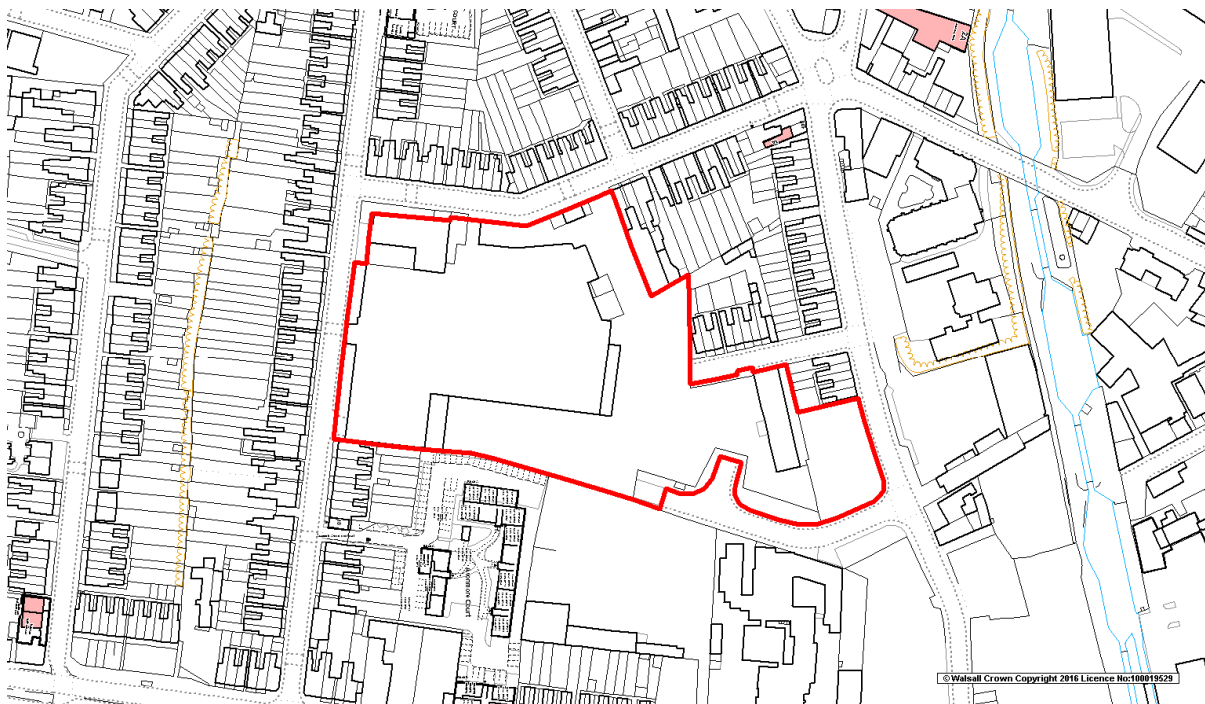
Case Officer: Paul Hinton

Ward: Pleck

Expired Date: 08-Jul-2015

Time Extension Expiry: 17-Jun-2016

Recommendation Summary: Grant Permission Subject to Conditions



Current status

This application was originally due to be presented to the meeting on 5th November being withdrawn from consideration at the request of the Chair. Since the withdrawal the applicant has submitted a financial viability assessment which has been assessed and considered by the District Valuer. The report is updated accordingly.

The application was to be presented to 7th June planning committee. The Chair withdrew the planning application from the agenda as Councillor Hussain who was due to speak at the meeting was unable to attend due to personal circumstances.

Application and Site Details

This application seeks outline planning permission for the erection of up to 80 dwellings, with all matters reserved except means of access. The application also includes demolition of all buildings. Access is proposed to be from Hollyhedge Lane and Jessel Road. The existing electricity substation fronting Jessel Road would be retained. The proposal has been amended during the course of the application in response to consultee comments.

The application site is the former Harvestime Bakery (also known as Maple Leaf Bakery). All buildings on the site have been demolished to slab level, with a separate prior approval application approving demolition for the portal frame buildings. A late Victorian building on Raleigh Street had been intended for retention but once the supporting portal framed buildings were demolished it was not structurally sound so this was also demolished. As this was not part of the prior approval description its retrospective permission sought as part of this application.

The site area is 1.86 hectares and is bounded by Raleigh Street, Jessel Road, Neale Street, Hollyhedge Close and Hollyhedge Lane. The site rises from south to north and has high fences and brick walls on most of the boundaries.

The surrounding streets are predominantly residential, comprising mostly terraced two-storey houses, some of which immediately adjoin the site. There is also a flatted development to the south of the site. Hollyhedge Close also provides access to a vacant scrap yard. The site is located within the Coal Development High Risk Area.

The application has been supported by the following documents:

Design and Access Statement

- Site is on edge of residential area and is close to local facilities and public transport links
- New trees are proposed to be planted throughout the development to mitigate against loss of existing trees
- It is envisaged that the style of the dwellings will broadly follow the local vernacular, materials will also reflect those found in the Walsall area
- Layout avoids creating residual spaces that lack a clear purpose or ownership.
- Dwellings would be built to either comply or exceed requirements of building regulations in respect of both heat loss and energy consumption, dwellings may incorporate renewable energy technologies.
- Consideration to security and crime prevention will be part of detailed design in discussion with the Crime Prevention Officer.

Planning Statement

- Illustrative layout provides for a mix of 1 and 2 bed flats, 2, 3 and 4 bed houses, inclusive of 25% affordable housing. Though housing types and tenures have yet to be established.

- Internal road network are designed to facilitate the manoeuvrability and navigation of refuse vehicle and emergency service vehicles throughout the site.
- Illustrative proposals include the promotion of vehicle free shared pedestrian and cycle access from Jessel Road.
- Equates to a dwelling per hectare ratio of 43.
- Application includes a number of supporting documents, each confirming the proposal would not have any material adverse impacts and any mitigation measures can be incorporated into the design.

Ecology appraisal

- Areas of dense scrub, trees and buildings on site provide some potential for nesting birds.
- A semi-mature sycamore tree located in the southeast corner of the site was classified as Category 1 for bat roost potential, but not identified as a bat roost.
- Buildings, scrub and trees should be cleared outside of the bird nesting season, i.e. between October and mid-February.
- Japanese knotweed was recorded in two locations on site.

Statement of Community Consultation

- Scheme was presented as a pre-application to the Council's Development Team
- Public exhibition was held on 29th January 2015.

Bat Survey

- No bats roosts were identified in the buildings prior to demolition
- Bat activity was recorded and supplementary planting within the development is recommended.

Noise Assessment

- Mitigation measures would be required:
- Orientation of houses relative to the sources of neighbourhood sound
- Alternative means of ventilation to the habitable rooms overlooking sources of neighbourhood sound
- Development can be designed to avoid adverse noise effects.

Open Space Statement

- Illustrative layout indicates provision of onsite open space which would be in the form of a formal play area provided *in the centre of the site*.
- A planning obligation will be entered into to provide a commuted sum.

Flood Risk Assessment

- Will not be affected by current or future flooding from **any** source
- Development will not increase flood risk elsewhere
- Measures proposed to deal with effects and risks are appropriate
- Site drainage will be suitable to attenuate flows up to and including 1 in 100 years + 30% rainfall event.
- Surface water flows will be limited to greenfield run-off rates.
- Site storage will be provided by way of oversized pipes and attenuation tanks. Potential for contamination limits implementation of SUDS

Transport Assessment (and addendum)

- There is a range of existing jobs, schools, shops, community facilities and amenities which are accessible within reasonable walking and cycling distance reducing the need to travel by private car.
- 2m wide footways are proposed

- Street network will be conducive to cyclists and shared streets will be promoted allowing pedestrians and drivers to share the carriageway.
- 16 buses stop within 200m of the development site every hour. The nearest stop is on Hollyhedge Lane
- Appropriate visibility splays, commensurate with the recorded prevailing speeds can be achieved from the access junctions.
- Generates 56 vehicular trips during the evening peak hour and 51 in the morning peak hours. Taking account of extant use of the site, the proposal would generate only 11 additional vehicular movements in the morning peak and 23 in the evening.
- The proposed access junction would operate satisfactorily and well within capacity when the development is fully operational.
- Traffic movements beyond the access junction would soon dissipate onto the various road corridors. The resultant increases along the wider highway network lie well within the day-to-day variation of traffic flows and would not trigger any material impacts including the A454 Wolverhampton Road/Hollyhedge Lane signal junction.
- Access junction and internal road network are designed to facilitate the manoeuvrability and navigation of refuse vehicles and emergency service vehicles throughout the site. All servicing vehicles will be able to enter, route through, and then exit the site in forward gear in a safe and satisfactory manner.

Travel Plan

- Developer will appoint a Travel Plan Coordinator (TPC) to implement, administer and monitor the Travel Plan.
The TPC will:
 - o Liaise with and train sales staff about transport provision
 - o Prepare marketing materials advising on travel options to the site
 - o Create Travel Plan Welcome packs for residents
 - o Liaise with Bus Operators to investigate opportunities for securing bus taster tickets for residents
 - o Ensure that an internet site is set up providing information on travel planning measures, incentives and contact details.
- Undertake travel surveys with residents for three years,
- New homes will have internet access to allow home working and online shopping
- Provide parking provision in accordance with LPA guidance.
- Cycle parking will be provided at safe and secure locations

Air Quality Assessment

- Recommends mitigation measures to control dust during construction.
- For operational phase pollutant concentrations are predicted to be within the relevant health-based air quality objectives. The site is suitable in air quality terms for its intended use.

Site investigation

- Concentrations of asbestos were identified at a number of locations across the site
- Ground gas monitoring identified elevated gas concentrations
- Highlighted elevated concentrations of arsenic, copper, lead, zinc and TPH.
- If left untreated the contaminated are likely to pose an unacceptable risk to human health.
- The risk may be addressed through the placement of a hardstanding or soft landscaping cap/cover over the impacted areas.
- Shallow perched water are considered to be of low concern in the context of underlying deep seated secondary aquifer.
- Further gas monitoring is required to establish the actual protection measures required.

The proposal has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and was determined not to be EIA development.

Relevant Planning History

14/0647/ND - Environmental Impact Assessment Screening Opinion request for residential development following demolition of existing buildings – Screening Opinion EA Not Required
16/05/14

15/0134/PNDEM - Demolition of steel portal framed bakery buildings –Demolition Approved
25/02/15

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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".

All the core planning principles have been reviewed and those relevant in this case are:

- Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places the country needs.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Encourage the effective use of land by reusing land that has been previously developed.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Key provisions of the NPPF relevant in this case:

4: Promoting sustainable transport

32. Decisions should take account of whether:

- Safe and suitable access to the site can be achieved for all people
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

35. Developments should be located and designed where practical to:

- Give priority to pedestrian and cycle movements and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones.
- Consider the needs of people with disabilities by all modes of transport.

6. Delivering a wide choice of high quality homes

49. Housing applications should be considered in the context of the presumption in favour of sustainable development.

50. Aim to deliver a wide choice of high quality homes and advises local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community such as older people and people with disabilities amongst others.

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

- Function well and add to the overall quality of the area.
- Optimise the potential of the site to accommodate development.
- Create safe and accessible environments.
- Respond to local character and history and reflect the identity of local surroundings and materials.
- Are visually attractive as a result of good architecture and landscaping.

60. Decisions should not attempt to impose architectural styles of particular tastes and they should not stifle innovation. It is proper to seek to promote or reinforce local distinctiveness.

61. Decisions should address connections between people and places and the integration of new development into the natural, built and historic environment.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

10. Meeting the challenge of climate change, flooding and coastal change

103. LPAs should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific flood risk assessment.

11. Conserving and enhancing the natural environment

109. The planning system should prevent new and existing development from contributing to...unacceptable levels of... pollution and remediate and mitigate despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

111. Encourage the effective use of land by re-using land that has been previously developed.

118. Local planning authorities should aim to conserve and enhance biodiversity by....incorporate biodiversity in and around developments.

120. To prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location.

123. Planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts

125. Decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

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

The Black Country Core Strategy (BCCS)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework “decision-takers may continue to give full weight to relevant policies. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall’s UDP) the NPPF advises that “... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).” To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a ‘Compatibility Self-Assessment Checklist’ (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council’s Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight

The Vision consists of three major directions of change and underpins the approach to the whole strategy which includes the delivery of Sustainable Communities, Environmental Transformation and Economic Prosperity.

The relevant key policies are:

CSP1: The Growth Network
CSP3: Environmental Infrastructure
CSP4: Place Making
CSP5: Transport Strategy
DEL1: Infrastructure Provision
DEL2: Managing the Balance Between Employment Land and Housing
HOU1: Delivering Sustainable Housing Growth
HOU2: Housing Density, Type and Accessibility
HOU3: Delivering Affordable Housing
HOU5: Education and Health Care Facilities
TRAN1: Priorities for the Development of the Transport Network
TRAN2: Managing Transport Impacts of New Development
TRAN4: Creating Coherent Networks for Cycling and for Walking
TRAN5: Influencing the Demand for Travel and Travel Choices
ENV1: Nature Conservation
ENV3: Design Quality
ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
ENV6: Open Space, Sport and Recreation
ENV7: Renewable Energy
ENV8: Air Quality
WM5: Resource Management and New Development

It is considered in this case that the relevant provisions of the BCCS can be given full weight.

Walsall’s Unitary Development Plan (UDP)

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

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

The relevant policies are:

GP2: Environmental Protection

GP3: Planning Obligations

GP5: Equal Opportunities

GP6: Disabled People

3.6 and 3.7: Environmental Improvement

ENV10: Pollution

ENV11: Light Pollution

ENV13: Development Near Power Lines, Substations and Transformers

ENV14: Development of Derelict and Previously-Developed Sites

ENV17: New Planting

ENV18: Existing Woodlands, Trees and Hedgerows

ENV23: Nature Conservation and New Development

ENV25: Archaeology

ENV32: Design and Development Proposals

ENV33: Landscape Design

ENV40: Conservation, Protection and Use of Water Resources

JP7: Use of Land and Buildings in Employment Areas

H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings

H4: Affordable Housing

T1: Helping People to Get Around

T7: Car Parking

T8: Walking

T9: Cycling

T10: Accessibility Standards - General

T11: Access for Pedestrians, Cyclists and Wheelchair Users

T12: Access by Public Transport

T13: Parking Provision for Cars, Cycles and Taxis

LC1: Urban Open Space

It is considered that the relevant provisions of Walsall's saved UDP policies are consistent with the NPPF.

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with the NPPF policy. The relevant SPD's are;

Designing Walsall (Feb 2008)

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies.

The following are the relevant policies;

DW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3 – Character – new development to be informed by the surrounding character and to respond in a positive way to it be reflecting local urban design characteristics, such as street patterns, building scale, topography and culture.

DW4 – Continuity – New development proposals must give consideration to common building lines and how the development will give definition to streets and spaces to reinforce the existing urban structure and give significance to important streets and spaces.

DW5 Ease of movement- create places that are easily connected, safe to move through;
DW6 – Legibility – New development must maximise its potential to enhance local distinctiveness by making positive visual connections with its surrounding environment.
DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses.
DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.
DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;
DW10 – new development should make a positive contribution to creating a sustainable environment.

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

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

Conserving Walsall's Natural Environment SPD

NE1: All relevant applications to be supported by an adequate impact assessment.

NE7: planning applications with a potential to damage or destroy trees, woodlands or hedgerows should be supported by an arboricultural assessment and demonstrate trees to be retained will survive and space for them to develop is maintained.

N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees

Affordable Housing SPD

Requirement to provide affordable housing on each new development of 15 dwellings or above.

Urban Open Space SPD

Requires a contribution towards improvements to or provision of urban open space within the proximity of the application site on residential developments of 10 units or above, based on the number of bedrooms provided and the ward.

- Urban Open Space SPD

Employment Land Review

Site HO66 – Consider for release

Emerging Policy

Whilst not adopted, the Site Allocations Document is currently being prepared and a draft document has been consulted upon. However as this is at an early stage of preparation, the weight that can be attached to this is limited.

Consultation response (summarised)

Highway Authority – No objection subject to use of recommended conditions in regard to detailed designs and engineering details, traffic regulation order imposing 20mph speed limit on the estate and limit to no more than 80 dwellings. Provides for improved accessibility and permeability for pedestrian and cyclists and links to surrounding residential areas and traffic to distribute more

evenly onto the local highway network. Additional traffic would not have a material effect on the highway network.

Archaeologist – no objection subject to use of recommended condition in regard to the requirement for an archaeological desk based assessment.

Canal and River Trust – no objection.

Coal Authority – concurs with the recommendation of the Ground Investigation Report that further intrusive site investigations should be undertaken to establish the exact situation regarding coal mining legacy issues on the site. This can be secured by condition.

Community Safety Team – raises concerns with the indicative layout. *Area around the site has suffered from* historical anti-social behaviour and crime and there are a number of issues which should be “designed out”.

Education Walsall – based on the indicative mix, contributions of £745,843 towards local primary school provision and £813,994 towards local secondary school provision would be sought. Total of £1,559,837.

Environment Agency – no objection subject to use of recommended conditions in regard to details for any piling or other foundation designs using penetrative methods, details of surface water drainage and measures to deal with contamination.

Environmental Health – no objection.

Flood Risk Planning and SUDS Officer – no objection subject to use of recommended condition in regard to surface water drainage scheme.

Friends of the Earth – talking to residents in the Raleigh Street area they have concerns regarding the extra amount of traffic in Raleigh Street.

Greenspace Services - in accordance with the Green Space Strategy and Urban Open Space SPD contributions would be sought towards open space improvements at Reedswood Park and nearby greenways. No maintenance of any open space or facilities would be accepted without a commuted sum.

Housing Strategy – no objection, 20 affordable rent units should be provided.

Local Access Forum – no objection. Plans propose a pedestrian/cyclist access to the new development.

National Grid – Apparatus in the vicinity of the site.

Natural Environment Team (Ecology) – no objections. The applicant’s ecologist’s recommendations can be enshrined in planning conditions.

Natural Environment Team (Landscape) – no objections, landscaping will be a required reserved matter.

Natural Environment Team (Trees) – no objection subject to securing replacement tree planting

Pollution Control – no objection subject to use of recommended conditions in regard to additional contaminated land investigations, a sound impact assessment, and a construction management plan.

Public Rights of Way Officer – no objection.

Public Lighting Manager – no objection.

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

Structures and Geotechnics – no objection, site is located outside the zone of consideration for limestone mine working.

Vodafone – no fixed apparatus in the vicinity of the site.

West Midlands Fire Service – no objection providing all parts of the dwellings can be reached within 45m from the pump appliance and suitable water supplies for fire fighting should be provided.

West Midlands Police Crime Prevention Design Advisor – no objection, recommends that this site achieves Full Secure By Design standards.

Public Participation Responses

Surrounding occupiers notified by letter, site notices displayed and advertise in local press.

Four representations were received from local residents raising the following comments in objection to the application:

- What are the proposals for maintaining and repairing/resurfacing Neale Street?
- Will property owners be made aware of the obligations as this is a private road? Properties will be built on the back of Neale Street and will have responsibility for it.
- Will Neale Street be brought up to adoptable standards?
- Existing parking problem
- Buildings do not reflect the area
- Having anti social behaviour from Avonmore Court
- Full traffic survey should be completed. Area suffers from gridlock between 7-9.30am and 3.30-6.30pm weekdays.
- Pressure on school places
- Access from Jessel Road will only compound parking issues.
- Any walkways, alleyways will attract crime and anti social behaviour.
- Adding to transit nature of area and destroying the community.

Officer comment - Neale Street is outside the red line of the site. The application does not propose any links or changes to Neale Street. Whether or not any adjacent properties have to contribute to the upkeep of Neale Street is a civil matter not a determining factor of the current planning application.

Councillor Hussain has presented a petition on behalf of Raleigh Street residents asking that it be considered with the Former Harvestime Bakery application. The petition states;

'Petition on the introduction of a one way scheme on Raleigh Street. We the undersigned, being residents of Raleigh Street and surrounding streets urge the Council to recognize the disruption, dangerous situations and traffic congestion that is being caused by the current situation in Raleigh

Street. We urge the Council to implement a one way scheme in Raleigh Street as soon as possible in order to ensure that residents of Raleigh Street are no longer inconvenienced by traffic congestion'.

Determining Issues

- Principle of development
- Highways and transport
- Natural and built environment
- Pollution control and ground stability
- Drainage and flood risk
- Planning obligations

Observations

Principle of development

Since the 1960s the site was used as a bakery, ceasing in 2012. The buildings were demolished in 2015. The site is not specifically allocated in the UDP, however it is considered for potential release within Walsall's Employment Land Review (ELR).

The NPPF states that Planning Policies should avoid the long term protection of sites in employment use where there is no reasonable prospect of the site being used for that purpose. BCCS policy DEL2 states that before releasing employment land first ensure the retention of an adequate supply of available employment land. The ELR in considering the employment land provision across the borough does not consider the site for retention. The nature of the previous buildings specialised to a bakery use limit alternative industrial use of the site. A new industrial development on the site would be constrained by surrounding residential uses and residential streets, limiting the scope of acceptable industrial uses to meet the needs of modern industry. The proposal therefore meets the exceptions tests of UDP policy JP7. Retention of industrial use is unlikely to be acceptable.

The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. This is a brownfield site within an existing residential area. The proposal would look to provide an increased number of homes in a sustainable location. The principle of housing in this location is therefore acceptable.

Highways and transport

The application seeks outline planning permission (access only for consideration) for a residential development of up to 80 dwellings. The bakery was accessed from Hollyhedge Close. The scheme has been amended and proposes two vehicle access points, one from Jessel Road and one from Hollyhedge Close. To Jessel Road a 5.5m wide access is proposed with 2.4m x 25m visibility splay and the provision of a raised table at the new junction. Jessel Road is traffic calmed with speed ramps; one of the speed ramps is proposed to be removed to accommodate the safe use of the raised table. At the end of Hollyhedge Close are three access points, two to the application site and one to the adjacent scrap yard. The first access point will be retained and used to access a proposed parking court, the access to the scrap yard will be retained. The main access to the former Bakery will be amended to provide a 5.5m wide access road with 2m wide footway.

A Transport Assessment has been submitted to support the development. Using TRICS data, netting off the vehicle trips of the extant B2/B8 use compared to the predicted trips of the residential use, the development is predicted to generate +11 trips in the am peak and +23 pm peak. An appraisal of traffic flows on Hollyhedge Lane shows that the additional traffic generated by the development would equate to an additional 13 trips – one every 4 minutes – which would not have any material effect on the operation of the Wolverhampton Road/Hollyhedge Lane signal

junction. The revised scheme with an additional vehicle access onto Jessel Road will also help distribute traffic onto the wider network potentially lessening any impact on the signal junction.

On balance the Highway Authority considers the revised scheme will not have severe transportation implications and is acceptable in accordance with NPPF paragraph 32, subject to further design details being submitted with the Reserved Matters. Conditions have been recommended to secure these details.

Neighbours seek resurfacing works or potential adoption of this road. The road is not part of the applicant's ownership and is not part of the planning application. The application has demonstrated suitable safe access from Hollyhedge Close and Jessel Road and therefore the use of Neale Street is not required to bring this development forward. Consequently, there is no planning justification to require the developer to use Neale Street to access the site or resurface and bring Neale Street up to adoptable standards.

Residents state there is an existing parking problem. The Jessel Road properties do not benefit from off-street parking relying on parking on the public highway. It is noted that the proposed access from Jessel Road would reduce the availability of on-street parking on Jessel Road by 3 to 4 parking spaces. As demonstrated by the Transport Assessment the site is well served by public transport, plus Jessel Road is 60m Birchills Local Centre, 185m from the boundary with Walsall Town Centre and 780m from the primary retail area. The loss of 3-4 on street parking is weighed against provision of a suitable safe highway access to unlock the delivery of up to 80 new houses within the area. Any reserved matters application will need to demonstrate sufficient parking for the new houses meeting the needs of the development. On balance the minor loss of on-street parking on Jessel Road, balanced against the delivery of 80 new houses in the location, is considered insufficient reason to refuse the planning application and accords with the Government's NPPF.

A petition on behalf of Raleigh Street residents has been submitted seeking the implementation of a one way scheme along Raleigh Street. It is also understood that residents and Councillors are speaking to the Council's Traffic Management Team regarding local highway issues that residents are experiencing. The Transport Assessment concludes that the development would not have a material impact on the existing highway infrastructure, and the Council's Highway Authority has no objection to the current outline proposal. The District Valuer has confirmed the proposal is unviable and consequently, unable to fund additional off site works.

The Council is aware that National Express are conducting a borough wide consultation regarding bus services. It is considered, that this does not impact on the determination of this planning application as the Council is required to determine applications on the information/guidance and policies at the time of determination. The recommendation balances the National Planning Policy Framework of delivering new housing in sustainable locations on previously developed land against residents concerns and the viability of the overall scheme.

Natural and built environment

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

As access is the only matter for consideration and appearance, landscaping, layout and scale are all reserved for later consideration only limited weight can be given to the indicative layout plan

street scene. This indicative plan of 80 units would equate to 43 dwellings per hectare which is considered suitable for this location.

All buildings on the site have been demolished as none were worthy of retention. A prior approval for demolition for all portal framed buildings was previously approved. A late Victorian building on Raleigh Street had been intended for retention but once the supporting portal framed buildings were demolished it was clear the building was not structurally sound so this was also demolished, but as this was not part of the prior approval description it has been added to this application.

The illustrative layout shows a mixture of one and two bedroom flats and two, three and four bedroom houses. Heights are predominantly two storeys to match the local vernacular, with some two-and-a-half storey designs within the site. The building designs and materials would relate to styles found in the local area. An area of open space is also shown. Energy efficient designs in line with Building Regulations would be utilised.

As this level of detail is not to be determined by this application, a detailed assessment of the proposed site layout and unit designs is not appropriate as these details could change once reserved matters are submitted. It is considered that the illustrative layout demonstrates that the principle of housing across the site could be accommodated. It is considered that the indicative layout raises issues of separation between the proposed units, provision of sufficient private amenity space, provision and layout of parking spaces and parking courts. These are matters that would need to be addressed as part of the reserved matters application to ensure any development integrates into the character of the area while ensure appropriate measures including amending the layout to reduce the perception of crime or anti-social behaviour. Concerns about anti social behaviour from Avonmore Court adjacent to the application site, cannot be addressed through this application. An amended scheme to achieve a high quality layout on this site would help deter crime across the proposed site.

There are no designated wildlife sites which are likely to be adversely affected by this proposal. There are few protected species likely. Bats are unlikely to roost on this site which is well away from interlinked green infrastructure they could use as foraging habitat. However, care will be required over bird species which may be using the site for nesting. An ecological report by RPS has been provided. The recommendations in respect of protection of nesting birds and eradication of Japanese knotweed are satisfactory and can be secured by condition. There is little landscaping on the site and none worthy of retention. A full landscaping plan with new tree planting would come forward as part of the reserved matters.

Pollution control and ground stability

The bakery has had a presence on site since the 1960s, when it shared the site with a lock works. The lock works operated on the site since the early 1900s, when the site was first developed from agricultural fields.

An air quality report has identified that air quality is an issue near to the development site. The air quality at the actual site itself currently meets the requirements of the National Air Quality Objectives and no further action is required or has been recommended. The report identifies that there may be temporary issues during the demolition and construction phases, which should be manageable by appropriate dust mitigation measures.

Pollution Control agree with this recommendation subject to the use of a condition requiring the submission of a working plan to ensure disruption to nearby residential premises and the road network is minimised. This condition is considered necessary and is recommended.

The ground contamination report indicates that only select areas of the site that were easily accessible have been investigated. Areas of the site not investigated include those where buildings

are still erect. The report has identified that the site has various contaminative substances within the soil and also within groundwater. Furthermore there are some volatile (hydrocarbon) gases that are being generated and elevated levels of carbon dioxide and methane.

The report has made some outline recommendations for the remediation of issues associated with contaminants and gases determined, but is also advising that additional investigations are required.

At this stage Pollution Control do not disagree with the findings of the investigation report. However, additional contaminated land investigations should take place when there is full access to the site i.e. post demolition (and clearance) to enable comprehensive remediation and mitigation measures. Necessary conditions are recommended.

A noise report has also been provided; this report advises the site is suitable for residential development subject to mitigation measures. Pollution Control agrees that actual site measurements should be undertaken to determine extant levels and mitigation measures need to be agreed with the Local Planning Authority. Measures need to consider the scrap yard coming back into use. These can be secured through condition.

The Environment Agency has also recommended conditions relating to foundation designs in regard to controlled waters.

The application site falls within the defined Development High Risk Coal Area. Records indicate that the site is in an area of likely historic unrecorded underground coal mine workings at shallow depth. The Coal Authority concurs with the recommendations of the Ground Investigation Interpretative Report that further intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site and recommends that a condition be imposed requiring these site investigation works and where necessary remediation measures. A condition is recommended.

The Archaeologist has also recommended a condition be attached to any planning permission to secure a program of works.

Drainage and Flood Risk

The Flood Risk Assessment sets out that surface water run-off would be controlled to green field rates, which is welcomed. The Flood Risk Planning and SUDS Officer has confirmed that surface water flood risk could be adequately mitigated through the detailed design and has recommended conditions. Severn Trent Water has confirmed no objection to the proposals as connections would be made to mains sewers, subject to a condition to secure details.

Sufficient drainage could be provided at the site to meet the needs of the development without causing any additional flooding issues.

Planning obligations

Due to the size of this development the Council seeks contributions towards, Urban Open Space, Affordable Housing and Education.

For Open Space, a development of this size within this ward, a contribution (defined by Urban Open Space SPD) of £127,335 would be sought. The indicative layout provides for onsite open space. 20 affordable units would be required as rented houses. Education confirm that based on the indicative mix, contributions of £745,843 towards local primary school provision within 2 miles of the site and £813,994 towards local secondary school provision within 3 miles of the site would be sought, a total of £1,559,837.

When the report was published for the November Planning Committee, the applicant's viability assessment was considered by the Council's Valuation Surveyor without knowledge of the education contributions being sought.

The applicant has submitted an updated viability assessment from an independent company which now also considers the education contributions. In addition the applicant has commissioned consultants to provide a commentary on the build cost of the site. These documents have been reviewed by the District Valuer, independent advisors on property and valuations. They conclude that the proposed development is not viable even without the provisions of affordable housing and S106 contributions. This would also be the case should the number of units be increased by 10%.

This is a vacant brownfield site within a sustainable location which provides the opportunity for up to 80 new dwellings with a potential mix of types and sizes. The DVS consider the scheme unviable even without contributions being sought. In waiving the requirement for contributions the site is more likely to be developed for housing than it would should contributions totalling £1,687,172 be sought. In the interests of trying to bring the site forward for redevelopment it is recommended, in the circumstances, that financial contributions towards Open Space and Education, and on-site affordable housing requirements are not sought.

The play area shown on the illustrative plans is welcomed as the site is quite remote from existing play areas and would contribute toward open space provision for future occupiers. The Council is unlikely to take on maintenance of this area. If the reserved matters submission includes a play area, it would also need to include the developer to be able to demonstrate on-going management and maintenance of the play area.

While the DVS report concludes even without contributions this is an unviable development, planning case law has established that whether a development will be or is likely to be implemented is not normally a material consideration. If a proposal fulfils the normal planning tests the applicant has the right to a planning permission regardless of whether they possess the finance or ability to carry out the development.

The applicant's agent in response to the DVS conclusions confirms that the applicant has had interest from developers indicating that the site is an attractive commercial proposition. The agent also confirms that the scheme is at an early stage in design terms and it would be expected that those developers will engage an element of value engineering to maximise sales values while reducing build costs and professional fees as far as possible.

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 indicatively proposes up to 80 new homes.

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 411 new homes during 2011-2012 the award to the Council was £576,927. Taking into account the delivery of homes in previous years, the total amount awarded this year was £2,583,252. This figure (which included a premium for affordable housing) 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 may 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.

Positive and Proactive working with the applicant

Following initial concerns from Highways Officers the application has been amended to address those concerns to enable full support to be given to the application. A significant amount of negotiation and work has taken place with the applicant regarding the potential for on and off site S106 contributions including the viability of the overall development. The District Valuer has carried out an independent assessment of the proposal and concluded the development is unviable. Consequently, the recommendation to planning committee is grant subject to conditions without a Section 106 legal agreement.

Recommendation: Grant Permission Subject to Conditions

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

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

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

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

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

- i. Appearance
- ii. Landscaping
- iii. Layout
- iv. Scale

REASON: Pursuant to Town & Country Planning (Development Management Procedure) Order 2015.

4. The development shall not be carried **out** other than in conformity with the application form and following plans and documents:

- Location plan received 8/4/15
- Block plan received 7/10/15
- Demolition plan received 7/7/15
- Proposed site access arrangements received 4/9/15
- Ecology appraisal received 12/3/15
- Bat survey received 7/7/15
- Noise Assessment received 29/4/15
- Air Quality Assessment received 12/3/15
- Ground Investigation Report received 12/3/15
- Transport Assessment received 12/3/15
- Transport Assessment Addendum received 4/9/15
- Residential Travel Plan received 12/3/15
- Flood Risk Assessment received 12/3/15

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

5. The details to be submitted in accordance with condition 3 above (the reserved matters) shall include details of how the development will seek to achieve Secure By Design principles. (Please refer to Note to Applicant No. 7 below)

REASON: To ensure the development is safe and secure in accordance with Secured By Design standards.

6. The details to be submitted in accordance with condition 3 above (the reserved matters) shall include appropriate highway design measures to prevent vehicular through-traffic from routing through the development site, either by the implementation of physical measures to effectively create two cul de sacs, one off Hollyhedge Close and one of Jessel Road, with pedestrian/cycle connections retained between the roads, or by the provision of other highway design measures such as vertical and horizontal traffic calming features.

REASON: To ensure the satisfactory completion and operation of the public highway and in the interests of highway safety.

7A. No development shall commence until an intrusive site investigation confirming the shallow mining conditions and any remediation measures required to ensure the safety and stability of the proposed development have been submitted to and approved in writing by the Local Planning Authority.

7B. The development shall be undertaken in accordance with any approved remediation measures.

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

8A. Notwithstanding the information provided, no built development shall **take** place until the following requirements have been complied with:

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

8B. No part of the development shall be brought into use until the remediation works have been completed and a validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial

arrangements has been submitted to and approved in writing by the Local Planning Authority (see Note for Applicant CL3).

REASON: The site has previously undergone a phase of intrusive investigation, which identified a number of potentially contaminative sources across the site. This investigation was hampered by the presence of the existing site buildings and so an additional phase of work is required to fully characterise the risks posed by the site to 'Controlled Waters' receptors on and in the vicinity of the site and to ensure safe development of the site and to protect human health and the environment.

9A. No development shall take place until a sound impact assessment has been undertaken in accordance with a methodology which has first been submitted to and approved in writing by the Local Planning Authority.

9B. No development shall take place until acoustic mitigation measures to ensure that accommodation is designed to achieve the requirements of BS8233:2014 have been submitted to and approved in writing by the Local Planning Authority.

9C. No part of the development shall be brought into use until the approved acoustic mitigation measures have been fully implemented.

REASON: To mitigate the impacts of external noise.

10A. No development shall take place until a Construction Working Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

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

10B. The approved Construction Working Plan shall be implemented upon commencement of works and shall be maintained until the site is completed.

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

11A. No development shall take place until the following have been submitted to and approved in writing by the Local Planning Authority:

- a. Engineering details of the required highway improvements to that portion of the unadopted highway Neale Street under the control of the applicant.

- b. Engineering details of the alterations to the existing traffic calming features in Jessel Road including the proposed introduction of a raised platform junction at the new access point.
- c. Engineering details of improvements to pedestrian links across Hollyhedge Lane, including tactile pedestrian crossings across the Hollyhedge Close, Neale Street and Jessel Road junction with Hollyhedge Lane.
- d. A Traffic Regulation Order imposing a 20mph speed limit on the new estate roads.

11B. The development shall not be occupied until the approved details have been implemented in full and to the satisfaction of the Highway Authority.

REASON: To ensure the satisfactory completion and operation of the public highway and in the interests of highway safety.

12A. No development *or site clearance shall take place until a programme and methodology for permanent eradication* of Japanese knotweed have been submitted to and approved in writing by the Local Planning Authority.

12B. The eradication of Japanese Knotweed shall proceed only in accordance with the approved programme and methodology.

REASON: To ensure the eradication of Japanese knotweed prior to the development of the site.

13A. To avoid the risk to nesting birds, site clearance of vegetation and clearance works should be undertaken outside the bird nesting season. The bird nesting season extends between mid February and September inclusive but is weather dependant and nesting may take place outside this period. If site clearance unavoidably takes place within the nesting season the site shall be checked by a qualified and experienced ecologist immediately prior to works commencing. If nesting birds are discovered then the nest and its surrounds within 5 metres must be left undisturbed until the young have fledged and the nest abandoned.

13B. If site clearance unavoidably takes place within the nesting season the following additional measure shall be taken in respect of black redstarts which are known to breed in Walsall town centre. No site clearance shall take place until a monitoring programme has been submitted in writing and approved by the Local Planning Authority. The monitoring programme shall provide full details of further survey work within possible black redstart breeding areas. It shall include provision for an ecologist to be on site within 48 hours before any work commences on site to determine whether nesting black redstarts are present. If they are not present works should commence. If an active black redstart nest is present works cannot commence until Natural England had been consulted. The nest and adequate buffer zone around it (which shall be agreed with Natural England) must be retained until an ecologist has confirmed the nest is no longer in use.

Please note that feral pigeons are protected and destruction of nests could only take place on the grounds of public health or public safety.

Reason: to conserve local bird populations.

14A. No development, including any works of ground preparation, shall take place until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority.

14B. The development shall be carried out only in accordance with the approved details.

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

15A. No development shall take place until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority.

15B. The development shall not be brought into use until the approved scheme has been implemented in accordance with the approved details.

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

16A. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles where possible, has been submitted to and approved in writing by the Local Planning Authority. The submitted surface water drainage scheme shall include:

- i) The ability to accommodate surface water run-off generated up to and including the 1 in 100 year plus 30% climate change critical storm, based upon the submission of drainage calculations; and
- ii) Details to show the outflow from the site is limited to the maximum allowable rate i.e. Greenfield site run-off (8.2l/s) and demonstrate betterment on the current discharge rates; and
- iii) Subject to detailed design, on-site storage shall be provided by way of oversized pipes and crated attenuation tanks, and the use of permeable paving within multi-use drive areas should also be considered; and
- v) Finished floor levels are to be set no lower than 150mm above adjacent ground levels and higher of practicable; and
- vi) Responsibility for the future maintenance of drainage features.

Note: Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

16B. The development shall not be brought into use until the approved drainage scheme has been fully implemented in accordance with the approved details.

REASON: To protect the quality of Controlled Waters receptors on and in the vicinity of the site and to prevent the increased risk of flooding and pluvial inundation and to ensure the efficient working of the drainage system and future maintenance.

17A. No piling or any other foundation designs using penetrative methods is permitted unless it has first been approved in writing by the Local Planning Authority. Such methods will only be approved for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

17B. The development shall be fully carried out in accordance with the approved details.

REASON: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

18A. Upon first occupation of the first dwelling on the development, the measures and commitments contained within the submitted Residential Travel Plan shall be implemented.

18B. Once implemented, the Travel Plan shall be monitored and reviewed in accordance with the details contained within the approved document for the lifetime of the development.

REASON: To encourage sustainable modes of travel.

19. For the avoidance of doubt the development shall consist of no more than 80 dwellings.

Reason: As defined by the application submission and the Transport Assessment in accordance with UDP Policy GP2, T1, T4, T5, T6, T8 to T12 and BCCS TRAN2 and TRAN4 and in the interests of highway safety.

NOTES TO APPLICANT

1. *Public Rights of Way*

Public rights of way may be in existence which are not shown on the definitive map and statement. In accordance with section 31 of the Highways Act 1980, where a route has been enjoyed by the public without interruption for a period of 20 years, a claim can be made under section 53 of the Wildlife and Countryside Act 1981. This would have to be dealt with through the necessary stopping up or diversion order prior to development should a claim be received.

2. Contaminated Land

CL1 - Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in the National Planning Policy Framework (2012); British Standard BS10175: 2011+A1:2013 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings (Revised)" (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same

CL2 - When making assessments of any contaminants identified as being present upon 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,

shall 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.

3. Environment Agency

The applicant / developer should refer to our 'Groundwater Protection: Policy and Practice' (GP3) document, available from our website at www.gov.uk/environment-agency. This sets out our position on a wide range of activities and developments, including:

- Storage of pollutants and hazardous substances
- Solid waste management
- Discharge of liquid effluents into the ground (including site drainage)
- Land contamination

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to our guidance 'PPG1 – General guide to the prevention of pollution', available from our website.

4. Coal Authority

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

5. Acoustics

Acoustic mitigation measures need to consider the potential that the current closed scrap-yard will come back into use. BS8233:2014 – 'Guidance on sound insulation and noise reduction for buildings'

6. Severn Trent Water

Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contact our New Connections Team (Tel: 0800 707 6600).

7. Secure by Design

Secure By Design specifications will significantly increase the security of the building (doors and windows). Information can be found at http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf

Petition on the introduction of a one way scheme on Raleigh Street

We the undersigned, being residents of Raleigh Street and surrounding Streets urge the Council to recognise the disruption, dangerous situations and traffic congestion that is being caused by the current situation in Raleigh Street.

We urge the Council to implement a one way scheme in Raleigh Street as soon as possible in order to ensure that the residents of Raleigh Street are no longer inconvenienced by the traffic congestion.

NAME	ADDRESS	SIGNATURE
	32. Raleigh St Walsall	
	41 Raleigh St	
	45 Raleigh St.	
	49 Raleigh	
	11 Raleigh St	
	51 Raleigh St.	
	51 RALEIGH ST.	
	53 Raleigh St	
	53 Raleigh St	
	59 Raleigh St	
	61 Raleigh St	
	65 Raleigh St	
	63 RALEIGH ST	
	79 RALEIGH ST	
	77 RALEIGH ST	



Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jul-2016

Plans List Item Number: 3.

Reason for bringing to committee: Major Application

Location: FORMER SERVIS AND ALUCAST SITE, DARLASTON ROAD, WEDNESBURY, WALSALL, WS10 7SR.

Proposal: RESERVED MATTERS FOR 15/0191/OL FOR THE ERECTION OF UP TO 170 DWELLINGS COMPRISING OF APPEARANCE, LANDSCAPING, LAYOUT, SCALE, SECONDARY ACCESS AND ASSOCIATED WORKS. (AFFECTING PUBLIC FOOTPATH WED 7 & WED 9).

Application Number: 15/1834

Applicant: Barratt West Midlands

Agent: Barratt West Midlands

Application Type: Reserved Matters (Major)

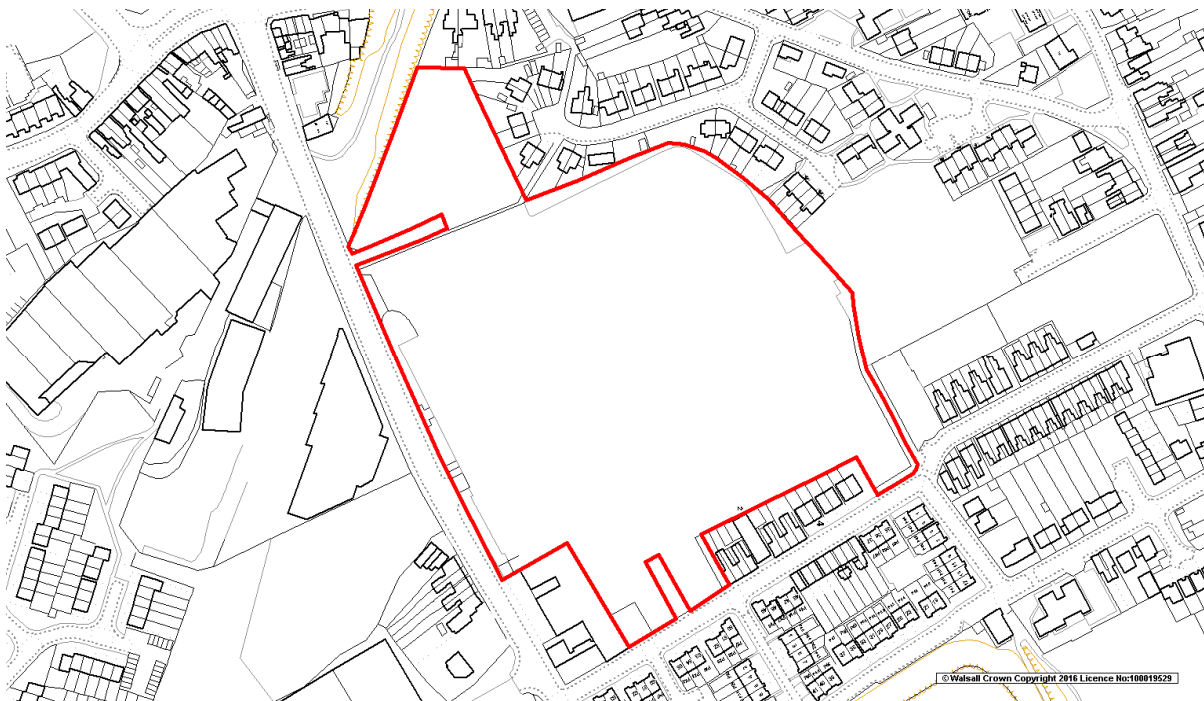
Case Officer: Mike Brereton

Ward: Darlaston South

Expired Date: 14-Mar-2016

Time Extension Expiry: 01-Aug-2016

Recommendation Summary: Approve Reserved Matters with Conditions



Application and Site Details

This application site is the former Alucast and Servis commercial uses, although the buildings have been demolished and cleared. The total site area is 4.53 hectares with a primary frontage to Darlaston Road and partial frontages to Bright Street. The cleared site has allowed contamination tests and other ground investigations including coal seams and mine shafts. The site has housing to its north and south, an area of public open space to the east, and commercial/industrial uses to the west. A disused railway cutting runs along the western side of the northern part of the site and two public rights of way about the site, with one passing through the site between the north and south sections, with another along the eastern site boundary.

Outline planning permission with all matters reserved except means of main vehicular access from Darlaston Road was granted in 2015 for the erection of up to 170.

This reserved matters application seeks approval of appearance, landscaping, layout, scale, secondary access and associated works and proposes 170 dwellings with the following mix:

6 x 2 bedroom flats (3 storey)
54 x 2 bedroom houses (2 storey)
75 x 3 bedroom houses (2 storey)
10 x 3 bedroom houses (3 storey)
25 x 4 bedroom houses (2 storey)

In addition to the submitted plans, this application is supported by:

Noise Assessment – recommends appropriate glazing within proposed dwellings.

Air Quality Assessment – concludes there are no air quality issues in this location.

Design and Access Statement – sets out context and proposed design including mineshaft locations that have influenced the site layout.

Section 278 Details – these relate to highways works to be agreed outside of the planning process and do not form part of the determination of this application.

Ground Investigation Report – sets out results of soil and other ground tests.

Remediation Method Statement and Validation Plan – sets out how necessary remediation works will be undertaken and how such works will be validated.

Japanese Knotweed Survey – identifies location of intrusive weed on site.

Japanese Knotweed Removal Report – explains how the weed has been treated and removed from the site.

Travel Plan – sets out how alternative modes of travel will be promoted in the interest of sustainability.

Transport Assessment – concludes the existing pedestrian and public transport infrastructure is good and enables access to local facilities and that there are no highways safety concerns arising from the proposed development.

Flood Risk Assessment – concludes the development would not result in increased flood risk providing recommended mitigation measures are introduced.

Arboricultural Report – recommends protection of existing trees and tree planting scheme.

Odour Survey and Assessment – concludes risk of odours from surrounding uses is low and no mitigation measures necessary in this instance.

Ecological Assessment – concludes there are minimal risks to ecology and nature conservation and recommends that clearance of any trees and scrub takes place outside of the breeding season (March to July) for nesting birds, or that an ecologist checks the site prior to their removal. Also recommends provision of bird boxes within the development.

Sustainability Statement – offers a 'fabric first' approach to CO2 emission reduction instead of 10% on-site renewable energy as required by BCCS Policy ENV7.

Statement of Community Involvement – explains how the local community has been engaged in pre and post-application consultation.

Sewer Capacity Assessment – concludes that the existing sewer system has adequate capacity to support the proposed development .

The proposal was screened at outline stage under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) and was determined not to be EIA development.

Relevant Planning History

07/0693/OL/W5 - Outline: Residential Development including location of access point – approved 06/08/2007

09/1064/RM - Reserved matters application sought to discharge the reserved matters relating to the siting, design and external appearance of the buildings, and the landscaping of the site, as set out in Condition 2 of the outline planning permission 07/0693/OL/W5 – approved 02/11/2009

11/1298/TE - Application for the extension of time to implement the reserved matters for residential development (approved under 09/1064/RM) following outline planning permission reference 07/0693/OL/W5 – approved 08/02/12.

15/0191/OL - Outline planning application for the erection of up to 170 dwellings with all matters reserved except means of main vehicular access from Darlaston Road. (Site affects the public footpaths Wed 7 and Wed 9) – approved 30/04/15.

Relevant Planning Policy Summary

Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions and sets out that "... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

National Planning Policy Framework 2012 (NPPF) and associated guidance

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*".

It is based on 12 core planning principles. Those particularly relevant in this case are:

Be genuinely plan-led

Proactively drive and support sustainable economic development

Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Take account of the different roles and characters of different areas

Support the transition to a low carbon future

Contribute to conserving and enhancing the natural environment and reducing pollution

Encourage the effective use of land by reusing land that has been previously developed

Actively manage patterns of growth

On decision-taking the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

On planning conditions the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

The Black Country Core Strategy (BCCS)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

The Vision consists of three major directions of change and underpins the approach to the whole strategy:

1. Sustainable Communities - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.
2. Environmental Transformation - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country's natural and built environment.
3. Economic Prosperity Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

The above are supported by the following key policies, as relevant to this application:

CSP1 defines the growth network

- CSP3 relates to environmental infrastructure
- CSP4 requires development to make a positive contribution to place-making
- CSP5 relates to transport strategy
- DEL1 sets out when provision of infrastructure is required
- DEL2 manages the balance between employment land and housing
- HOU1 relates to delivering sustainable housing growth
- HOU2 refers to housing density, type and accessibility
- HOU3 requires the delivery of affordable housing
- HOU5 sets out when provision of education and health care facilities is required
- TRAN2 manages the transport impacts of new development
- ENV1 promotes nature conservation
- ENV3 promotes high quality design and sustainability
- ENV5 relates to flood risk and sustainable drainage systems
- ENV7 relates to renewable energy
- ENV8 relates to air quality
- WM5 promotes resource management in new development
-
- These Policies are considered to be consistent with the NPPF.
-
- Walsall's Unitary Development Plan (UDP)

-
- http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

The key 'Saved' Policies relevant to this proposal are:

GP2 requires developments to make a positive contribution to the quality of the environment and sustainable development principles

GP3 sets out when planning obligations will be required

GP5 relates to equal opportunities

GP6 requires developments to provide access to disabled people

ENV10 relates to pollution

ENV11 controls the effects of light pollution

ENV14 relates to development of derelict and previously developed sites

ENV17 encourages new tree, woodland and hedgerow planting

ENV18 seeks to protect existing woodlands, trees and hedgerows

ENV23 relates to nature conservation and new development

ENV32 promotes high quality development and sets out how the quality of design of proposals will be assessed

ENV33 requires good landscape design in proposals

ENV40 relates to conservation, protection and use of water resources

JP7 relates to use of land and buildings in employment *areas*

H3 relates to windfall sites on previously developed land

T1 promotes measures to help people get around

T7 relates to car parking

T8 encourages measures to promote walking

T9 encourages measures to promote cycling

T10 sets **out general** accessibility standards

T11 relates to access for pedestrians, cyclists and wheelchair users

T12 relates to access by public transport

T13 sets out parking provision requirements for cars and cycles

LC1 sets out when urban open space should be provided by developments

These 'Saved' Policies are considered to be consistent with the NPPF.

Supplementary Planning Documents

http://cms.walsall.gov.uk/index/environment/planning/planning_policy/local_development_framework/ldf_supplementary_planning_documents.htm

Where relevant BCCS and UDP policies are consistent with the NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The SPDs relevant to this application are:

Affordable Housing SPD

Conserving Walsall's Natural Environment SPD

Designing Walsall SPD

Urban Open Space SPD

Emerging Policy

Whilst not adopted, the Site Allocations Document is currently being prepared, which proposes that the site be allocated for residential development. However as this is not yet adopted, the weight that can be attached to this is limited.

Consultation response (summarised)

(Officer comments in italics where relevant)

Archaeologist – no archaeological work or conditions are required for this site.

Area Partnership – To be updated at planning committee.

Cable and Wireless – Vodafone: Fixed does not have apparatus within the vicinity of the proposed works.

Centro - To be updated at planning committee.

Clean and Green – No objection subject to retention of fence along north west boundary of proposed open space and attenuation pond area and painting it green.

Coal Authority – no objections to this planning application and confirms that the requirements of Condition 5i to iii of 15/0191/OL have been satisfied.

Communities and Public Protection – no objection subject to implementation of agreed security measures.

Environment Agency – To be updated at planning committee.

Environmental Health – No objection subject to adequate provision for the storage and removal of waste produced by the dwellings.

Flood Risk Manager – No objection, the incorporation of a pond to attenuate flows and decreased hardstanding with garden areas is considered to be a significant betterment for the site.

Friends of the Earth - To be updated at planning committee.

Highway Authority – No objection subject to conditions and notes to applicant regarding access, layout, parking and travel planning.

Housing Strategy – 25% on-site affordable rented would be required for a site of this size.

Local Access Forum – No objection.

National Grid - To be updated at planning committee.

Natural Environment Team (Ecology) – No objections.

Natural Environment Team (Landscape) – No objection subject to a condition requiring implementation and retention of the proposed soft landscaping. The submitted Japanese Knotweed Removal report is comprehensive and acceptable.

Natural Environment Team (Trees) – No objection.

Planning Policy – No objection.

Pollution Control – No objection subject to inclusion of previous recommended conditions along with conditions regarding noise.

Public Footpath Officer – No objection subject to conditions regarding ongoing maintenance of third party land, restriction of any new gates to rear of plots 162-170 and removal of rights of occupiers of vehicle access and maintenance of the third party land. Notes to applicant recommended regarding works on and adjacent to rights of way / highways.

Public Lighting Manager – To be updated at planning committee.

Severn Trent Water – The submitted information is not sufficient to discharge the previous drainage related conditions.

South Staffs Water - To be updated at planning committee.

Structures and Geotechnics – No objection, the site is located outside the Zone of consideration for limestone mine working and therefore not affected by the limestone issue.

Town Centre Manager – No objection.

Western Power – To be updated at planning committee.

West Midlands Fire Service – No objection. Suitable water supplies should be provided for fire fighting (*can be added as note to applicant*).

West Midlands Police Crime Prevention Design Advisor – No objection subject to a condition requiring secure by design.

Wildlife Trust – No objection subject to the proposals and conditions according with BCCS Policy ENV1 (Nature Conservation) and Conserving Walsall's Natural Environment SPD (2008).

Public Participation Responses Valerie Vaz MP – requested details of provision of affordable housing as part of the development (*advised MP that viability will need to form part of the assessment of the application which will determine the level, if any, of contributions or affordable housing provision*).

Responses have been received from 11 local residential and business addresses raising the following comments (*Officer comments in italics where relevant*):

- Possible damage to surrounding properties if heavy equipment is used (*this is a civil matter and not material to the determination of the planning application*);
- Concerns the recent development of 77 dwellings at Bright Street have not been included in the submitted Sewer Impact Survey;
- Loss of light and privacy from height of proposed buildings;
- Light pollution to surrounding neighbours;
- Planting should be evergreen dwarf trees to avoid obstruction to pavements and minimise leaf shedding;
- Queries regarding proposals for retaining wall and height of proposed dwellings (details are shown on submitted plans and these can be scaled from);
- Concerns over deterioration of existing retaining wall during works (*structural integrity of structures will be a matter for Building Control*);
- Queries of duration of works and noise (*hours of work for development can be controlled by condition. Duration of works cannot be controlled*);
- Support removal of new secondary pedestrian access next to No.30 Bright Street (*noted*);
- Concerns over danger of pond to children and impact on home insurance (The applicant *has explained that the proposed attenuation pond will be predominantly dry with shallow side banks in order to assist with access and egress. Any resulting incidents with children*

PAGE 49 OF 210

accessing and using the attenuation pond will be a matter for the developer and not the Council. Cost of home insurance is not a material planning consideration);

- Development would increase pressures on local schools and NHS;
- Not properly consulted on last planning application (The Council consults planning applications *in line with the national planning legislation requirements. Concerns about how the previous planning application was consulted is outside the scope of the determination of this current planning application*);
- Concerns over highways safety along Darlaston Road, increase in traffic and main vehicle access (considered and *agreed at outline stage and not reserved matters*);
- Dust from site affecting local business and neighbours health (Pollution Control have investigated and concluded that correct dust suppression equipment is *in use*);
- Confusion over whether **site** is being developed by Barratt Homes or Accord Housing (the submitted application forms identify the current *site owner as Barratt Homes*);
- Potential noise disturbance from nearby industrial premises; and
- Prefer use of site for industrial / small business units (*principle of residential use was considered and agreed at outline stage and is not a reserved matter*).

Determining Issues

- Layout, Scale and Appearance
- Secondary Access and Highways
- Landscaping
- Neighbours Amenity
- Conditions of the outline permission
- Planning Obligations

Observations

Layout, Scale and Appearance

Active frontages have been promoted along Darlaston Road and Bright Street and this assists in the integration of the development into the local area whilst improving the appearance and benefiting the street scene. The proposed housing mix (semis, terraces, detached and flats) and modern brick and tile design is considered to reflect the character of the nearby area. The development proposes a mix of two and three storey houses and flats and this also reflects the nearby area. The layout has been designed to take account of existing mine shafts on site and any associated exclusion zones. This has meant that some plots, such as those along Bright Street, nearest the junction with Darlaston Road, have been set back further from the road. This reflects the emerging character of the nearby area which does not have a strong and consistent building line. Proposed garden sizes are considered reflect the nearby area with the proposed front facing balconies serving the flats provide additional outdoor amenity space to occupants. Following consultation with the Community Safety Team and the Police, the layout and design has been amended to improve the safety and security of occupants of the development through the provision of defensible planting, 2.4m high and 2.3m high close boarded fencing and trellis along the most vulnerable boundaries, natural surveillance through active frontages and sight lines illustrated on the submitted plans. The scale of development and density of 38 per ha is considered acceptable in this location.

The proposed layout excludes two small parcels of land that are outside of the applicant's ownership (Bright Street frontage and between the Alucast and Servis sites to the north end of the application site) and as such do not currently form part of the site due to difficulty with land ownership. This is unfortunate in not including these small parcels of land and provide a comprehensive re-development. Notwithstanding this, it is considered that the development would integrate well into the local area. It is understood that the applicant is continuing to approach the

land owners in an effort to bring these parcels of land forward for development and this would be considered through a separate future planning application.

Secondary Access and Highways

Pedestrian access is proposed off Darlaston Road adjacent the proposed flats and off Bright Street between plots 98 and 99. New connections are also proposed within the site to existing Rights of Way along the north west (Footpath 7 Wednesbury) and north east (Footpath 9 Wednesbury) of the site. This is considered to provide sufficient pedestrian connectivity through the site and to nearby schools, parks and local facilities. The main access to the site from Darlaston Road was approved as part of the outline consent. Parking across the site is 218% which is considered accords with UDP policy T13 taking into account the location of the site within reasonable walking distance to Darlaston District Centre. A Residential Travel Plan will aim to encourage sustainable travel and reduce car borne trips, being conditioned to ensure compliance with the submitted travel plan. The development will not have severe transportation implications and is acceptable in accordance with NPPF paragraph 32.

It is understood that the Title Deed of the site, a right of access (and possibly a maintenance liability) will transfer to each dwelling on the site over the third party land in the north western corner of the site accessed from Darlaston Road. Any such access right to occupiers should be removed via an appropriate legal mechanism as this land should not be open to residential vehicular traffic as it poses a highway safety risk and disturbance to occupiers of the development. This legal mechanism is outside of the control of the planning application. A Grampian condition can be included to ensure vehicle barriers are installed to prevent such access and it is considered that this is a reasonable request given the highway safety concerns. The submitted 'Management Areas Plan' omits some areas of land, including this third party land, which will be required to be managed and maintained by a management company and conditions can be included to request submission of a Site Management Plan along with an amended management scheme plan.

Landscaping

The applicant has explained that the proposed landscaping scheme for the site provides:

- New habitats and increase **species** diversity on site;
Public open space and provision for tree, shrub and grassland to the north western corner and western boundary of the development site will improve wildlife movement to adjoining areas;
- The landscape proposals demonstrate a net gain in tree (including retention where possible), shrub and grassland habitats;
- Introduction of wetland and grassland habitats;
- New tree and scrub planting, hedgerows, wildflower meadows, grassy banks and ponds; and
- Protection of existing trees and vegetation during site construction.

An area of open space is also provided surrounding an attenuation pond at the northern most part of the site. Neighbours are concerned that the pond may pose a risk to children. The applicant explains that the attenuation pond will be predominantly dry with shallow side banks to assist with access and egress. Neighbours are also concerned about localised flooding. The Council's Flood Risk Manager has stated that the incorporation of a pond to attenuate flows and decreased hard-standing with garden areas, is considered to be a significant betterment for the site and acceptable. The proposed landscaping scheme is considered to meet the aims of Black Country Core Strategy policy ENV1 (Nature Conservation) and adopted Natural Environment SPD. The submitted Ecological Assessment concludes there are minimal risks to ecology and nature conservation and recommends that clearance of any trees and scrub takes place outside of the breeding season (March to July) for nesting birds, or that an ecologist checks the site prior to their removal. The report also recommends provision of bird boxes within the development and

conditions can be included on any permission to secure this. Neighbours suggested that dwarf trees should be planted throughout the development to avoid obstruction to pavements and minimise leaf shedding. The tree planting and other soft landscaping details as shown on the submitted plans have been reviewed by the Council's Landscape Officer who has concluded that the proposed species are acceptable and it is considered that this matter alone would not sustain a reason for refusal.

The submitted management areas plan omits a landscaping strip alongside the pedestrian access between plots 98 and 99 which will require ongoing management the submitted plan does not reflect the amended site layout. A condition requiring an amended management plan and site management plan to ensure the site is properly maintained is included.

Neighbours amenity

The proposed houses would provide the following separation distances between facing first floor habitable windows:

- over 30m between proposed houses fronting Bright Street and new houses opposite forming part of the recently re-developed Jebron site;
- **22m to 25m between** rear of proposed houses and existing houses along Bright Street;
- 20m/22m to 5&6 York Crescent, 19m/22m to 6a York Crescent, 20m to 7 York Crescent and 24m to remainder of York Crescent;

Distances of 22m and 25m would also be present between the habitable windows of the proposed flats fronting Darlaston Road and the existing terraced houses and flats directly opposite. Proposed balconies at the flats would front Darlaston Road and would be 20m away from any habitable windows at the terraced houses on the opposite side of the road. A distance of 13m would be provided between rear facing habitable windows at 37 & 38 York Crescent and the side elevation of proposed plot 114 and meets the Designing Walsall SPD. A distance of only 4m between some side facing habitable windows at plot 112 and the rear elevation of plot 111 is proposed. This is below the recommended minimum 13m between habitable windows and blank walls in the Designing Walsall SPD and on balance, it is considered acceptable in this instance as the plots have been orientated to provide an active frontage to the road serving the estate and to provide natural surveillance to the proposed pedestrian link connecting to the existing right of way. Neighbours concerns regarding loss of light and privacy is noted. It is considered the existing 2.3m high retaining wall at York Crescent boundary, coupled with the lower development site ground level, plus distances between the proposed houses and existing houses, minimise any potential overlooking, loss of light and loss of privacy to neighbours at this section of York Crescent and other adjoining neighbours. It is considered the development would not generate significant overlooking, loss of privacy or loss of light for the developments future occupiers. To further protect the amenity and potential future perceived overlooking of neighbours, whilst taking into account the former mining legacy of the site, a condition removing permitted development rights for garden structures and rear extensions from plots less than the Designing Walsall SPD annex D guidance and plots in close proximity to mine shafts. Neighbours concerns about light pollution from the development are noted. It is accepted that lighting columns installed to serve the development are likely to result in some additional light pollution to adjoining neighbours. This has to be balanced against the safety and security it brings to the wider community and it is considered the limited light pollution levels are unlikely to be of significant detriment to neighbours amenity. It is considered an acceptable compromise reflecting similar urban locations.

The submitted Odour Assessment confirmed at the times the assessment was carried out there were no significant odours detected. It is considered that occasionally, subject to wind strength and direction, nearby industrial activity has the potential to result in some odours to future occupiers of

the development. On the basis that this is unlikely to be a continuous operation, it is considered any impacts on occupiers are likely to be minimal.

An objectors concerns that future occupiers of the development may be affected by noise disturbance from nearby industrial premises. The submitted acoustic report confirms that properties adjacent to Darlaston Road are unlikely to be significantly affected by noise from nearby industry whilst road traffic noise would result in disturbance to future occupiers. Mitigation measures for properties adjacent to Darlaston Road by way of enhanced glazing and ventilation can be secured by condition. Conditions would also be included to control the hours of work and nuisance during construction, in the interests of residential amenity.

Conditions of the outline permission

The details submitted are satisfactory to discharge the following conditions of the outline permission 15/0191/OL subject to the requirements of any new conditions necessary to implement each reserved matter:

- Condition 1 – approval of reserved matters for secondary access, appearance, landscaping, layout and scale;
- Condition 2 – submission of reserved matters within 3 years;
- Condition 5 – specifies details to be submitted alongside reserved matters; and
- Condition 10 – re-survey and programme of eradication of Japanese Knotweed.

Conditions 6 (highways access), 7 (construction method statement), 11 (remediation statement) and 13 (travel plan) of 15/0191/OL have been amended and updated to take account of submitted details and all other outline conditions and relevant notes to applicant are to be re-attached to any permission.

Planning obligations –

The previous Planning Committee report for the outline consent (15/0191/OL) explained that an independent, confidential viability assessment was submitted by the applicants and reviewed by a Council Valuation Surveyor. Based on the viability assessment, it was considered to demonstrate that the scheme would not be viable if any planning obligations for on or off site contributions were required. The 30th April 2015 Planning Committee resolved to grant outline consent subject to conditions with no Section 106 legal agreement. The outline consent did not require the viability of the site to be re-assessed at reserved matters stage and viability and Section 106 matters cannot be re-assessed or required at this stage which is solely to consider reserved matters and not to introduce any new matters above those set out at outline stage. A viability statement has been submitted as part of this reserved matters application stating that viability has not improved since outline consent was granted. This statement has not been supported by an independent financial appraisal and as set out above, this cannot be sought at this stage in any case. Neighbours have raised concerns that the development would increase pressures on local schools and the NHS. For the reasons set out above, off-site contributions cannot now be secured at this stage.

Positive and Proactive working with the applicant

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. In accordance with paragraphs 186 and 187 of The National Planning Framework we encourage pre application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long that they safeguard the natural and built environment, highway network and the amenity of citizens.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including any representations that may have been received, and subsequently determining to grant planning permission in accordance

with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Recommendation: Approve with following conditions (including any amendments or additional conditions deemed appropriate by officers).

Recommended Conditions

Conditions re-attached from outline consent:

3. The development must be begun not later than 2 years from the final approval of the Reserved Matters, or in the case of approval on different dates, the final approval of the last Reserved Matter to be approved.

REASON: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development shall be carried out in accordance with the following approved plans: 14/1969/LP Revision B 'Location Plan' BMT/2131/100 Revision P4 'Proposed Access Arrangement'

REASON: to define the permission

8a. No piling or any other foundation designs using penetrative methods is permitted unless it has first been approved in writing by the Local Planning Authority. Such methods will only be approved for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

8b. The development shall be carried out in accordance with the approved details.

REASON: Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

9. 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 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.

REASON: To protect the amenity of adjoining neighbours.

12a. No infiltration of surface water drainage into the ground is permitted unless it has first been approved in writing to the Local Planning Authority. Such infiltration will only be approved for those parts of the site where the developer has demonstrated that there is no resultant unacceptable risk to Controlled Waters.

12b. The development shall be carried out in accordance with the approval details.

REASON: To protect the quality of Controlled Waters receptors on and in the vicinity of the site.

New conditions and amended outline conditions:

A1. This development shall not be carried out other than in conformity with the following

approved plans and documents:

- Application Form. Deposited 04/12/2015
- Site Location Plan. Amended deposited 02/02/2016
- Design and Access Statement. Amended deposited 02/02/2016
- Soft Landscape Proposals 1 of 4 (BIR5062_01-K). Amended deposited 24/06/2016
- Soft Landscape Proposals 2 of 4 (BIR5062_02-F). Amended deposited 18/05/2016
- Soft Landscape Proposals 3 of 4 (BIR5062_03-F). Amended deposited 18/05/2016
- Soft Landscape Proposals 4 of 4 (BIR5062_04-G). Amended deposited 18/05/2016
- Landscaped Frontages (B6207 PL 11 Rev C). Amended deposited 18/05/2016
- Existing Retaining Wall Sections (004 Rev P1). Deposited 03/12/2015
- House Type – Foxton – AS & OPP (B6207 HT 01). Deposited 02/02/2016
- House Type – Foxton – AS & OPP (B6207 HT 02). Deposited 02/02/2016
- House Type – Ashford – AS (B6207 HT 03). Deposited 02/02/2016
- House Type – Ashford – OPP (B6207 PL 04). Deposited 02/02/2016
- House Type – Tiverton – AS (B6207 HT 05). Deposited 02/02/2016
- House Type – Tiverton – OPP (B6207 HT 06). Deposited 02/02/2016
- House Type – Barwick – SP (B6207 HT 07). Deposited 02/02/2016
- House Type – Barwick – AS (B6207 HT 08). Deposited 02/02/2016
- House Type – Barwick – OPP (B6207 HT 09). Deposited 02/02/2016
- House Type – Finchley – AS (B6207 HT 10). Deposited 02/02/2016
- House Type – Finchley – OPP (B6207 HT 11). Deposited 02/02/2016
- House Type – Cheadle – AS (B6207 HT 12). Deposited 02/02/2016
- House Type – Cheadle – OPP (B6207 HT 13). Deposited 02/02/2016
- House Type – Morpeth – AS (B6207 HT 14). Deposited 02/02/2016
- House Type – Morpeth – OPP (B6207 HT 15). Deposited 02/02/2016
- House Type – Morpeth – AS - SEMI (B6207 HT 16). Deposited 02/02/2016
- House Type – Morpeth – OPP - SEMI (B6207 HT 17). Deposited 02/02/2016
- House Type – Faversham – AS (B6207 HT 18). Deposited 02/02/2016
- House Type – Faversham – OPP (B6207 HT 19). Deposited 02/02/2016
- House Type – Chesham – AS (B6207 HT 20). Deposited 02/02/2016
- House Type – Chesham – OPP (B6207 HT 21). Deposited 02/02/2016
- House Type – Guisborough – AS (B6207 HT 22). Deposited 02/02/2016
- House Type – Guisborough – OPP (B6207 HT 23). Deposited 02/02/2016
- Materials Elevation (B6207 PL 08 Rev A). Amended deposited 02/02/2016
- Materials & Boundary Treatments Plan (B6207 PL 04 Rev J). Amended deposited 18/05/2016
- Site Layout – Linkages Option 1 (B6207 PL 03 Rev P). Amended deposited 18/05/2016
- Garage Type 1 (B6207 HT 50). Amended deposited 02/02/2016
- Garage Type 2 (B6207 HT 51). Amended deposited 02/02/2016
- Garage Type 3 (B6207 HT 52). Amended deposited 02/02/2016
- Tree Removal Plan (BIR5062_06-B). Amended deposited 24/03/2016
- Tree Removal Plan (BIR5062_05-E). Amended deposited 18/05/2016
- Mine Shaft Exclusion Zones (B6207 PL 07 Rev C). Amended deposited 02/02/2016
- Bin & Cycle Store (B6207 PL 06). Amended deposited 02/02/2016
- Letter from Wynn Thomas, Barratt Homes, dated 16th May 2016 and titled Re: Planning application 15/1834 at former Servis site, Darlaston Road, Wednesbury, WS10 &SR. Received 18/05/2016
- Footpath Links Sections (017 Rev P1). Deposited 18/05/2016
- Garden Areas. Amended plan deposited 24/06/2016
- Environmental Noise Survey & Assessment dated 29/09/2015. Deposited 03/12/2015
- Supplementary Noise Impact Report: SoundPLAN' dated 24/05/2016. Deposited 24/05/2016
- Geological Survey. Deposited 03/12/2015
- Travel Plan. Deposited 03/12/2015

- Transport Assessment. Deposited 03/12/2015
- Odour Survey and Assessment (October 2015). Deposited 03/12/2015
- Arboricultural Report. Deposited 03/12/2015
- Ecological Assessment. Deposited 03/12/2015
- Flood Risk Assessment. Deposited 03/12/2015
- Report on Ground Investigation. Deposited 03/12/2015
- Sustainability Statement. Deposited 03/12/2015
- Japanese Knotweed Survey (August 2014). Deposited 03/12/2015
- Japanese Knotweed Removal Report and Certificate (dated 25/01/2016). Deposited 24/03/2016
- Sewer Capacity Assessment (dated 15/10/2015). Deposited 03/12/2015
- Air Quality Assessment (dated September 2015). Deposited 03/12/2015
- Autotracking Plan (005 Rev P4). Deposited 03/12/2015
- Remediation Method Statement and Validation Plan (15191/1/ Rev 2 dated 24 March 2016). Amended deposited 30/03/2016

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).

A2. i) Prior to built development commencing a timetable shall be submitted in writing to the Local Planning Authority detailing the schedule to comply with the 'Remediation Method Statement and Validation Plan', Report No. 15191/1/Revision 2, 24 March 2016, by Georisk Management Ltd, including the additional investigation works recommended.

ii) Details of the additional investigation works recommended within the 'Remediation Method Statement and Validation Plan', Report No. 15191/1/Revision 2, 24 March 2016, by Georisk Management Ltd shall be submitted to and agreed in writing by the Local Planning Authority.

iii) If during the undertaking of remedial or construction works of the approved development unexpected ground contamination not identified by the site investigation is encountered development shall cease until the "Remediation Statement" has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

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

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

A3a. Prior to commencement of any part of the development hereby approved, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved by the Local Planning Authority.

A3b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

A4a. Prior to the commencement of any part of the development hereby approved a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include:

- i) Hours during the construction and demolition phase, when delivery vehicles or vehicles taking materials are allowed to enter or leave the site
- ii) Parking and turning facilities of vehicles of site operatives and visitors
- iii) Loading and unloading of materials
- iv) Storage of plant and materials used in constructing the development
- v) A scheme for recycling/disposing of waste resulting from construction works
- vi) Temporary portacabins and welfare facilities for site operatives
- vii) Site security arrangements including hoardings
- viii) Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
- ix) Measures to control the emission of dust and dirt, flying debris, noise, smell, drag-out and surface water run-off from engineering and construction activities
- x) Proposed method of piling for foundations

A4b. The development shall be carried out in accordance with the approved details.

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

A5. i) Prior to built development commencing the applicant shall provide written confirmation of the precise acoustic glazing and acoustic ventilation that is to be installed within each of the plots that are affected by road traffic noise, as identified within 'Supplementary Noise Impact Report: SoundPLAN', 24th May 2016, by Noise.co.uk Ltd, Ref: Report No – 16350C-1 R2 SoundPLAN.

ii) Should the Planning Layout change from that shown on 'Site Layout-Linkages Option 1' Drawing, Drawing Number B6207 PL 03 Revision P, dated 24.02.16 then the applicant/acoustic consultant shall provide an updated acoustic mitigation scheme in writing to the Planning Authority for approval prior to commencement of development.

iii) A validation report confirming the details of the implemented measures together with substantiating information and justification of any changes from the agreed acoustic mitigation measures shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the occupiers of the development.

A6a. Prior to commencement of the development hereby approved a cross section is to be provided showing the proposed finished levels of plots 104/105 and Footpath 9 Wednesbury, to include the proposed levels of fencing or boundary treatments and the indicative level of any lighting columns are to be agreed in writing with the Local Planning Authority in conjunction with the Highway Authority.

A6b. Prior to commencement of the development hereby approved details of proposed boundary treatments of plots 100-114 alongside Footpath 9 Wednesbury, in consideration of proposed finished site levels and the public footpath are to be agreed in writing with the Local Planning Authority in conjunction with the Highway Authority.

A6c. The approved details shall be fully implemented and thereafter retained as such.

Reason: In the interests of safety of highway/ footpath users.

A7a. No development shall commence until full details of the lighting scheme to Footpaths 7 and 9 Wednesbury Road have been agreed including arrangements for its implementation and approved in writing by the Local Planning Authority.

A7b. The development shall be constructed in accordance with the approved lighting scheme. The development shall be constructed in accordance with the approved lighting scheme.

Reason: In the interests of safety of highway/ footpath users.

A8a. No development shall commence until full details of both the Site Management and an amended Management Scheme Plan has been submitted to and approved by the Local Planning Authority in writing. The Management Scheme Plan shall be amended to incorporate and include the approved Site Layout as set out in Site Layout – Linkages Option 1 plan (B6207 PL 03 Rev P) and identify all the areas which are to be maintained by the Management Company as part of any management scheme.

A8b. The Development shall be constructed and maintained in accordance with the approved plans.

Reason: To ensure the site is properly maintained and to ensure satisfactory appearance of the development.

A9a. No development shall be commenced until full details and specification of the vehicle barriers and gates to be installed as shown on Site Layout-Linkages Option 1 Plan (B6207 PL 03 Rev P) have been submitted to and approved in writing by the Local Planning Authority.

A9b. The approved barriers and gates shall be installed in accordance with the approved plans prior to first occupation of the development and thereafter retained as such.

Reason: To prevent vehicles (excluding maintenance vehicles) accessing the open space and pond area and in the interest of safety of occupiers of the development and pedestrians using Footpath 7 Wednesbury.

A10a. Prior to the commencement of the development hereby approved, a revised site layout shall be submitted to and approved in writing by the Local Planning Authority, showing:- the adoptable 2m wide footway extending in front of Plot 33 and around the radius of the turning head up to the northern visitor parking space and likewise around the western side of the turning area, from the eastern end of the link footpath to Darlaston Road to the parking space no.27; and a pedestrian gate into the rear garden of Plot 100 to provide convenient access for the residents to the rear parking spaces.

A10b. The development shall be fully implemented in accordance with the approved details and thereafter retained as such.

Reason: To provide a segregated pedestrian link to Plot 33, to the parking area serving Plots 27 to 32 and a continuous link to Darlaston Road on the southern side of the cul de sac whilst minimising the potential of the residents parking in Bright Street for convenience.

A11a. Prior to the commencement of the development hereby approved, full engineering details of the new priority junction onto Darlaston Road, approved under the outline consent 15/0191/OL, including layout, alignments, widths and levels, together with all necessary drainage arrangements, shall be submitted to and receive technical approval in writing by the Local Planning Authority in consultation with the Highway Authority.

A11b. Prior to the first occupation of any dwelling on the development (with the exception of those dwellings fronting Bright Street), the new junction detailed under Condition A11a above shall be fully implemented in accordance with the approved details and to the satisfaction of the Local Highway Authority and thereafter retained as such.

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

A12a. Prior to the commencement of the development full engineering details of all adoptable highway works and works within the existing highway, including layouts, alignments, widths and levels, together with all necessary drainage arrangements, shall be submitted to and receive technical approval in writing by the Local Planning Authority in consultation with the Highway Authority. All adoptable street lighting shall be with the agreement in writing with Walsall Council's street lighting partner Amey.

A12b. Prior to the first occupation of any new dwelling on the development, all highway infrastructure works shall be implemented in accordance with a phasing agreed in advance with the Highway Authority and to the details approved under Condition A12a above and to the satisfaction of the Local Highway Authority.

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

A13a. Prior to the first occupation of any dwelling on the development, the parking and vehicle manoeuvring areas serving that dwelling shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the adoptable or existing highway or into any adoptable or existing highway drain.

A13b. 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.

A14a. Prior to the first occupation of any Apartment on the development, the refuse and recycling / cycle shelter shall be fully installed in accordance with the approved details and brought into use.

A14b. The refuse and recycling store / cycle shelter shall thereafter be retained and used for no other purpose.

Reason: To encourage sustainable modes of travel in accordance BCCS Policy TRAN4.

A15. Upon first occupation of the first dwelling on the development, the commitments, measures and targets contained within the BWB Residential Travel Plan received on the 3rd December 2015, shall be fully implemented and continuously monitored, reviewed and refined in accordance with the approved plan for the lifetime of the development.

Reason: To encourage sustainable travel modes and reduce car borne trips to the site, in accordance with BCCS policy TRAN2 and UDP Policy T10.

A16. All individual vehicular access points shall provide 2.4m x 3.4m pedestrian visibility splays within which no structure or planting shall exceed 600mm in height above footway levels.

Reason: To provide adequate pedestrian/vehicle inter-visibility at the access points in the interests of highway safety.

A17a. Prior to any part of the development being brought into use, the hereby approved soft landscaping details shall be fully implemented and thereafter retained as such.

A17b. Within 5 years should any individual tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: In order to safeguard the amenities of the occupiers and secure the satisfactory development of the application site.

A18a. Prior to first occupation of any dwellings within the development, a plan shall be submitted to the Local Planning Authority and approved in writing showing the location and number of bird boxes to be incorporated into the development;

A18b. The approved details shall be fully implemented and thereafter retained as such.

A18c. i) Clearance of any trees and scrub at the site shall take place outside of the breeding season (March to July) for nesting birds; OR

ii) an ecologist shall check the site for evidence of any nesting birds and submit the findings to the Local Planning Authority for approval prior to the removal of any trees and scrub.

Reason: To protect wildlife and to deliver the recommendations within the submitted Ecological Assessment dated November 2014.

A19. The development shall be constructed in accordance with the hereby approved external materials and boundary treatments as shown on submitted Materials & Boundary Treatments Plan (B6207 PL 04 Rev J Received 18/05/2016) and Materials Elevation (B6207 PL 08 Rev A Received 02/02/2016) and thereafter retained as such.

Reason: To ensure the satisfactory appearance of the development and to comply with policies ENV32 of Walsall's Unitary Development Plan and ENV2 of the Black Country Core Strategy.

A20. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or succeeding Orders, no extensions, garden buildings or other works under Schedule 2, Part 1 (Class A) shall be erected or installed at any of the following plots:

- 1-4, 9, 10, 15-17, 20-23, 40-47, 51, 58, 64, 97-99, 102, 105, 111, 112, 114, 117, 126-128, 129-133, 135, 152, 153, 159, 160, 165-170.

Reason: To safeguard the amenities of the occupiers of adjoining premises and occupiers of the development itself and in the interest of safety of occupiers in proximity to mine shafts. To comply with policy GP2 of Walsall's Unitary Development Plan.

A21. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or succeeding Orders, no vehicle access gates shall be installed to rear of plots 162-170.

Reason: To ensure vehicles do not conflict with the existing right of way and in the interest of highway safety.

A22. The development shall be fully constructed in compliance with Secure By Design standards and thereafter retained as such. NB. Please refer to the notes to applicant for further details.

Reason: To ensure the safety and security of occupants.

Notes to applicant:

1. The applicant should ensure that the exact form of treatment to be applied to the mine entries and the remedial measures to the shallow coal workings are agreed with The Coal Authority's Licensing and Permitting Department as part of their permit application. This will ensure that the site is eventually safe and stable to accommodate the development.
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 enter into an agreement under S38/S278 of the Highways Act 1980 with the Highway Authority for all adoptable highway works and works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.
4. Secure by design:
 - a. New windows/ roof lights / patio / French doors/ windows should conform to PAS 24 2012 P1A Standard or equivalent with at least one pane of 6.4 mm laminated glass in all ground floor windows,
 - b. There should be an area of defensible space in front and across the length of each front facing window, which should be around 1m in depth and consist of dense low level shrubbery, suitable for the light / soil environment at its location. The defensible space will help protect ground floor windows and make access to them by offenders more difficult.
 - c. All external doors should be to PAS 24 2012 standards. If a europrofile cylinder lock is to be utilised testing and certification should incorporate a TS-007 3star cylinder lock.
 - d. Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.
 - e. All gates and fencing should be positioned as close to the front building line as possible to remove any recesses and hiding places for offenders.
 - f. Rear access alley ways should be avoided at all costs as they provide sheltered routes to the rear of properties for offenders. A majority of offenders have stated they will use such alleyways when committing crimes if they exist.(see Secure By Design New Homes 2014).
If rear access alley ways are unavoidable ALL of the fencing along the alley way area should be robust in construction and at a height of 2.1m, with ALL gates into each garden served by the rear alleyway at a height of 2.1m also, all gates should be key lockable from both sides.
The access point to the rear alleyway itself needs to be gated to the same specifications i.e. key operated from both sides, with a self-closing mechanism incorporated to maintain the security of the gate, the gate should be sited as near to the front building line as possible.eg plots 9-10, 20, 35-36, 38-39, 43, 44, 53-54, 164-165

g. Garage doors must be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or STS 202 issue 3:2011 burglary rating 1. Where there is an interconnecting door into the dwelling the interconnecting door should be rated to PAS24 2012 standards.

h. Due to the increase in metal theft consideration should be used to minimising the use of lead in the design, by using lead substitute or alternative products.

i. The property should be fitted with a suitable intruder alarm utilising dual technology sensor or above and alarm sirens front and back of building.

j. There should be an area of defensible planting in front of ALL ground floor apartment windows around the apartment block.

k. Access should not be gained around the rear of the apartment block. Fencing should be erected at a minimum height of 2.1m, in order to protect the vulnerable rear of the building.

l. There needs to be an audio access control system on the apartment block entrance, linked to each individual apartment.

m. Parking areas for the apartment should not be directly numbered in line with the apartment numbers. This will stop offenders identifying unoccupied properties by vacant parking spaces.

5. Suitable water supplies for fire fighting should be provided. This shall be subject to consultation with West Midlands Fire Service once a Water Scheme plan has been produced and approved by the relevant Water Company.

6. 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.

7. The submitted ‘Drainage Layout’ (drawing ref: 101 P3) shows all foul sewage is proposed to discharge to the public foul sewer, and all surface water is proposed to discharge to the public surface water sewer, at a proposed discharge rate of 19.3 litres/second. The Development Enquiry letter (SAP: 8180558) states there are concerns over foul sewage discharge. A modelling report and latest correspondence relating to this Development Enquiry is required. As per the Development Enquiry, before a connection to the public sewer can be considered for surface water discharge it is requested that soakaways are investigated. If these are proven to not be feasible on site (with satisfactory evidence) a connection to the public surface water sewer would be considered with flows restricted to a maximum discharge rate of 5 litres/second. Please contact Severn Trent net.dev.west@severntrent.co.uk or 01902 793871.

8. The applicant’s attention is drawn to Centro’s plans to potentially open a tramway in the existing railway cutting to the north of the site boundary. The treatment of this part of the site should be discussed with Cento to ensure the proposals would not prejudice future possible delivery of a rapid transit line in this location.

9. A method statement for the agreed removal of existing site palisade fencing and replacement fencing (where plots adjoin public footpaths 107 and 109 Wednesbury) is to be discussed and

agreed in writing with the highways authority. The statement shall include any other site work within or adjoining public footpaths/highway. The applicant is responsible for making any applications for temporary prohibition of traffic orders, permits to work in the highway, skip permits and/or scaffolding permits prior to commencement of any work in the highway or public footpaths, and for reinstatement of any damage caused.

10. The highways authority has agreed to the installation of a vehicle gate for access for maintenance of the settlement pond/ landscaped area within the back of footway on Darlaston Road. Maintenance of this vehicle gate will rest with the management company. Details are to be agreed in writing with Highways and the applicant must apply for any necessary licences for the installation of a private structure in the highway prior to installation.

■



Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jul-2016

Plans List Item Number: 4.

Reason for bringing to committee: Major Application

Location: HIGHFIELDS SOUTH QUARRY, WALSALL ROAD, WALSALL WOOD, WALSALL, WS9 9AH

Proposal: VARIATION OF CONDITION 4 OF PLANNING PERMISSION 07/0046/WA/E1 TO ALLOW ADDITIONAL 9.2 YEARS, UNTIL 31/12/2025 TO COMPLETE THE EXISTING APPROVED SCHEME FOR THE PHASED FILLING AND RESTORATION OF HIGHFIELDS SOUTH QUARRY TO CREATE OPEN SPACE.

Application Number: 16/0465

Applicant: Gerald Owen

Agent:

Application Type: County Matters Application

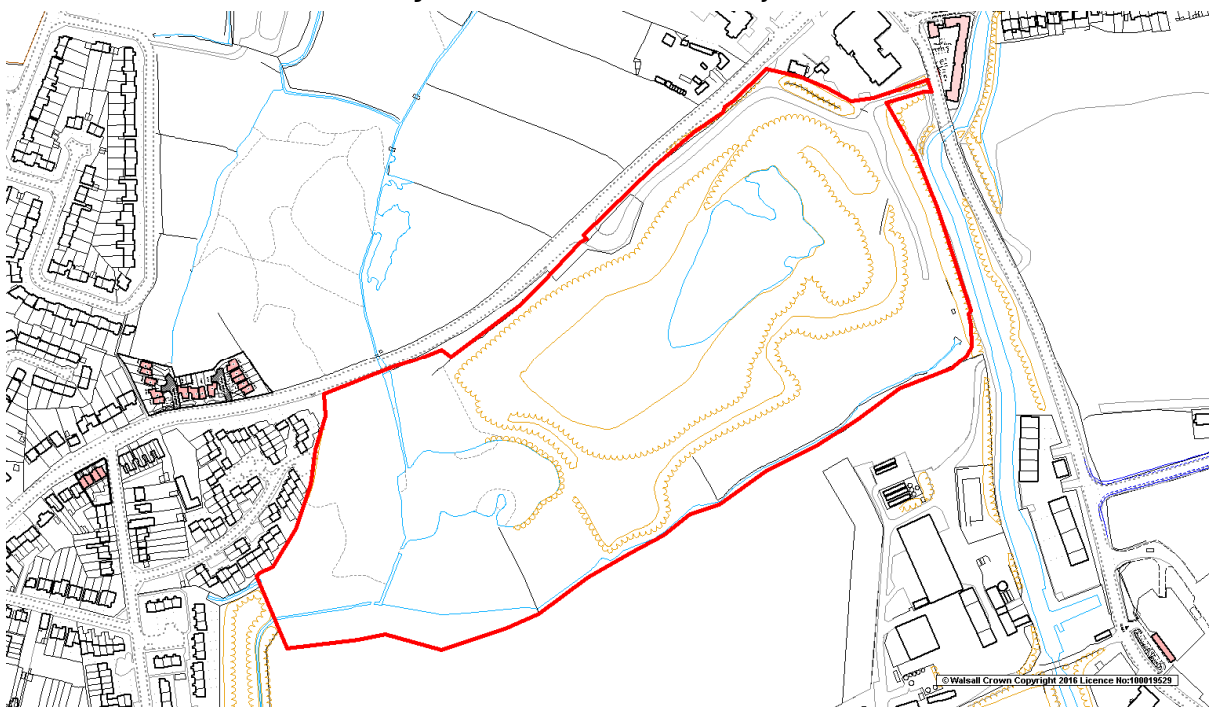
Case Officer: Paul Hinton

Ward: Rushall-Shelfield, Aldridge North And Walsall Wood

Expired Date: 19-Jun-2016

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



PAGE 65 OF 210

Application and Site Details

Highfields South Quarry has planning permission to be restored through the infilling of non-hazardous waste. The quarry is being restored in a series of phases which have previously been approved. Under the terms of the current planning permission landfilling should be completed by October 2016.

This application seeks to vary condition 4 of planning permission 07/0046/WA/E1 to read: The deposit of wastes shall be carried out in accordance with the submitted progressive infilling and restoration phasing and shall cease no later than 31 December 2025 unless otherwise approved in writing by the Local Planning Authority.

Highfields South Quarry covers approximately 12 hectares of land located south of the A461 Lichfield Road, approximately 40 metres north of Shelfield and part of the West Midlands Green Belt. The surrounding uses are mixed with residential property to the west and open land to the north. Immediately north east is the Barons Court Hotel beyond which is an apartment block. To the south is the former landfill site owned by Veolia Environmental Services. In the wider area there are residential properties close by on Queen Street, Walsall Wood. The now completed Vigo Utopia Landfill site (currently awaiting final landscaping) lies to the east beyond Boatmans Lane.

In reviewing ongoing site operations and the limited success of the management of Bithynian Vetch, the application also seeks to amend section 4.4 of the management plan for this rare flower plant. The amended management plan proposes to change the location and the preparation method for establishment.

Supporting Statement:

- Envisaged that the site would be completed by the end of 2016, however recycling, waste minimisation and landfill tax initiatives have been successful in diverting large quantities of waste away from landfill resulting in it taking longer to fill the site and in addition the recession that started in 2008.
- Walsall Council has now diverted its collected household waste from the site to the new Energy from Waste Plant near Wolverhampton
- With less waste delivered to the site there is a need for additional time to continue the operations to fill and restore the former quarry.
- During the 2007 planning application it was anticipated that the site would have an input rate of approximately 300,000 tonnes per year. During the period the site has been fully operational (13/8/2010) the annual average rate of inputs has been 120,000 tonnes per year.
- Additional time period will enable the full restoration of the quarry and delivery of the approved site restoration scheme, so creating areas of open spaces, woodland, wetland and species rich grassland with public access.
- Without the additional time to finish the approved operations, it will be impracticable to complete the filling of the site. An unrestored deep mining void, with steep sidewalls will remain, with water accumulating in the base. This would pose a clear safety hazard and will not deliver the lasting benefits of restoring the former quarry.
- The continued filling and completion of the site will enable the progressive implementation and delivery of the approved restoration and landscaping scheme to re-instate the former quarry workings, creating a visually attractive and diverse landscape which integrates into the local area and provides a resource with a variety of habitats of ecological value together with public access.

Relevant Planning History

BC48719P: New conditions for mineral working permission EB593 (dating from 1954), issued in 1997 under the requirements of the Environment Act 1995. These new conditions include provision for the completed mineral excavation to be landfilled to achieve a beneficial after use. A scheme of working for the quarry was approved under consent BC5828 in 1978.

07/0046/WA/E1: Planning Application and Environmental Statement to amend Conditions 27, 42, 43, 48 and 50 of Planning Permission Reference BC48719P dated 9 July 1997, and the development details in particular: the provision of information regarding the waste types imported to restore the site to wet and deciduous woodland, grassland and a waterbody with public access at Highfields South Quarry. Granted subject to conditions 27/4/2007.

10/0165/FL: Request to extend the time to allow landfill operation to continue at Vigo Utopia Quarry and to continue the time in which it and the adjacent Highfields South Quarry will operate concurrently. Resolved: An extended period for Highfields South Quarry to operate concurrently with the deposit of waste at the neighbouring Vigo Utopia Quarry until 30th September 2010. Approved 8/4/10

11/0953/FL - Variation of Condition 3 to permit extra time to complete the approved mineral extraction works by 30th October 2013 & variation of phasing plans to approved under condition 4 of planning permission 07/0046/WA/E1. Granted subject to conditions 22/9/11

15/1403 – Screening opinion to extend the landfill completion until 31/12/25. Environmental Statement not required 9/10/15.

Relevant Planning Policy Summary

European Union Waste Framework Directive (2008/98/EC) and Waste Regulations 2011 (As Amended)

The most important objectives of national and local policy come directly from the European Union Waste Framework Directive (2008/98/EC). The Directive has been transferred into secondary legislation in England through the Waste Regulations 2011 (as amended).

National Legislation

The Waste Regulations 2011 - A planning authority must not grant planning permission or development consent for a landfill unless it has taken into consideration the requirements of— paragraph 1.1 of Annex I and paragraph 5 of the Landfill Directive

Landfill Directive

Annex 1, Paragraph 1.1: The location of a landfill must take into consideration:
distances from residential and recreation areas, waterways, water bodies and other agriculture or urban sites
the existence of groundwater or nature protection zones
the geological and hydrogeological conditions
risk of flooding, subsidence or landslides
the protection of the nature of the area

Annex 1, Paragraph 7: Measures shall be taken to minimise nuisances and hazards arising from the landfill through:

- emissions of odours and dust
- wind-blown materials
- noise and traffic

- birds, vermin and insects
- formation and aerosols
- fires

The landfill shall be equipped so that dirt originating from the site is not dispersed onto public roads and the surrounding area

National Planning Policy Framework (NPPF)

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"*.

All the core planning principles have been reviewed and those relevant in this case are:

Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places the country needs.

always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

take account of the different roles and character of different areas, promoting the vitality of our main urban areas

contribute to conserving and enhancing the natural environment and reducing pollution.

encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

1. Delivering sustainable development

18 The Government is committed to securing economic growth in order to create jobs and prosperity.

19 Planning should encourage and not act as an impediment to sustainable growth.

21 Investment in business should not be over-burdened by the combined requirements of planning policy expectations.

4. Promoting sustainable transport

32 All development should have safe and suitable access to the site for all people. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

35 Developments should be located and designed where practical to: accommodated efficient delivery of goods, give priority to pedestrian and cycle movements, create safe and secure layouts.

7. Requiring good design

56. Good design is a key aspect of sustainable development, is indivisible from good planning.

58 Developments should function well and add to the overall quality of the area. Establish a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Optimise the potential of the site to accommodate development. Respond to local character and history, and reflect the identity of local surroundings and materials. Create safe and accessible environments that are visually attractive as a result of good architecture.

61 Securing high quality design goes beyond aesthetic considerations. Decisions should address the connections between people and places and the integration of the new development into the built environment,

64 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

9. Protecting Green Belt Land

80. One of the purposes of the Green Belt is to encourage the recycling of derelict land.

90. Mineral extraction is not an inappropriate form of development in the Green Belt

11. Conserving and enhancing the natural environment

109 The planning system should prevent new and existing development from contributing to...unacceptable levels of soil, air, water or noise pollution or land instability.

111 Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided it is not of high environmental value.

118 Local planning authorities should aim to conserve and enhance biodiversity by....incorporate biodiversity in and around developments.

120 To prevent unacceptable risks from pollution decisions should ensure that new development is appropriate to its location. The effects (including cumulative effects) of pollution on health or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account.

122. Local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.

123 Planning decisions should aim to:

- avoid noise from giving rise to significant adverse impacts
- mitigate and reduce to a minimum adverse impact on quality of life arising from noise from new development, including through the use of conditions.
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value.

On planning conditions the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On decision-taking the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Planning Practice Guidance – Waste

Drive waste management up the waste hierarchy

Not assume that because a particular area has hosted as waste disposal facility that it is appropriate to add to these or extend their life.

The continued provision and availability of waste disposal sites, such as landfill, remain an important part of the network of facilities needed to manage England's waste

The continued movement of waste up the waste hierarchy may mean that landfill sites take longer to reach their full capacity, meaning an extension of time limits to exercise the planning permission may be needed in some circumstances.

National Planning Policy for waste

Consider the likely impact on the local environment and on amenity against set criteria

- Protection of water quality
- Land instability
- Landscape and visual impacts
- Traffic and access
- Air emissions including dust
- Odours
- Noise, light and vibration
- Litter

Ensure waste management facilities in themselves are *well-designed, so that they contribute positively to the character and quality of the area*

Concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. Waste planning authorities should work on the assumption that the relevant pollution control regime will be properly applies and enforced.

Ensure that landfill sites are restored to beneficial after uses at the earliest opportunity.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations)

The application has been assessed and is a Schedule 2 Development, but due to the site area, substantially less than 20ha it is not an EIA development.

The Development Plan

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

The Black Country Core Strategy (BCCS)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

The relevant key policies are:

2a: Seeks to create a network of cohesive, healthy and prosperous communities across the Black Country, deliver high quality distinctive places which respect the diversity of the Black Country natural and built environment and attract new employment opportunities.

2b: Encourages sustainable management of material resources through minimising waste, ensuring all members of the community have the best access to housing, previously development land is prioritised over greenfield sites and encourages a comprehensive approach to development.

CSP1: Sets out the targets for sustainable regeneration of the Black Country.

CPS3: Proposals will need to protect, enhance and expand network of environmental infrastructure.

CPS4: The design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers.

CSP5: Sets out the need to develop and manage movement and ensure that sustainable modes of transport are promoted.

DEL1: all new development should be supported by the necessary on and off-site infrastructure to serve the development and mitigate its impacts on the environment

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport.

TRAN2: Planning permission will not be granted for development likely to have significant transport implications.

TRAN3: Seeks to manage the movement of freight

TRAN4: Requires **new** developments to link to existing walking and cycling networks. Cycle parking facilities should be provided at all new developments.

TRAN5 Sets out the requirement for development to focus on moving away from the reliance on the private car.

ENV1: Adequate information must be submitted with planning applications for proposals which may affect any designated site or any important habitat, species or geological feature to ensure that the likely impacts of the proposal can be fully assessed. Without this there will be a presumption against granting permission.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character.

ENV3: Provision of a high quality **network** of streets, buildings and spaces

ENV5: Seeks to ensure that new developments mitigate against flood risk and promote sustainable drainage

ENV7: Promotes the development of renewable energy.

WM1: The Black Country will aim to achieve zero waste growth by 2026 through: [moving waste up the waste hierarchy and supporting proposals which involve optimum](#) uses for waste materials.

WM2: Proposals to expand or upgrade an existing waste management site will be supported in principle subject to taking into account: moving waste up the waste hierarchy; maintain or increase throughput capacity; diversify the range of facilities; support the relevant municipal waste strategy; result in improvements to the site; address existing land use conflicts.

WM3: Identifies sites as strategic waste management proposals and notes other opportunities may come through other planning applications. The Black Country has an unmet demand for Municipal Solid Wastes and Commercial and Industrial Waste

WM4: Waste arising in the Black Country should be managed within Black Country where feasible. The clustering of related or complementary waste treatment, transfer and disposal operations in a specific location will also be supported, where this would not have adverse cumulative impacts on neighbouring uses. All proposals should minimise adverse visual impacts, potential detrimental effects on the environment and human health, and localised impacts on neighbouring uses from noise, emissions, odours, vermin and litter. To minimise such impacts, wherever possible, waste management operations should be contained within a building or other physical enclosure.

It is considered in this case that the relevant provisions of the BCCS can be given full weight.

Walsall's Unitary Development Plan (UDP)

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

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

The relevant policies are:

GP2 Expects all development to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact upon the environment: i) Visual appearance, ii) The creation of, or susceptibility to, pollution of any kind, iii) Potential problems of land stability, contamination, vii) Accessibility by a choice of means of transport including adequacy of access, xix) The hours of operation.

3.6 Development schemes should, as far as possible, help to improve the environment of the borough.

3.7 Seek to protect people from unacceptable noise, pollution and other environmental problems.

ENV2: The extraction of minerals or the controlled tipping of waste can be appropriate development in the Green Belt.

ENV10: a) Development of an industry or facility which may cause pollution will only be permitted if it would not:

Release pollutants into water, soil or air

Cause unacceptable adverse effect in terms of smoke, fumes, gases, dust steam, heat, light, vibration, smell, noise or other polluting emissions

Have an unacceptable adverse effect on nearby land uses and/or restrict the types of new development that could be permitted in the locality, or impose special conditions on them.

b) Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution caused by installations or activities that are a source of any form of pollution.

ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses. Where there is contamination, stability or ground gas issues, the application must assess the level of the risk and set out a strategy for dealing with them as part of the proposed development.

ENV32: Poorly designed development which fails to properly take account of the context or surroundings will not be permitted.

ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: Seeks conservation and protection of all water resources.

JP8: a) The location of potentially bad neighbour uses will be given very careful consideration taking into account the particular environmental implications of individual proposals.

T1: Seeks to ensure people can get access to public transport and improve mobility

T4: Sets the aim of managing the flow of traffic on the Borough's road network

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13. This will involve providing an adequate level of parking to meet operational needs while not exceeding any maximum parking standards that are specified.

of cycling infrastructure should be safe and secure for all users.

T10: The Council will use planning conditions to ensure that accessibility standards continue to be met throughout the life of the development.

T13: Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

10.6 No further proposals for landfills will be permitted, except where landfill is necessary to facilitate the regeneration of despoiled land or mineral workings.

10.7 Council will safeguard the environment and protecting the amenities of local residents.

It is considered that the relevant provisions of Walsall's saved UDP policies are consistent with the NPPF.

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The relevant SPD's are:

Designing Walsall SPD

DW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3 – Character -design to respect and enhance local identity;

DW9 – High Quality public [realm - new development must seek to ensure it creates places with attractive environmental quality;](#)

DW10 – new development should make a positive contribution to creating a sustainable environment.

It is considered in this case that the relevant provisions of SPD Designing Walsall are consistent with the NPPF.

Emerging Policy

Site Allocations Document:

Draft policy W4: Highfields South is proposed to continue to be a Strategic Waste Site.

Consultations

Transportation – no objection.

Environment Agency – no comments received.

Natural England – no objection.

Pollution Control – no objection providing remaining conditions are continued into any new permission.

Canal and Rivers Trust – no objection. Safeguards put in place under previous approvals to be retained and that these conditions are updated on any new approval.

Landscape – no objection.

Environmental Health – no objection

Flood Risk Planning & SuDs Officer – no objection.

Public Participation Response

Site notices displayed, adjacent occupiers written to and notice published in the press.

One letter has been received objecting to the application on the following grounds:

- Subjected to many environmental disturbances for long enough
- Unfair for the area not to be reinstated to the original proposed landscaping
- Existing odour problem
- Noise from the site and heavy flow of HGV traffic
- Increased sightings of rats around Woodbridge Close.
- Increased seagulls, magpies and crows within the area
- Praise to Cory for the management of litter, road and dust pollution as this causes little disruption.

One letter has been received making the following comments:

- Applicant unable to complete restoration of a landfill site to an agreed timescale
- *Restoration of Vigo Utopia quarry* is behind schedule
- If they are to be granted an extension to operate, this should be a fixed date and its restoration to create an open space within the target timescale should be closely monitored.

A petition with 88 signatures has been received from the residents of Woodbridge Close seeking:

- Council to investigate nuisance of smells, dust, flies and vermin that residents are subject to and feel that children's health has been put at risk since the quarry was opened.
- Object to any extension to the lease on the quarry as it has already reduced quality of life, to extend its life until 2025 would be an infringement of rights as citizens.

Determining Issues

- Principle of development
- Visual impacts
- Impact on residential amenity
- Impact on ecology

- Traffic impacts

Observations

Principle of development

Both the National Planning Policy for waste and the National Planning Practice guidance for waste seek to drive waste management up the waste hierarchy, that is disposal as a last resort. These documents also recognised that this continued movement of waste up the waste hierarchy may mean that landfill sites take longer to reach their full capacity, meaning an extension of time limits to exercise the planning permission may be needed in some circumstances. National guidance seeks LPAs to ensure that landfill sites are restored to beneficial after uses at the earliest opportunity.

The dereliction of this former clay pit is being addressed through its restoration by the progressive infill of waste. The planning permission secures a diverse landscaped area that would be publicly accessible. By October this year the progressive infilling of waste should cease. This time period was projected in 2007 based on the level of waste available within the industry. At that time it was anticipated that there would be an input rate of 300,000 tonnes of waste per year. The average rate of inputs has been 120,000 tonnes per year and this can be attributed to the success of recycling, waste minimisation and landfill tax initiatives in diverting large quantities of waste away from landfill. This absence of material has resulted in it taking longer to fill the site and in addition the recession that started in 2008.

The applicants are currently tipping in phase 3, with 7 phases required to complete restoration.

The applicant therefore seeks additional time period until 31/12/2025 to complete the restoration of the site due to lower than anticipated waste inputs. The prolonged tipping of material and its impacts are considered elsewhere in this report.

The approved restoration of the site would create a visually attractive and diverse landscape which integrates into the local area and provides a resource with a variety of habitats of ecological value together with public access. If permission were refused it will be impractical to complete the filling of the site. An unrestored deep mining void, with steep sidewalls will remain, with water accumulating in the base. This would pose a clear safety hazard and dereliction which would be contrary to the wider public interest of achieving sustainable regeneration.

The petition objects to the application on the grounds that the quarry has already reduced quality of life and to extend further would be an infringement of rights.

It is recognised that a further 9.2 years seems a sizeable extension of time in addition to the years where clay was extracted from the site. Nationally the government recognises that the success of recycling means landfill sites need to operate longer and the Council would wish to seek the earliest restoration of the site. The approved restoration, including detailed landscape, ecological and surface water assessments would achieve a high quality end use of the site. The refusal of the planning permission would leave local people facing a derelict site with no public access and potential health and safety concerns.

On balance, achievement of the appropriate restoration for the site puts significant weight to this time extension.

Waste regulations require waste planning authorities to apply certain Articles in the EEC Directive when exercising their planning functions, including when they determine applications for waste management development. In line with Regulation 18 (b) and (c) of the Waste Regulations 2011 (as amended), the Council has a duty to consider whether the proposal would contribute towards

an “integrated and adequate” network of municipal waste recovery facilities, and addresses the principles of “self-sufficiency” and “proximity.”

Visual impacts

Phases 1 and 2 of the landfill have been completed, with operations advancing in Phase 3a (there are 7 phases required to complete restoration). Each restored area is subject of a 5 year aftercare programme. While the proposed application will change the timescales of the operations, extending the life of the site by some 9.2 years (end of December 2025) it is noted that due to filling taking place in phases, each phase is restored once its completed, visually the site will be progressively restored rather than simply filling from the bottom of the void all the way to the top. This enables the landscaping to establish across much of the site well before completion of the final phase of the site.

The site benefits from mature landscaping and only partial views of the site are seen from public areas. The phasing of restoration was amended in 2011 to ensure areas subject to the greater public views were restored first. While the additional time period would prolong the period in which the void remains, from public areas this would not be noticeable and on balance with the principle as discussed above the proposal would have no further visual harm.

Impact on residential amenity

In addition to the planning permission the site has and continues to be operated under an Environmental Permit (EP) issued and monitored by the Environment Agency to ensure full environmental protection is provided. The EP governs the day to day operation of the site and provides the relevant framework for determining and implementing appropriate pollution control measures which includes full engineering details to prevent the potential for pollution of groundwater environment; collection and management of leachate and landfill gas and the use of the gas to generate electricity; achievement of specific water discharge standards. In addition control measures include managing and mitigating odours, pests, dust, litter, mud on road, noise and vibration.

Waste deposited at the site is first checked for compliance, then directed to the tipping face where at the point of disposal trained operatives oversee the deposit of waste, visually inspecting the loads as they are tipped and during spreading and compaction. Waste specific heavy plant is used to manage the receipt, spreading, compaction and covering of waste, with waste being deposited in layers that are compacted and covered on a daily basis. Cover material is also applied periodically throughout the day so as to maintain the area of open, exposed waste at an operational minimum.

Leachate formed from when rainwater comes into contact with deposited waste is collected on site and then disposed of. Planning permission exists for leachate to be treated at the adjacent Vigo Utopia site to enable treated water to be discharged into the sewer. There would be no changes to this arrangement.

Landfill gas is generated through the breakdown of biodegradable waste within the landfill site. This is managed on site through collection and passage to a renewable generator which generate electricity. There would be no changes to this arrangement.

Surface water at the site is undertaken through a series of bunds and ditches and collects within a lagoon at the west of the site. Water from the lagoon and sump of the site is used for on-site operations notably wheel washing, dust suppression and sweeping of the road. Very little water is discharged from site. As the site gets restored the existing long term surface water management plan (subject to previous approval), which include sustainable urban drainage will be implemented to ensure that surface water run-off does not exceed Greenfield rates and that flooding of adjacent land, stream course and land downstream of the site will not arise. There would be no changes to this arrangement.

The hours of operation of will not change; this is permitted to operate between the hours of 07.00-18.00 Monday to Friday and 07.00-13.00 on Saturdays. Generally the site closes to the receipt of wastes 1-1.5 hours before the end of each working day to ensure waste is fully covered and systems operate correctly.

One letter of objection raises concerns about existing odour problem, noise from the site and heavy flow of HGV traffic, increased sightings of rats around Woodbridge Close, increased seagulls, magpies and crows within the area. The petition seeks the Council to investigate nuisance of smells, dust, flies and vermin that residents are subject, commenting that children's health has been put at risk since the quarry was opened. The applicant operates an externally Certified Integrated Management System under which the company commits to investigate and maintain records of any complaints received and resulting remedial action. In eight years of landfilling operations only seven instances of complaints have been received by the applicant.

The applicants also run the Highfields South Liaison Committee which includes members of the public, officers of the Council (Planning and Pollution Control Officers) and the Environment Agency. Rarely have either the Environment Agency or Pollution Control had cause to raise issues of nuisance arising from the operations at the site.

While residents raise concerns about nuisance the absence of complaints made about the operations of the site would indicate on a day-to-day basis the site is operated to an acceptable standard.

The NPPW states LPAs should concern themselves with implementing the planning strategy and not with the control of processes. The NPPF says that authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Modern, appropriately located, well-run and well-regulated waste management facilities operated in line with current pollution control techniques and standards should pose little risk to human health. Local planning authorities should assume that these regimes will operate effectively. While planning permission is required for the use of the site, environmental permits are required to operate it. The Environment Agency is the organisation in charge of day-to-day operations.

For amenity, the determining factor is whether the use is acceptable. The Environment Agency has not raised any comments about the application. The National Planning Policy for Waste indicates that LPAs should work on the assumption that pollution control regime will be properly applied and enforced. Pollution Control raise no objections subject to the imposition of conditions as on the earlier permission and the Environment Agency have not expressed any concerns. It is therefore considered that the on going use of the land, in planning terms is acceptable.

There has been no authorised public access to the site since before mineral extraction operations began over 50 years ago and no public footpaths have either been stopped up or diverted. An integral element of the approved restoration and landscaping scheme for the site is the creation of a network of footpaths which will provide for informal public access within and across the restored site and provide for access from Walsall and Lichfield Roads to both the canal towpath and beyond to and through the restored Vigo Utopia landfill site.

The delay to the restoration of the site could be seen as representing a temporary loss of an opportunity for public access. However this assumes public access would be available if the current proposal were not supported. However if the proposal could not be supported the site would remain unrestored and in which instance it would be unacceptable on health and safety grounds to open it up for public access.

The principle activities have the potential to generate noise and operational good practices throughout the landfill operations have served to manage and mitigate noise emissions from the site. The current permission include noise limiting conditions, with noise monitoring during the life of the site confirming the site operates in accordance with the planning permission.

Dust is dealt with through specific management and operating practices as per the requirement of the Environmental Permit. Measures include a mobile water bowser, spraying of operational areas during dry periods, sweeping and washing of roads, minila drop heights of waste and the immediate cover up of dusty wastes, control of speed on onsite vehicles.

Odour management control is also part of the Environmental Permit. The amount of biodegradable wastes being taken to landfill is reducing which reduces sources of potential odour. Mitigation measures are employed on site, including rapid deposit and good compaction of waste, use of odour masking/neutralising sprays, temporary and permanent capping, use of landfill gas abstraction system and leachate management.

Litter is also controlled through the Environmental Permit and includes sheeting vehicles, litter fences, tipping vehicles orientated to face upwind.

Pests management again is controlled through the EP and includes techniques such as exposing only small areas of wastes, use of insecticide during warmer months, use of fly-trapping bags, bait boxes and bird abatement techniques.

Taking the previous year's input, it is assumed the site inputs will average some 120-130,000 tonnes per year, compared to the expectation in 2007 to be 300,000 tonnes per year. Therefore the intensity of use on a daily basis has been lower than the original planning permission permitted.

Impact on ecology

The existing approved Great Crested Newt management plan will continue to be implemented; this safeguards existing habitat and includes the enhancement of one of the ponds on site and the development of two further ponds the enhance the habitat.

The current planning permission (and conditions) secure management plan for water voles, great crested newts and to seek to establish a colony of Bithynian Vetch. No water voles have been identified during ongoing monitoring and there have been no Great Crested Newts identified within the last five years. The approved restoration scheme seeks to provide habitat for both species.

Bithynian Vetch seeds have been sown in accordance with the approved management plan for several years on a bare clay embankment on the south boundary of the site, but only poor specimen plants with very few seed pods have developed. In 2015 a trial of sowing in an alternative location took place. This has been very successful in terms of number of healthy plants and the production of seed pods for harvesting for future sowing.

The only ongoing ecological changes to the site is a change to the technique and location for the sowing of Bithynian Vetch following a trial of these measure in a different location. This trial has brought greater success than projects approved within the current Management Plan. The proposal would replace section 4.4 of the approved management plan which is considered to be to the benefit of local ecology.

To the north of the site is the Jockey Fields SSSI and further to the south Swan Pool and Swag SSSI's. There have been no recorded instances of the operations at Highfields South having any adverse effect on the value of the SSSI's. The completion of the landfill and restoration of the site

in accordance with the approved scheme will re-instate the continuity of the green links between the SSSI's.

The approved restoration has been designed to incorporate both existing features of ecological value at the site and where practicable to provide enhancements and additional features of value. These include safeguarding the existing perimeter trees with tree planting to take place within the restored site via native woodland planting. The scheme also includes retention of existing wetland habitat and grassland habitat.

The additional time for completion of the site will serve to extend the period of ecological management for enhancing the existing habitat areas across the site.

No additional habitat will be removed or lost as a result of the proposal.

Traffic impacts

There is no specific limit on the number of daily deliveries allowed to access the site, the highest annual number of deliveries to the site was during 2011 and involved an average of 68 deliveries for waste. The current average is 55. These average numbers would not change significantly to those currently experienced. If they were to increase they are not expected to be above the highest average level of 68 per day in 2011 and well below the level originally expected (132) had inputs achieved 300,000 tonnes per year. Accordingly it is considered the cumulative transport impacts of the development would not be severe.

Positive and Proactive working with the applicant

The applicant undertook pre-application discussions and the submission of a Screening Opinion prior to the submission of this application. Accordingly no further positive or proactive working has been required to enable full support to be given to the development.

Recommendation: Grant Permission Subject to Conditions

1. The deposit of wastes shall be carried out in accordance with the progressive infilling and restoration phasing approved under the terms of planning permission 11/0953/FL and shall cease no later than 31 December 2015 unless otherwise approved in writing by the Local Planning Authority.

Reason: To define the period for deposit of waste material and to secure completion of restoration of the site in an environmentally acceptable manner.

2. The scheme for the protection and enhancement of Bithynian Vetch as set out within section 4.4 of the approved Management Plan approved under the terms of condition discharge application 09/1179/DOC is hereby superseded by amended Bithynian Vetch Management plan received by the Local Planning Authority on 1/6/16. The measures to protect and enhance the colony shall take place during landfilling operations and for a further period of five years following completion of restoration.

Reason: Bithynian Vetch is a Red Data Book species of national and regional importance and its protection is essential to the successful restoration of the site.

3. This permission shall be implemented in accordance with the terms and conditions of planning permissions BC48719P and 07/0046/WA/E1 except as amended by the condition set out herein.

Reason: to define the terms of the permission, for the avoidance of any doubt.

PETITION, PLANNING APPLICATION REF 16/0465
Variation of condition to extend permission until 31/12/25

We, the residents of Woodbridge Close, call upon Walsall Council to investigate the nuisance of smells, dust, flies and vermin that we are being subjected to, and we feel that our and our children's health has been put at risk since the Highfield South quarry was opened.

Furthermore, the people of Woodbridge Close object in the strongest possible terms to any extension to the lease on this quarry as it has already reduced our quality of life, and to extend its life until 2025 would be an infringement of our rights as citizens of Walsall Borough.

We say no to extending the lease.

ECONOMY AND
ENVIRONMENT

13 JUN 2016

Name and Address

RECEIVED

[REDACTED]	65 Woodbridge Close
[REDACTED]	59 Woodbridge Close
[REDACTED]	" "
[REDACTED]	45 " "
[REDACTED]	43 WOODBRIDGE CLOSE SHELFIELD
[REDACTED]	" " " "
[REDACTED]	41 Wood Bridge Close
[REDACTED]	41 Wood Bridge Close
[REDACTED]	39 Woodbridge Close
[REDACTED]	39 Woodbridge Close
[REDACTED]	37 Woodbridge Close
[REDACTED]	37 Woodbridge Close

PTO



Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jul-2016

Plans List Item Number: 5.

Reason for bringing to committee: Major Application

Location: MEADOW HOUSE, STROUD AVENUE, WILLENHALL, WALSALL, WV12 4ET

Proposal: S73 TO VARY EXISTING CONSENT 15/0221 TO INCREASED DEPTH OF PROPOSED SINGLE STOREY PROJECTIONS TO 6 NEW DWELLINGS.

Application Number: 16/0236

Applicant: Dr Naz Nathani

Agent: Martin Ward and Keeling LTD

Application Type: Full Application (Major)

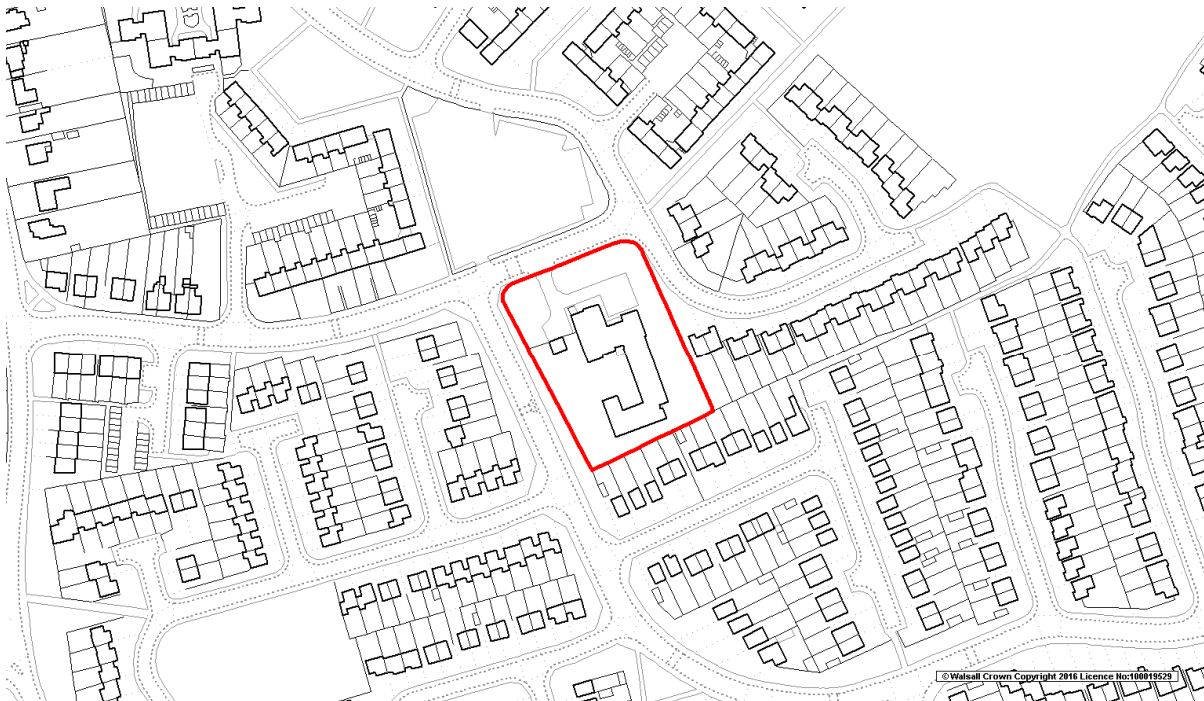
Case Officer: Stuart Crossen

Ward: Short Heath

Expired Date: 22-Jun-2016

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application is an amendment to a previous approval for demolition of the existing nursing home and outbuildings and erection of a new three storey nursing home with parking and gardens plus 6 new four bedroom semi-detached houses. Works have commenced on the application site since granting of permission 15/0221/FL.

The site is opposite the vacant site of the former Cavalcade PH at the junction of Stroud Avenue and Ensbury Close. The former Cavalcade PH is also proposed for redevelopment for 15 houses and 15 flats (15/0061/FL). The ground level of the former Meadow House is significantly lower than Ensbury Close. The surrounding area comprises predominantly two storey houses and flats. There is a bus stop opposite the site and traffic calming along Stroud Avenue.

The amendments propose that both the front and rear single storey projections to the houses are extended to the full widths of the properties. The design would change moving the front dormers closer together, changes to the front elevation windows, a proposed mono-pitch roof to the front projection with gables above entrance doors, rear dormers to be moved closer together, relocation of rear windows, a mono-pitch rear roof to the rear projection and additional side elevation windows (none would main habitable room windows).

A cycle store is also illustrated at the front of the proposed Nursing Homes next to the disabled parking bays. All other details remain the same.

Relevant Planning History

15/0221/FL - Demolition of the existing Nursing Home and associated outbuildings. Erection of a new 3 storey Nursing Home with single storey elements and provision of associated car parking and gardens. Erection of 6 no dwellings (comprising 3 semi-detached blocks) with a new access road. GSC 07/06/15

Relevant Planning Policy Summary

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

National Planning Policy Framework (NPPF) www.gov.uk

National Planning Policy Framework (NPPF)

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".

All the core planning principles have been reviewed and those relevant in this case are:

- Find ways to enhance and improve places in which people live their lives
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

The NPPF confirms that a plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate,

Paragraph 32 states all developments should have safe and suitable access to the site for all people.

Paragraph 34 advises decision should ensure developments that generate significant movement are located where the need to travel will be minimised and use of sustainable transport can be maximised.

Paragraph 50 aims to deliver a wide choice of high quality homes and advises local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community such as older people and people with disabilities amongst others.

Paragraph 56 attaches great importance to the design of the built environment and states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57 states it is important to plan positively for the achievement of high quality and inclusive design.

Paragraph 58 states planning policies and decision should aim to ensure that development meet criteria including:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials
- Are visually attractive as a result of good architecture and appropriate landscaping

Paragraph 61 considers planning decisions should address connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 70 states to deliver services the community needs and advises planning policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 110 aims to minimise pollution and other adverse effects on the local and natural environment.

Paragraph 111 encourages effective use of land by re-using land that has been previously developed (brownfield land) provided it is not of high environmental value.

Paragraph 118 states planning permission should be refused for development resulting in loss or deterioration of irreplaceable habitats...and the loss of aged or veteran trees...unless the benefits of the development clearly outweigh the loss.

Paragraph 120 seeks to prevent unacceptable risks from pollution and land stability.

Paragraph 123 aims to mitigate and minimise adverse impacts on health and quality of life from noise.

On planning conditions the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Costs imposed on developments should pay careful attention to viability and take account of market conditions.

On decision-taking the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "decision-takers may continue to give full weight to relevant policies. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The Vision consists of three major directions of change and underpins the approach to the whole strategy;

1. Sustainable Communities - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.
2. Environmental Transformation - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country's natural and built environment.
3. Economic Prosperity Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

The Spatial Objectives include

6. A high quality environment enhancing the unique biodiversity and geodiversity of the Black Country and making the most of its assets whilst valuing its local character and industrial legacy.

The above are supported by the following policies:

CSP2: Outside strategic centres and regeneration corridors a mix of good quality residential areas where people choose to live should be provided.

CSP3: Development proposals will need to demonstrate that the strategic network of environmental infrastructure will be protected, enhanced and expanded at every opportunity.

CSP4: A high quality of design of the built and natural environment is required.

DEL1: Development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements are provided.

DEL2: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

HOU2: Advises on housing density, type and accessibility and the need to achieve high quality design and minimise amenity impacts. All developments should aim to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness as defined

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport.

TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

TRAN4: Seeks to create an environment that encourages sustainable travel that requires new developments to link to existing walking and cycling networks.

TRAN5: Identifies priorities for traffic management including maximum parking standards and promoting measures to reduce the need to travel and facilitate a shift towards using sustainable modes of transport such as walking, cycling, public transport etc.

ENV1: Seeks to safeguard nature conservation.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character. Development proposals will be required to preserve and where appropriate enhance aspects of the historic environment together with their settings.

ENV3: Refers to design quality requirements.

ENV5: Seeks to minimise the probability and consequences of flood risk.

Walsall's Unitary Development Plan (UDP)

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

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

The relevant policies are:

GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

ENV14: Encourages reclamation and development of derelict and previously developed land where possible in accordance with other policies.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV32: Proposals should take in to account the surrounding context particularly within or adjacent to the Green Belt including consideration of the effect on the local character of the area, vehicular and pedestrian patterns and visual relationship to surrounding areas.

ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: The quality of all water resources will be protected.

H3: Encourages provision of housing through re-use of previously developed sites provided a satisfactory residential environment can be achieved, the site is not required to be retained for employment, there is good accessibility and residential development does not constrain the development of adjacent sites .

H5: Promotes housing for people with special needs including groups requiring specialist accommodation.

T1: All development should conform to the accessibility standards set out in policies T10-T13.
 T4: Classifies the highway network and specifies that residential streets and minor roads are those where traffic volumes and speeds should be quite low. Sometimes traffic calming measures will be required.
 T5: Seeks to implement selective improvements to highway infrastructure and states highway improvement schemes should be designed to minimise any adverse impact on the environment or the amenity of residents.
 T7 – All development should satisfy the car parking standards set out in Policy T13.
 T8: Encourages walking and provision in development to enhance this.
 T10 (a): Refers to accessibility standards.
 T13: Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.
 Nursing Homes – 1 space per 2 beds
 4 bed houses – 3 spaces per dwelling

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The relevant SPD's are:

DW1: Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.
 DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.
 DW3: Character - all new development must be designed to respect and enhance local identity
 DW4: Continuity - Well defined streets with a continuity of built form are important.
 DW5: Ease of Movement – connections to existing routes
 DW6: Legibility - new development should contribute to creating a place that has a clear identity
 DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses
 DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.
 DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality.
 DW 10: Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

Appendix D identifies privacy and aspect distances between dwellings, garden/amenity dimensions and design considerations. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Conserving Walsall's Natural Environment SPD

NE1: All relevant applications to be supported by an adequate impact assessment.
 NE7: planning applications with a potential to damage or destroy trees, woodlands or hedgerows should be supported by an arboricultural assessment and demonstrate trees to be retained will survive and space for them to develop is maintained.
 N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees.

It is considered in this case that the relevant provisions of SPD Conserving Walsall's Natural Environment are consistent with the NPPF.

Policies are available to view online: http://cms.walsall.gov.uk/planning_policy

Consultations

Coal Authority - No objection to the current proposal subject to the requirements of Condition 3 of planning permission 15/0221/FL being reiterated

Pollution Control – No objections subject to previous conditions being retained.

Severn Trent Water – No objections subject to conditions for drainage

Police – No objections

Tree Preservation Officer – No comments (The proposal is considered to be far enough away from trees that the proposal would not raise any additional considerations)

Transportation – No objections

Public Participation Responses

2 objections have been received on the following grounds:

The proposal would bring the houses closer to properties in Dursley Close (*amended plans have been received which have omitted the conservatory element*)

The proposed extension on the lower floor across the full length of the house has already been constructed by the builders.

Determining Issues

- Design and Character of the Area
- Amenity
- Cycle store
- Conditions

Observations

Design and Character of the Area

The changes in the context of the overall design are small and would not significantly change the original design and character of the area considerations and are acceptable.

Amenity

An additional condition to ensure that the side elevation windows of the houses are obscurely glazed is recommended to ensure there is no overlooking between houses. The proposal has been amended and would not be any closer to the neighbours at the rear than originally proposed. On this basis despite the objection to the fact that the houses are partially completed already this relationship is considered does not significantly harm the neighbours' amenity.

Cycle Store

The Transportation Officer has confirmed that the cycle store shown on the submitted site plan is in accordance with that already considered as part of the 15/0221/FL compliance of conditions application.

Conditions

The recommended conditions have been repeated and amended in accordance with the submitted documents and the original assessment.

Positive and Proactive Working with the Applicant:

Officers have confirmed to the applicant's agent that the submitted details are acceptable subject to the amended plans. .

Recommendation: Grant Permission Subject to Conditions

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.

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

Site Location Plan (2262-001)

- Proposed Site Plan (2262-101L) received 13/04/16
- Nursing Home Proposed Floor Plans (2262-103C) received 16/02/15
- Nursing Home Proposed Elevations (2262-104) received 16/02/15
- Proposed Site Plan - Key to existing and proposed trees (2262-105) received 19/05/15
- Tree Planting Schedule (2262-106) received 19/05/15
- Amended Proposed New Houses Floor Plans (2262-211) received 13/04/16
- Amended New Houses Elevations (2262-210) received 13/04/16
- Existing and Proposed Site Sections (2262-102) received 16/02/15
- Existing Site Plan (2262-100) received 16/02/15
- Proposed Semi-detached tree shading projections (2262-203) received 16/02/15
- Design & Access Statement prepared by Martin Ward & Keeling dated 19/05/15
- Planning Statement (March 2015) received 30/03/15
- Sustainability Statement prepared by Martin Ward & Keeling (March 2015) received 30/03/15
- Transport Statement prepared by Inspire Transport Planning received 17/03/15
- Travel Plan Framework prepared by Inspire Transport Planning received 17/03/15
- Tree Survey Assessment prepared by Indigo Surveys (15007/A1) received 16/02/15
- Coal Mining Risk Assessment prepared by Wardell Armstrong (WM11096) dated 19 June 2015

2b. The development shall be carried out in accordance with any approved details submitted through the 15/0221/FL discharge of conditions application.

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 development shall be implemented in accordance with the approved scheme of remedial works submitted under discharge of conditions application 15/0221/FL as confirmed on the 14/06/16.

Reason: To ensure the satisfactory development of the site and address the coal mining legacy on the site. The works are required prior to commencement of the development to ensure the site can be made safe and stable for the proposed development.

4. In order to address potential contamination issues the following matters shall be determined:
- i. Prior to demolition a site survey to identify any potentially hazardous materials shall be undertaken. A Method Statement detailing actions and time scale to be taken to prevent localised contamination and control dust, noise and flying debris shall be provided to and agreed in writing prior to commencement of demolition.
 - ii. Following demolition and removal of the buildings a validation report shall be provided to and accepted in writing by the Local Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building.

Reason: To ensure safe development of the site and to protect human health and the environment. Potential contamination needs to be addressed from the outset of the development.

5. The development shall not be occupied until a written validation has been submitted showing that the acoustic requirements approved as part of discharge of conditions application 15/0221 as confirmed on the 25/04/16 have been implemented prior to the Care Home coming into use. such measures have been fully implemented in accordance with the agreed details. Care Home living accommodation shall be designed to ensure that the criteria of Health Technical Memorandum 08-01: Acoustics (2013) is achieved.

Reason: To ensure safe development of the site and to protect human health and the environment. Noise mitigation measures need to be confirmed prior to the commencement of the development to protect residential amenities.

6. Notwithstanding the submitted details the side elevation windows hereby approved for the houses shall be obscurely glazed to meet Pilkington level 4 or equivalent, shall not be side hinged and shall be retained thereafter.

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

7. External plant, machinery or equipment used for the purpose of liquid pumping, providing compressed air, heating, ventilation and air conditioning shall be situated within acoustically designed enclosures or designed to achieve a Noise Rating of 35 dB 1 metre from the facade of noise sensitive receptors.

Reason: To protect the amenities of surrounding occupiers.

8a. Hot food cooking points shall be served by an odour extraction and abatement system to be first submitted to and agreed in writing by the local planning authority.

b. Any approved extraction and abatement system shall be fully implemented in accordance with the agreed details and maintained in accordance with manufacturer's instructions.

Reason: To protect the amenities of surrounding occupiers.

9a. Any flue serving hot food cooking points shall terminate at least 1 metre above the building roof level or building ridge level (whichever is the highest) of any building within 20m of the proposed development, and in any case, 1m above the building roof level or building ridge level housing the commercial kitchen / cooking facility. [Note: These requirements may be varied subject to the fitment and retention of a high efficiency odour control system]

b. Where active ventilation of kitchen and cooking areas is required, this shall be facilitated via intake ventilation systems. [Note: These should be equipped with guards to prevent the ingress of insects].

c. External windows and doorways serving hot food cooking areas shall remain closed whilst hot food cooking operations are in progress.

Reason: To protect the amenities of surrounding occupiers.

10a. Where extract ventilation flues and associated fan and motor units are attached to wall or other structural building elements that serve more than one premises, or include residential

occupancy, appropriate vibration isolation mounting systems shall be used and ductwork shall be de-coupled from fan and motor units.

b. Extract-ventilation systems shall be designed and operated to ensure that noise emissions do not give rise to a Rating Level of 10 dB as determined in accordance with British Standard BS 4142: 2014 'Methods for rating and assessing industrial and commercial sound'.

c. Extract-ventilation systems shall be designed and operated to ensure that noise emissions do not give rise to a Noise Rating Exceeding NR 35 1m from the façade of occupied residential properties.

Reason: To protect the amenities of surrounding occupiers.

11a. A system that ensures Fats, Oils and Greases cannot enter the drainage system shall be agreed in writing with the Local Planning Authority.

b. Any agreed drainage system shall be maintained in accordance with manufacturers' instructions.

Reason: To prevent pollution of the drainage systems.

12a. Prior to the commencement of the development drainage details for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

b. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution. Drainage is below ground infrastructure that needs to be resolved before construction of any new dwellings is commenced.

13a. The development shall be in accordance with the approved construction methodology statement which detailed where the parking and turning facilities for site operatives and construction deliveries would be located, full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction submitted as part of discharge of conditions application 15/0221/FL as confirmed on the 25/04/16.

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

Reason: In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety. Construction methodology needs to be implemented from the outset of a development so details are required for approval beforehand.

14a. Prior to the commencement of the development, full engineering details of the following highway improvement / access works required as a result of the development shall be submitted to and approved in writing by the Local Planning Authority;-

- i. The provision of tactile pedestrian dropped crossings across the Stroud Avenue junction, Ensbury Close junction and the Care Home access bellmouth,
- ii. The provision of a new vehicle dropped crossing to serve the residential element of the development up to the site boundary,

b. Prior to the first occupation of any part of the development, the highway works detailed in part a (i) and (ii) of this condition, shall be fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

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

15. Prior to the commencement of any built development above damp proof level, a revised site layout plan shall be submitted showing the cycle shelter facility located nearer to the main building entrance.

Reason: The cycle shelter is remotely located at the far eastern end of the car park, underneath trees. The shelter should be relocated to a more convenient position nearer to the main building entrance where it will achieve better natural surveillance and improved security, in accordance with TRAN4 of the BCCS.

16a. Prior to the development first coming into use full details of the cycle shelter shall be submitted to and approved in writing by the Local Planning Authority.

b. The cycle shelter shall be fully implemented in accordance with the approved details and thereafter retained.

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

17a. Prior to the first occupation of the Care Home, the access way, parking and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and suitably drained so that surface water does not discharge onto the public highway and the parking bays shall be clearly demarcated on the ground.

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

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

18. Upon first occupation of the Care Home, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained with the Framework Travel Plan dated February 2015 and submitted by Inspire Transport Planning shall be fully developed into a full Travel Plan and implemented, monitored and reviewed for the lifetime of the development, in accordance with the approved Plan.

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

19a. Prior to the first occupation of any dwelling house on the development, the access way and parking areas serving the dwelling shall be fully consolidated, hard surfaced and suitably drained so that surface water does not discharge onto the public highway.

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

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

20a. Prior to the commencement of any built development above damp proof level, a detailed landscaping scheme and maintenance strategy for the development (including any necessary phasing of implementation) shall be submitted to and approved in writing by the Local Planning

Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include where applicable, details of:

- i. Topsoil specification. – If existing soils are to be used, details of its retention, improvement, cultivation or safe storage for re-use should be specified.
- ii. Further details of proposed tree/plant species, number of plants/shrubs, size at time of planting, density, ground surface treatment, tree support and tree pit details, root barriers and mulching. Full details of sizes/ container volumes/ seed mixes/ plant numbers/ provenance/ botanical and English names and methods of planting.
- iii. Full specification for walls, fences, gates (boundary and internal, showing materials, heights and location), and paving (materials and layout).
- iv. Tree planting and staking details which should be ideally shown as standard detail(s)
- v. Details of landscape establishment / maintenance proposals to be undertaken during the standard conditioned maintenance period.

b. The scheme shall be completed fully in accordance with the approved details before the development is occupied and retained as such. c. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which die, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to safeguard the visual amenity and natural environment of the area.

21a. Prior to the commencement of any built development above damp proof level on any structure full details of all external facing materials shall be submitted to and agreed in writing by the local planning authority.

b. The development shall be implemented in accordance with the agreed facing materials.

Reason: To ensure the materials throughout the development harmonise with those in the surrounding vicinity.

22. 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 Mondays to Fridays 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; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.

Reason: To protect the amenities of surrounding occupiers.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jul-2016

Plans List Item Number: 6.

Reason for bringing to committee: Significant Community Interest

Location: ELECTRICITY SUB STATION 13051, BAKERS LANE, ALDRIDGE, WALSALL, WS9 8LZ

Proposal: CHANGE OF USE FROM FORMER ELECTRICITY SUB STATION (SUI GENERIS) TO A BEAUTY SALON (A2(C))

Application Number: 16/0332

Applicant: Mr Wayne Bottomer

Agent: J Mason Associates Ltd

Application Type: Full Application

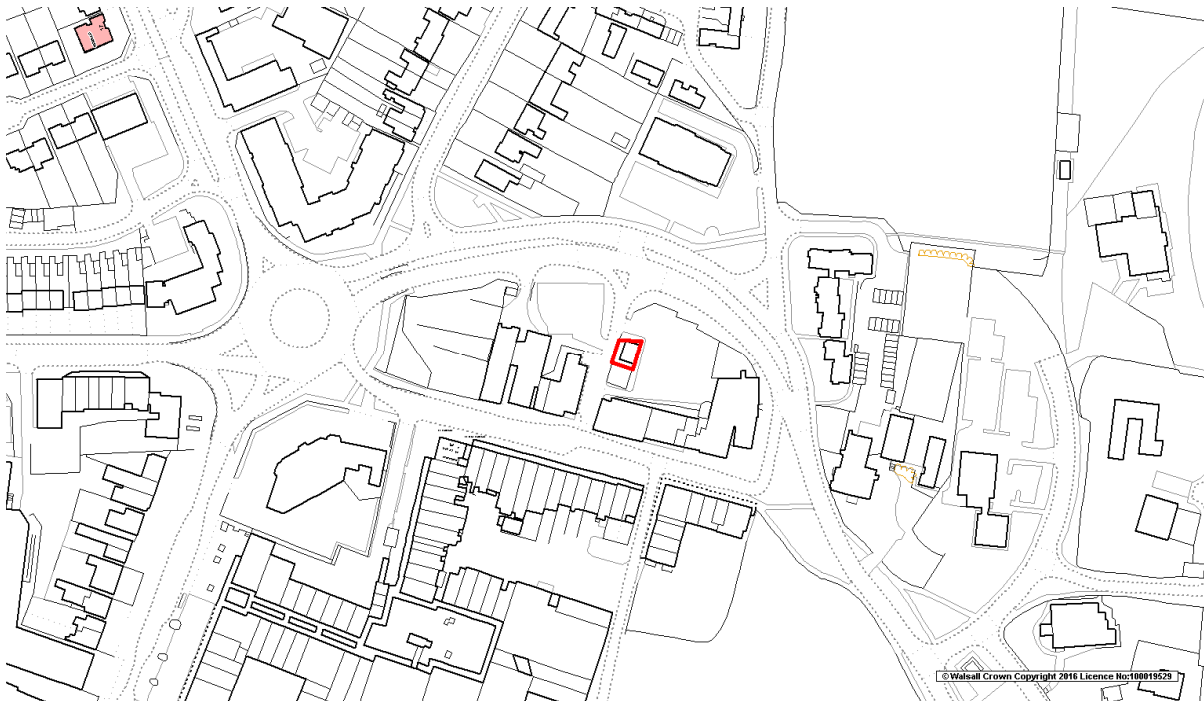
Case Officer: Stuart Crossen

Ward: Aldridge Central And South

Expired Date: 04-May-2016

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application proposes a change of use of a former decommissioned sub-station (sui-generis) into a Beauty Salon (A2(c)).

External changes include a side access door to Bakers Lane, 2 velux windows in each roof plane and the existing access door would be changed to a window, similar in style to the existing high level windows to be retained. Internally on the ground floor would be a salon, reception and store, a mezzanine would be installed to provide a first floor which would have a shower room, kitchen, spray room beauty room and store.

The application states there would be 7 Full time employees and the Opening hours would be 9am to 5pm Monday to Friday, 10am to 6pm on Saturday with no Sunday or Bank Holiday opening.

Bakers Lane provides access to the main high street, to the rear of the application building and across the road to the front are public car parks.

The application site is in the Aldridge District Centre and part of the application building is in the Primary Shopping Centre. The site is just outside the Aldridge Conservation Area however some of the boundary fence is along the boundary of the Conservation Area. Part of the proposed fencing will be within the Conservation Area with the remaining component of fencing being within the setting of the Conservation Area.

Relevant Planning History

None

Relevant Planning Policy Summary

National Planning Policy

National Planning Policy Framework (NPPF)

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*".

All the core planning principles have been reviewed and those relevant in this case are:

- Seek to secure high quality design and good standards of amenity for all existing and future occupants
- Take account of the different roles and character of different areas.
- Positively drive and support sustainable economic development to deliver business, taking account of the needs of the residential and business communities.

Key provisions of the NPPF relevant in this case:

1: Building a Strong, Competitive Economy

18. The Government is committed to securing economic growth in order to create jobs and prosperity.

19. The planning system should do everything it can to support sustainable growth

4: Promoting Sustainable Transport

32. Safe and suitable access to the site can be achieved for all people.

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people

58. Policies should set out the quality of development that will be expected of an area, including:

- Will function well and add to the overall quality of an area
- Establish a strong sense of place
- Optimise the potential of the site to accommodate development
- Respond to local character and history and reflect the identity of local surroundings and materials
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion
- Are visually attractive as a result of good architecture and appropriate landscaping

On decision-taking the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Other Relevant National Policy

The Planning System: General Principles

This has not been superseded by the NPPF. Paragraph 15 indicates that a planning application should be determined on its merits in light of all material considerations.

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework “*decision-takers may continue to give full weight to relevant policies*”. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall’s UDP) the NPPF advises that “... *due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*.” To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a ‘Compatibility Self-Assessment Checklist’ (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity.

This checklist has been published on the BCCS and Council websites. Cabinet on 24th July 2013 resolved to endorse the assessment undertaken by officers from the four local authorities and agreed that the Black Country Core Strategy is consistent with the National Planning Policy Framework, so that the Core Strategy policies should be given full weight in planning decisions.

The key planning policies include:

CSP4: Place Making

CEN3: Growth in the Strategic Centres

CEN4: Regeneration of Town Centres

TRAN1: Priorities for the Development of the Transport Network

TRAN2: Managing Transport Impacts of New Development

TRAN5: Influencing the Demand for Travel and Travel Choices

ENV2: Historic Character and Local Distinctiveness

ENV3: Design Quality

It is considered in this case that the relevant provisions of the BCCS are consistent with the NPPF

Walsall's Unitary Development Plan (2005)

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

II. The creation of or susceptibility to pollution of any kind

Policy 3.7 proposals for development the council will seek to protect people from unacceptable noise, pollution, and other environmental problems.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

ENV10: Pollution

Development of a facility which may cause pollution will only be permitted if it would not:

ii Cause unacceptable adverse effect in terms of ...lights, vibration, smell, noise, or other polluting emissions.

Policy ENV29 (Conservation Areas)

The Council will determine whether a development preserves or enhances the character and appearance of a Conservation Area in terms of:-

I. The degree of loss or alteration to property which makes a positive contribution to the character of the area.

II. The impact of any new buildings on the special townscape and landscape features within the area.

III. The scale, massing, siting, layout, design or choice of materials used in any new building or structure.

IV. The nature of its use and the anticipated levels of traffic, parking and other activity that will result.

ENV32: Design and Development Proposals.

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Criteria are provided that the Council will use when assessing the quality of design of any development proposal.

(b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-

- The appearance of the proposed development
- The integration and co-ordination of buildings and external space.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
- The effect on the local character of the area.

Policy ENV35 (Appearance of Commercial Buildings)

The design of frontages to shops and other commercial premises should be appropriate to their setting and sympathetic to the building on which they are situated. In considering proposals for shop fronts, shutters and grilles, canopies, blinds and signs, the Council will take the following factors into account:-

I. The architectural and historic merits of the building.

II. The character of the area in which they are located.

III. The prominence of the building.

IV. Whether the building is subject to surveillance by CCTV.

V. Any exceptional justification for the proposal.

VI. Any proposals and initiatives for the enhancement of the centre in which they are located.

ENV40: Conservation, Protection and Use of Water Resources

The quality of all water resources will be protected and, where possible, improved. Development will not be permitted if the drainage from it poses an unacceptable risk to the quality or usability of surface or ground water resources.

S2: The Hierarchy of Centres

The district centres are smaller than Walsall Town Centre and serve more localised roles. However, they do provide substantial retail, service and other facilities and could be considered as town centres in their own right. Their main role is to meet the needs of their districts for convenience goods, local services and community facilities, although they all have some importance for comparison shopping. The District Centres could also potentially have roles in accommodating facilities of Borough-wide importance which cannot be located in Walsall Town Centre.

S3: Integration of Development into Centres

Developments in Local Centres will be within the boundaries shown on the Proposals Map. Edge-of-centre developments – for retailing and other uses - should be well located immediately adjoining or close to existing shopping / service provision and should not be more than 100 metres away.

S4: The Town and District Centres: General Principles

Elsewhere in centres, a mix of uses, will be encouraged to add to the diversity of activities which is important for vitality and viability. This will include upper floors which will often be particularly suitable for housing provided that a satisfactory residential environment can be achieved. Other potential uses for upper floors include offices, services, leisure and community activities.

AL1: Primary Shopping Centre

Outside the primary shopping area the Council will encourage service, leisure, community or other town centre uses. Retail development will be acceptable where it can be linked directly to the primary shopping frontages.

T4: The Highway Network

(a) The Strategic Highway Network for long distance and strategic traffic.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13, and be well designed.

Policy T13: Parking Provision for Cars, Cycles and Taxis

Developers must, however, still demonstrate in all cases (including developments below the size thresholds) that the development will provide adequate on-site car parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

It is considered in this case that the relevant provisions of Walsall's saved UDP are consistent with the National Planning Policy Framework.

Supplementary Planning Document "Designing Walsall" (Feb 2008)

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies. The following are the relevant policies;

DW3 – Character - all new development must be designed to respect and enhance local identity
DW9 – High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality

‘It is considered in this case that the relevant provisions of Designing Walsall policies are consistent with the NPPF.’

Consultations

Pollution Control – No objections, note to applicant warning of potential contamination recommended.

Conservation – No objections subject to further details requested by condition.

Transportation – No objection subject to conditions for footway crossing and to prevent parking within the application site.

Environmental Health – No objections

Public Participation Responses

4 objections have been received on the following grounds:

There are sufficient retail outlets of this nature in the village centre.

Where are the customers going to park safely during business hours Monday to Friday, the High Street and the car parks adjacent to this building are already at bursting point.

Could affect neighbouring business and result in loss of jobs.

Determining issues

- Principle of Development
- Design and Character of the Area
- Parking

Observations

Principle of Development

The development is partly within the Primary Shopping Area and within Aldridge District centre. Although not linked directly to the primary shopping frontages the proposed A2 use would provide a local service and being located immediately adjoining the existing shopping / service provision within the centre of Aldridge is considered an appropriate use.

Design and Character of the Aldridge Conservation Area

The existing palisade fence is detrimental to the character and appearance of the conservation area. No details are presented in the application regarding this fencing but proposed new boundary treatment can be secured by an appropriate condition.

It is proposed to install a new timber window to the side elevation and a new timber entrance which gives the appearance of a barn door. The Conservation Officer considers these alterations are appropriate. The colours of the window frames can be secured by condition. The methodology for the pointing of the brick is not specified in the application however the building is constructed in lime and this should continue to be the methodology employed which can be secured by condition.

One of the downwater pipes to the front facade is missing, which should be replaced with a suitable metal replacement. This can be secured by condition.

The two roof lights on each roof plane are considered appropriate by the Conservation Officer and should be of a ‘conservation type’ which are flush with the roof plane.

The harm caused to the conservation area and its setting is mainly to the aesthetic value, and evidential value, with a loss of a historic doorway and the changing into a window. In the Conservation Officers opinion, the harm caused to the setting of the conservation area would be

'less than substantial.' Paragraph 134 of the NPPF requires an assessment of the benefits of the development against the harm it causes. The removal of the palisade fencing would be a substantial benefit to the character and appearance of the conservation area, as well as the reuse of the building and the resultant maintenance and upkeep the building will experience. Mitigation of harm can be secured by appropriate conditions as described above. It is considered that the benefits of the development will outweigh the harm caused to the Aldridge Common Conservation Area.

Parking

No on-site parking is available but the site is located within Aldridge District Centre with good access to general public and private parking areas and to public transport.

The Highway Authority considers the development will not have severe transportation implications and is acceptable.

Other issues raised through consultation

Objection has been raised about competition and the potential loss of jobs at similar neighbouring businesses. Competition is not a material consideration and the local market would dictate whether the business is sustainable.

Positive and Proactive working with the applicant

Additional details have been submitted at the request of Pollution Control Officers, no other details or amendments are required to fully support the proposal.

Recommendation: Grant permission subject to conditions

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 following approved plans: -

Location plan, block plan, existing and proposed plans received 03/03/16

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 proposed plans, the following shall be submitted to and approved in writing by the Local Planning Authority:

- Details of proposed rainwater goods, which should be either cast iron or metal cast iron look a like, and details of their colour;
- Colour of proposed fenestration surrounds;
- Details of any proposed boundary treatment (if applicable)

3b: The works shall then be carried out in accordance with the approved details

Reason: To ensure the preservation and enhancement of the characteristics and appearance of the Conservation Area and to comply with UDP policy ENV29.

4: The proposed rooflights shall be of a conservation type and not protrude beyond the plane of the existing roof.

Reason: To ensure the preservation and enhancement of the characteristics and appearance of the Conservation Area and to comply with UDP policy ENV29.

5: All pointing, re-pointing and mortar beds shall be undertaken using NHL2 lime mortar at a ratio of 1 part lime to 3 parts sand.

Reason: To ensure the preservation and enhancement of the characteristics and appearance of the Conservation Area and to comply with UDP policy ENV29.

6: The method of pointing and bedding of new and existing masonry shall be as follows:

- All raking out of old mortar shall be by hand;
- All new pointing shall be given a flush finish (not weather struck); and
- All pointing shall be pat finished and not smoothed by tooling. All pointing should be undertaken in accordance with this methodology and between the months of April to October or during weather conditions agreed by the local planning authority.

Reason: To ensure the character of the building is preserved and enhanced and decay/erosion of the historic fabric does not escalate and to comply with UDP policies ENV29 and ENV32.

7a: The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority.

7b: The approved scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and to comply with UDP policy ENV40.

8: Prior to the development first coming into use, a hard surfaced footway shall be provided between the proposed building entrance and the public highway, full details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a fully accessible route from the public highway to the building entrance, in accordance with UDP Policy GP2, T1 and T8.

9: No vehicles shall be parked on the site at any time.

Reason: There is insufficient space within the red line boundary to accommodate a standard 2.4m x 4.8m parking space, in accordance with UDP Policy GP2.

Notes to applicant

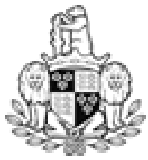
Pollution Control

The area of this proposed development was formerly a substation that may have resulted in localised ground contamination that may present Health and Safety implications for persons undertaking ground works. No specific detail of ground conditions in the area is available other than that obtained from previous land use data and historic mapping. This information should be brought to the attention of the builder or contractor undertaking the development in order that they may implement any Health and Safety at Work precautions they feel appropriate when undertaking construction work at the site of the proposed development.

Severn Trent

We do advise that there may be a public sewer located within the application site and encourage the applicant to investigate this. Please note that public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. If there are sewers which will come into close proximity of the works, the applicant is advised to contact Severn Trent Water to discuss the proposals and we will seek to assist with 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. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jul-2016

Plans List Item Number: 7.

Reason for bringing to committee: Significant community interest

Location: LAND TO SIDE AND REAR OF 16 BLAKENALL LANE, WALSALL, WS3 1HG

Proposal: ERECTION OF BUNGALOW.

Application Number: 15/1300

Applicant: Mr George Luke

Agent: Mr Lewis Jones

Application Type: Full Application

Case Officer: Paul Hinton

Ward: Blakenall

Expired Date: 15-Nov-2015

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This application seeks planning permission for the erection of a two bedroom bungalow and follows a history of planning permissions for the erection of a bungalow on this site. The last planning permission (12/1093/TE) expired in November 2015 without the development commencing.

Historically the land formed part of the rear 'L' shape garden of 16 Blakenall Lane, however unlike the previous applications number 16 and the development site are now in separate ownership. Notice has been served on the current landowner. The application site is bounded by the rear and side of residential properties situated along Blakenall Lane, Awlmakers Close and Bloxwich Road.

The garden includes ornamental planting, shrubs and trees. Access to the site is via an existing 4.5m wide hardsurfaced drive between numbers 16 and 18 Blakenall Lane which currently serves a car repairs garage to the rear. There are a mix of housing types and designs in the area, ranging from terrace, semi-detached and detached houses.

The size and appearance of the bungalow is identical to that previously approved, the position of the bungalow has been moved 4m further into the site, with provision for two off-street parking spaces.

The proposed brick finished bungalow would be 5m high, with 2.8m high eaves and a 30 degree hipped tile roof. It would have a depth of 11.2m and a width of 10.3m positioned 90 degrees to the properties along Blakenall Lane. Principal windows would be to the front and rear of the dwelling with a kitchen door to the side.

A number of trees within the site would need to be removed to accommodate the development, including a line of conifers to the boundary with properties in Awlmakers Close. A conifer hedge between the rear of number 16 Blakenall Lane and the application site is proposed to be removed to facilitate the access drive to the property.

The application site is 90m from Leamore Local Centre and within walking distance of well served bus stops along Bloxwich Road. The entrance to Leamore Park is 200m walking distance away.

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

Design and Access Statement

- A rectangular site with a liner strip of land 7m wide. This strip of land is owned by no. 16 with an easement to provide access to the prospective development land.
- Land remains vacant and is covered in the main by overgrown vegetation and trees.
- The topography of the site is predominantly level.
- Intention is to bring the unoccupied land back into use by creating a dwelling which fits into the site context
- Land is large enough to accommodate the proposed accommodation.
- Site is well served by public transport and is a short walk from the amenities of Leamore.
- Presents the opportunity to provide much needed housing in the area.

Coal Mining Risk Assessment

- Records of workings 3 seams of coal – technical advice relating to both investigation of coal and former coal mines and their treatment should be obtained before beginning on site.
- Within 20m of the boundary of the site there are two coal mine entries
- There remains a risk that further settlement of any workings could affect future surface structures. In order to characterise the depth of any state of any coal workings, it will be

necessary to carry out some form of investigation via rotary borehole drilling ahead of any future development.

The application has been amended as originally presented by moving the bungalow further into the site, narrowing the drive to the bungalow and amending the position of the parking spaces to address issues of trespass onto adjoining land outside of the ownership of the applicant.

Relevant Planning History

12/1093/TE – Erection of bungalow in land rear of 16 Blakenall Lane. GSC 12/11/12

09/1037/FL. Proposed detached bungalow 16 Blakenall Lane. GSC 2009.

06/0558/RM. Land to the rear of 16 Blakenall Lane. Reserved matters for detached bungalow. Approval of reserved matters 2006.

03/0699/FL/E4. 16 Blakenall Lane, Walsall. Outline detached bungalow GSC July 2003.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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".

All the **core planning principles** have been reviewed and those relevant in this case are:

- Proactively drive and support sustainable economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places the country needs.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Encourage the effective use of land by reusing land that has been previously developed.
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

Key provisions of the NPPF relevant in this case:

4: Promoting sustainable transport

32. Decisions should take account of whether:

- Safe and suitable access to the site can be achieved for all people
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

35. Developments should be located and designed where practical to:

- Give priority to pedestrian and cycle movements and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones.
- Consider the needs of people with disabilities by all modes of transport.

6. Delivering a wide choice of high quality homes

49. Housing applications should be considered in the context of the presumption in favour of sustainable development.

50. Aim to deliver a wide choice of high quality homes and advises local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community such as older people and people with disabilities amongst others.

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

- Function well and add to the overall quality of the area.
- Optimise the potential of the site to accommodate development.
- Create safe and accessible environments.
- Respond to local character and history and reflect the identity of local surroundings and materials.
- Are visually attractive as a result of good architecture and landscaping.

60. Decisions should not attempt to impose architectural styles of particular tastes and they should not stifle innovation. It is proper to seek to promote or reinforce local distinctiveness.

61. Decisions should address connections between people and places and the integration of new development into the natural, built and historic environment.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

11. Conserving and enhancing the natural environment

109. The planning system should prevent new and existing development from contributing to...unacceptable levels of...noise pollution.

111. Encourage the effective use of land by re-using land that has been previously developed.

118. Local planning authorities should aim to conserve and enhance biodiversity by....incorporate biodiversity in and around developments.

120. To prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location.

123. Planning decisions should aim to:

- Avoid noise from giving rise to significant adverse impacts

125. Decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

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

The Black Country Core Strategy (BCCS)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework “decision-takers may continue to give full weight to relevant policies. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall’s UDP) the NPPF advises that “... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).” To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a ‘Compatibility Self-Assessment Checklist’ (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council’s Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight

The Vision consists of three major directions of change and underpins the approach to the whole strategy which includes the delivery of Sustainable Communities, Environmental Transformation and Economic Prosperity.

The relevant key policies are:

2a: Seeks to create a network of cohesive, healthy and prosperous communities across the Black Country, deliver high quality distinctive places which respect the diversity of the Black Country natural and built environment and attract new employment opportunities.

2b: Encourages sustainable management of material resources through minimising waste, ensuring all members of the community have the best access to housing, previously developed land is prioritised over greenfield sites and encourages a comprehensive approach to development.

CSP4: A high quality of design of the built and natural environment is required. Design of spaces and buildings will be influenced by their context and organise the urban environment in ways that encourage people to act in a civil and responsible manner.

DEL1: Development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements are provided.

DEL2: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

HOU2: 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 by sustainable transport.
- The need to achieve high quality design and minimise amenity impacts.
- All developments will aim to achieve a minimum density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport.

TRAN2: Planning permission will not be granted for development proposals that are likely to have significant transport implications unless applications are accompanied by proposals to provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

TRAN4: Seeks to create an environment that encourages sustainable travel that requires new developments to link to existing walking and cycling networks.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character. Development proposals will be required to preserve and where appropriate enhance

aspects of the historic environment together with their settings. ENV3: Seeks to deliver urban renaissance through high quality design that stimulates economic, social and environmental benefits. Consideration of crime prevention measures and Secured By Design principles.

ENV5: Developments should incorporate sustainable drainage systems unless it would be impractical to do so in order to reduce surface run-off and improve water quality.

WM5: All new developments should address wastes as a resource, minimise waste as far as possible, manage unavoidable waste in a sustainable and responsible manner, and maximise use of materials with low environmental impacts.

It is considered in this case that the relevant provisions of the BCCS can be given full weight.

Walsall's Unitary Development Plan (UDP)

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

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

The relevant policies are:

GP2: The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment.

3.6 Development and redevelopment schemes should as far as possible, help to improve the environment of the Borough.

3.7 The Council will seek to protect people from unacceptable noise, pollution and other environmental problems.

ENV10: Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution.

ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV32: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime through design, layout, landscaping and boundary treatments is encouraged.

ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: The quality of all water resources will be protected.

H3: Encourages provision of additional housing through windfall sites provided that a satisfactory residential environment can be achieved and that the development would not unacceptably constrain the development of any adjacent site.

H5: Promotes housing for people with special needs including groups requiring specialist accommodation.

T7 – Car Parking

All development should satisfy the car parking standards set out in Policy T13. This will involve providing an adequate level of parking to meet operational needs while not exceeding any maximum parking standards that are specified.

T8: Encourages greater use of walking as a healthy and sustainable form of travel.

T9: New developments should meet the accessibility standards for cyclists. The design of cycling infrastructure should be safe and secure for all users.

T10 (a): Refers to accessibility standards. The standards for disabled car parking are minimal ones. The standards for residential car parking should be seen as neither maximum nor minimum but the typical requirement. Certain site specific and locational circumstances will justify a reduction.

T12: Residential development should be within 400m walking distance to a bus stop which has a service frequency of at least 1 bus every 30mins during the day (12.00 and 19.00), 1 bus every hour on Sundays between 12.00 and 19.00.

T13: Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

10% of all parking spaces should be reserved for disabled people.

1, 2 and 3 bedroom house: 2 spaces per unit.

It is considered that the relevant provisions of Walsall's saved UDP policies are consistent with the NPPF.

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with the NPPF policy. The relevant SPD's are;

Designing Walsall (Feb 2008)

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies.

The following are the relevant policies;

DW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3 – Character – new development to be informed by the surrounding character and to respond in a positive way to it be reflecting local urban design characteristics, such as street patterns, building scale, topography and culture.

DW4 – Continuity – New development proposals must give consideration to common building lines and how the development will give definition to streets and spaces to reinforce the existing urban structure and give significance to important streets and spaces.

DW5 Ease of movement- create places that are easily connected, safe to move through;

DW10 – new development should make a positive contribution to creating a sustainable environment.

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

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

Conserving Walsall's Natural Environment SPD

NE1: All relevant applications to be supported by an adequate impact assessment.

NE7: planning applications with a potential to damage or destroy trees, woodlands or hedgerows should be supported by an arboricultural assessment and demonstrate trees to be retained will survive and space for them to develop is maintained.

N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees

Consultations

Highways – no objection subject to use of recommended condition in regard to surfacing of parking areas and their retention.

Pollution Control – no objection subject to use of recommended conditions in regard to site investigation and where necessary mitigation measures and control over construction hours.

Coal Authority – agrees with the findings of the Coal Mining Risk Assessment and that an intrusive site investigation works, including ground gas monitoring should be undertaken prior to development.

Tree Officer – no objection. Raises concern about shading of the amenity area from the existing trees.

Police – recommends security measures.

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

Public Participation Responses

Surrounding occupiers notified by letter, site notices

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

- Privacy and closeness to rear boundary
- Existing trees are an amenity which have been enjoyed for 35 years
- Existing parking problems, two parking spaces are not sufficient
- Increase traffic
- Access road should be illuminated to provide a safer environment.
- Parking spaces and drive shown located on neighbours land
- Vehicle couldn't turn around without coming into neighbour's garden.
- Conifer trees located within neighbours land.

Following re-consultation in regard to amended plans, one objector has written a further letter of objection raising the following additional comments:

- Continues to cross onto neighbours land.
- Impossible to drive a car behind the conifer trees without first removing them, they are in neighbour's garden and will not remove.

All letters of representation are available for inspection upon publication of this committee report.

Determining Issues

- Principle of residential development
- Impact on the character and appearance of the surrounding area
- Impact on residential amenity
- Access and parking
- Local Finance Considerations

Observations

Principle of residential development

Planning Committee originally approved an outline planning application for a bungalow in 2003; this was approved again in 2009 with a time extension approval in 2012. The principle of

residential development has long been considered acceptable. Since the last decision in 2012 there have been no changes in policies that would reach a different conclusion.

The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. The application is wholly on garden land, which is not defined as brownfield land, in this context the proposal is considered not to be an effective use of land. 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, however, is encouraged and not the only way to support sustainable economic development to deliver the homes that the country needs.

Housing applications should be considered in the context of the presumption in favour of sustainable development. This is a sustainable location within an existing residential area with open space, local shops and bus stop all within walking distance. The principle of housing in this location is therefore acceptable, subject to impact upon the character of the area, residential amenity and parking.

Impact on the character and appearance of the surrounding 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. Policies CPS4, HOU2, ENV2, ENV3 of the BCCS; GP2, 3,6 and ENV32 of the UDP and Supplementary Planning Document Designing Walsall, require development to be informed/influenced by their context and reinforce locally distinctive elements.

The proposal would not be viewed from public areas and would therefore have no impact on the street. The size and the design of the bungalow has previously been found acceptable, with the proposal now seeking changes to the positioning of the building, its two parking spaces and the width of the drive. These changes would not have any further impact on the character or appearance of the area as previously considered acceptable.

Between the rear of number 16 Blakenall Lane and the proposed drive to the bungalow are a row of conifer trees. The owner of number 16 states these are within his ownership and will not permit their removal. On amenity grounds the conifer trees do not have significant value and the Tree Officer would not object to their removal. All of the previous planning approvals would have required the removal of both these and other trees within the garden and their value was considered not to be so significant to refuse planning permission. On these grounds the loss of the trees would not have a significant impact upon the character and appearance of the area. The previous permissions included a condition requiring a landscaping scheme to compensate for the loss of the existing vegetation, a condition is also recommended for the current proposals.

The applicant has served notice on the owner of number 16 and the location plan includes number 16 and the access drive to the side. On its planning merits the loss of the conifer trees would not be a reason to refuse the application. There appears to be a dispute between the adjacent landowners to who owns the conifer trees required to be removed to provide the access into the driveway and also concerns that part of the development is not within the ownership of the applicant. The applicant has served the appropriate notice required to enable the planning application to be processed. Any disputes over land ownership is a civil matter between the parties and not a reason the Council could refuse the application.

Impact on residential amenity

Designing Walsall seeks a 13m separation distance between habitable room windows and blank elevations exceeding 3m in height. The proposed side elevations are blank and below this height. A separation of 14.5m between the rear of the properties along Blakenall Lane and the proposed bungalow would be achieved with the existing 1.8m high boundary fence retained. This would ensure there is no loss of outlook, privacy or light for surrounding occupiers.

There would be 18m separating the proposed front bedroom window from the windows within the rear extension to number 16 Blakenall Lane with a proposed 1.8m high boundary fence providing a privacy and security screen. There would be a separation of 35m between the proposal and the rear windows of the properties along Bloxwich Road.

In the previous planning permission the whole of the bungalow was set forward of the front of 50 Awlmakers Grove, this application sets the bungalow 4m further to the rear reducing the projection and the impact. The current outlook for the occupiers of no. 50 are 8-10m high conifer trees to the boundary this would be replaced with a 5m high hipped roof bungalow with no windows to this side elevation. This relationship was acceptable on the earlier permissions and the proposed change in position provides further improvement.

Accordingly the proposal would not result in a significant loss of privacy, outlook or light to neighbouring properties. Conditions preventing any further openings or extensions are recommended.

The use of the land for residential purposes and the position of two car parking spaces are considered not to give rise to undue noise and disturbance.

The Police raise no objection to the application but make a number of recommendations in regard to security measures. Given its position behind and secured by the gardens of other properties and the required parking and manoeuvring areas, not all the measures in planning terms would be considered necessary, but standards of glazing and locks are considered relevant and are recommended conditions.

Objectors recommend that the access road should be illuminated to provide a safer environment. While the applicant has a right of access the access is used by a number of people, therefore a requirement for one person to maintain illumination to this shared access would not be reasonable. The bungalow would face the access drive which provides natural surveillance of this area.

The proposal provides 183sqm of private amenity space which is acceptable. The amenity space faces south-west. Within the garden are two trees a Cherry and Sycamore Tree, one which is protected by TPO 4 of 1971. While the proposal will not impact upon the trees it is noted that the amenity area due to the crown spread of the trees would constrain natural light. This relationship was considered acceptable in the previous grant of permission and while the rear of the property is a further 4m closer to the trees due to their height it is considered would not be any more harmful than the previous approval. It is demonstrated that the trees will not be harmed by the proposal and future occupiers would be occupying in acknowledgment that their garden would have restricted light, which for some people is a personal choice. Leamore Park is in close proximity and provides alternative amenity options for future occupiers.

The area is defined as high risk by the Coal Authority and Pollution Control note records indicate historic light industrial use. The Coal Mining Risk Assessment concludes that due to the coal mining legacy it will be necessary to carry out an intrusive investigation into the geological sequence to determine the depth to known coal seams and it is likely to be necessary to stabilise these seams using routine drilling and grouting techniques. The Coal Authority raise no objection subject to conditions requiring an intrusive survey and where necessary mitigation measures.

Pollution Control raise no objection subject to conditions requiring site reconnaissance and where necessary a site investigation followed by mitigation measures if needed. Appropriate conditions are recommended to secure these measures.

Due to the distance from Blakenall Lane and as per the determination of the previous planning applications it is considered necessary that a condition is used to secure the use of a domestic sprinkler system.

Access and parking

Under UDP policy T13 a two bedroom property is required to provide two off-street parking spaces. One objector raises concerns about existing parking provision and the proposed two spaces not being sufficient another raises concern that the parking is outside of the control of the applicant. The proposed two spaces are in accordance with policy and in addition weight is given to good access available to public transport. Sufficient parking provision would be provided. The drawings show sufficient manoeuvring space within the proposed driveway to ensure vehicles can leave in a forward gear along the narrow access.

The use of the narrow access has previously been considered not to cause severe implications for highway safety and Highways raise no objection to the current proposal. Concerns about land ownership as discussed earlier in the report in not a reason to refuse the planning application.

Conditions in regard to surfacing, drainage and retention of the parking spaces are considered necessary and are recommended.

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 one new home.

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 411 new homes during 2011-2012 the award to the Council was £576,927. Taking into account the delivery of homes in previous years, the total amount awarded this year was £2,583,252. This figure (which included a premium for affordable housing) 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 may 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.

Positive and proactive working with the applicant

Officers have liaised with the applicant's agent resulting in amended drawings to enabled support to be given to the scheme.

Recommendation: Grant permission subject to conditions.

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

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

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

- Location plan received 14/9/15
- Block plan received 21/1/16
- Topographic survey received 21/1/16
- Proposed floor plan received 14/9/15
- Proposed front and rear elevations received 14/9/15
- Proposed side elevations received 14/9/15
- Coal Mining Risk Assessment received 27/10/15

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

3a. No development shall commence until a desk study and site reconnaissance has been conducted to identify the potential for contaminants and/or ground gases likely to present a risk to proposed structures or future occupants of the development to be present on site. Results of the desk study and site reconnaissance shall be submitted to and agreed in writing with the Local Planning Authority prior to built development commencing. (see Note for Applicant CL 4)

3b. In the event that the desk study and site reconnaissance indicates the potential presence of contamination and/or ground gases on site. Prior to built development commencing 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)

3c. Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority for written confirmation. (see Note for Applicant CL2)

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

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

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

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

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

4a. No development shall commence until an intrusive site investigation confirming the shallow mining conditions and any remediation measures required to ensure the safety and stability of the

proposed development have been submitted to and approved in writing by the Local Planning Authority.

4b. The development shall be undertaken in accordance with any approved remediation measures.

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

5a. Prior to the commencement of built development a schedule of facing materials to be used in the external walls, roofs, windows, doors and rainwater goods shall have been submitted to and approved in writing by the Local Planning Authority.

5b. The approved scheme shall be implemented in accordance with the submitted details.

Reason: To ensure the satisfactory appearance and functioning of the development.

6a. Prior to the commencement of development drainage plans for the disposal of surface water and foul sewerage shall have been submitted to and approved in writing by the Local Planning Authority.

6b. The approved scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

7a. Prior to development commencing full details of existing and proposed levels of the site, access way and floor levels for the dwelling, shall have first been submitted to and approved in writing by 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 this development.

7b. The development shall be carried out in accordance with the approved details.

Reason: Level details are required to be resolved prior to any work commencing to in the interests of the amenity of the area and to ensure satisfactory development of the site.

8. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Saturday, Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 weekdays. 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: In the interests of the amenity of adjacent occupiers.

9a. No development above damp proof course shall take place until details of a domestic sprinkler system have been submitted to and approved in writing by the Local Planning Authority

9b. The dwelling hereby permitted shall not be occupied until the sprinkler system has been constructed in accordance with the approved details.

9c. The sprinkler system shall be retained and maintained thereafter.

Reason: To ensure the satisfactory functioning of the development.

10a) No development above damp proof course shall take place until full details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- correct botanical names
- numbers/planting densities for each block of planting proposed
- size supplied of all proposed tree and shrubs at time of planting
- details of proposed turf/seeded areas
- topsoil and mulching depths and specifications
- staking details for proposed trees
- details of landscape establishment / maintenance proposals to be undertaken during the standard conditioned maintenance period

10b) The approved scheme shall be fully implemented within 12 months of the development being brought into use and retained for 5 years. Any trees or plants, which die, are removed, or become seriously damaged or diseased, shall be replaced as soon as practicable with others of similar size and species.

Reason: To ensure the satisfactory appearance of the development.

11. Prior to the dwelling first coming into occupation, the access way and parking spaces shall be fully consolidated, hard surfaced and drained and shall thereafter be retained and used for no other purpose.

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

12. The boundary treatment hereby approved as shown on the approved block plan received 21/1/16 shall be installed prior to first occupation of the development hereby approved and retained thereafter. All gates should have access control measures, be self closing with hinges mounted to the rear of the public side

Reason: In the interests of visual amenity and securing the development.

13. All doors should be PAS 24 door sets, with Euro profile cylinders to meet TS007-3. All window and doors should have at least one pane of 6.4mm laminated glass.

Reason: In the interests of community safety.

14. 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 those approved by this permission, and no enlargements, additions, erection of buildings or other alterations, as defined by Classes A, B, C, D & E of Part 1 of Schedule 2 of the Order, shall be constructed.

Reason: In the interests of maintaining the amenity of the occupiers of the adjoining dwellings.

Notes for Applicant

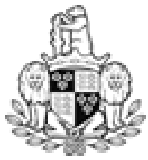
Pollution Control

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”; 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.

CL 3- 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.

CL4 - The desk study and site reconnaissance shall have regard to the previous unknown filled ground and “Model Procedures for the Management of Contamination” (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jul-2016

Plans List Item Number: 8.

Reason for bringing to committee: Significant Community Interest

Location: LAND REAR OF 56 AND 62, WEDNESBURY ROAD, WALSALL, WS1 3RR

Proposal: ERECTION OF 4 SELF CONTAINED FLATS

Application Number: 15/0969/FULL

Applicant: Mr P Sangha

Agent: Mr D Somerfield

Application Type: Full Application

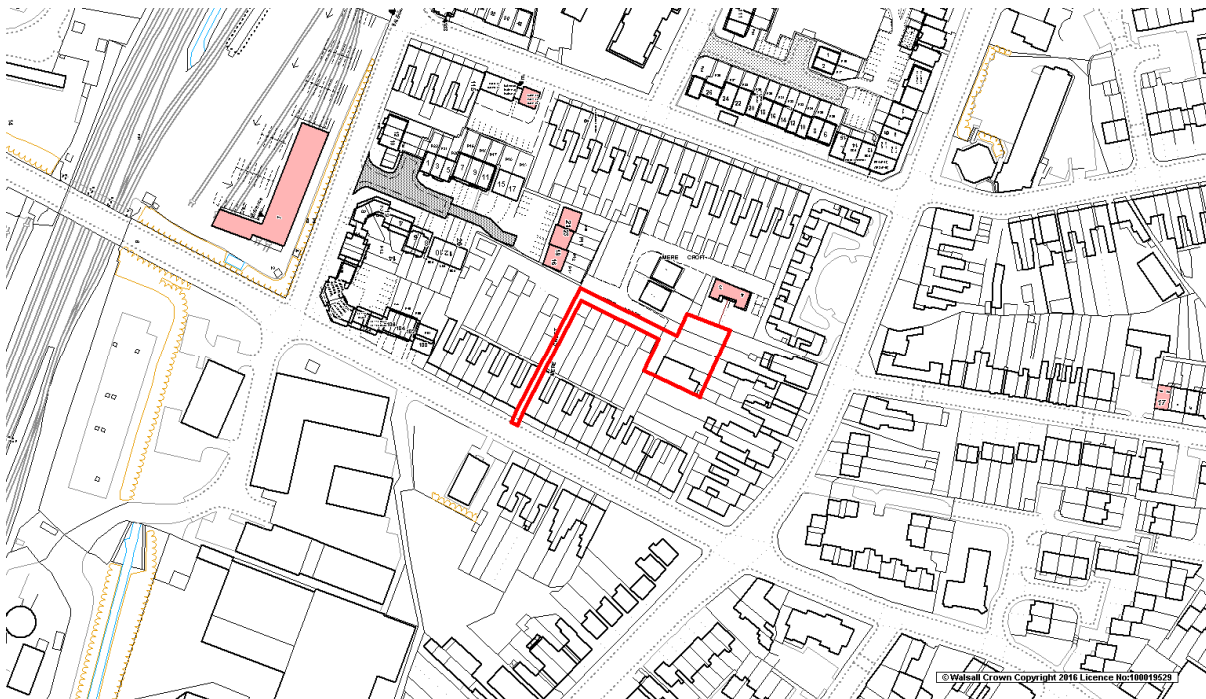
Case Officer: Karon Hulse

Ward: Pleck, St Matthews

Expired Date: 17-Aug-2015

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This application seeks consent for the construction of a pair of semi detached two storey houses to accommodate four x two bedroom flats on land at the rear of 56 – 62 Wednesbury Road and land to the rear of 68 Corporation Street West, Walsall which is all within the same ownership.

The application would utilise an existing right of access to the rear of 68 Corporation Street West from in-between 82-84 Corporation Street West, Walsall which the applicant claims a right of way across.

There is parking for 6 vehicles and an area set aside for private amenity space which provides suiting out, drying and refuse facilities.

The area is predominantly residential and this backland area has in the past ten years been developed for residential purposes on a piece meal approach. The land was formerly a play area owned by the council. It was disposed of at which time the rights to access the rear of properties on Tasker Street, Corporation Street West and Wednesbury Road would have been retained.

Walsall town centre (main shopping area) is approximately 500 metres, the boundary of the town centre inset plan is 75 metres away at the junction of Tasker Street and Wednesbury Road. The town centre provides is within walking distance where all its facilities such as shopping, recreation, community and health are available.

Bradford Street bus station is also 500 metres away and Wednesbury Road is a main district distributor which runs between the town centre and the west of the borough, it also has 12 bus routes running along it to Bilston, Darlaston and Wednesbury.

Relevant Planning History

The following refer to the land at the rear:

07/0589/FL/W5 – Erection of 2 dwellings. Refused 18/7/07

06/1579/FL/W5 – Erection of 2 dwellings. Refused 28/11/06

06/0162/FL/W5 - Substitution of house types. Granted 6/4/06

05/1746/FL/W5 - Substitution of house types. Withdrawn

05/0414/FL/W5 – Erection of 2 dwellings. Granted 11/5/05

04/2676/FL/W5 – Erection of one dwelling. Granted 16/2/05

This application refers to the site fronting onto Wednesbury Road:

03/1620/FL/W5 - Extension to form 7 new flats and construction of car park. Granted 2003

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF) www.gov.uk

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"*.

All the **core planning principles** have been reviewed and those relevant in this case are:

- - Always seek to secure high quality design and good standards of amenity for all existing and future occupants
- - Take account of the different roles and character of different areas

- - Reuse land that has been previously developed

Key provisions of the NPPF relevant in this case:

- NPPF 4 - Promoting sustainable transport
- NPPF 6 - Delivering a wide choice of high quality homes
- NPPF 7 - Requiring good design

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

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

Local

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

The relevant policy is:

- CSP1: The Growth Network
- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- ENV3: Design Quality

It is considered in this case that the relevant provisions of the BCCS can be given full weight.

Walsall's Unitary Development Plan (UDP) -

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

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

The relevant policies are:

GP2: Environmental Protection

ENV14: Development of Derelict and Previously-Developed Sites

ENV32: Design and Development Proposals

H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings

T7: Car Parking

T13: Parking Provision for Cars, Cycles and Taxis

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

Supplementary Planning Document

Designing Walsall

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

Emerging Policy

Whilst not adopted, the Site Allocations Document is currently being prepared, which proposes that the site be allocated for residential development. However as this is not yet adopted, the weight that can be attached to this is limited.

Policies are available to view online: http://cms.walsall.gov.uk/planning_policy

Consultations

Transportation – no objections

Pollution control – no objections

Public Participation Responses

5 letters of representation received objecting on the following grounds:

- The access is small and experience difficulties commuting up and down
- Road is overcrowded
- Legal owner of the road
- No access through the wall
- Increased waste disposal
- Anti-social behaviour which this area could do without.
- Poor access from Wednesbury Road to the rear

Determining Issues

- Principle
- Residential amenity
- Access
- Ownership
- Local Finance Considerations

Observations

Principle of the development

This application seeks consent for the redevelopment of this former public house for a mixed use including residential. The NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed and that Local planning authorities may make an allowance for windfall sites in their five-year supply, in this instance the principle of redevelopment for residential is acceptable subject to all other matters being satisfactory.

Whilst there are sufficient sites that already have planning permission in Walsall to meet the housing land requirement in the BCCS until at least 2021 – (6 year supply from now). The supply

requirement is contained in policy HOU1 of the BCCS: this sets a minimum figure for the amount of housing land that needs to be provided rather than a maximum.

Policy CSP2 of the BCCS sets out the Council's policy towards development in areas outside the Growth Network such as this. It states that such areas will provide, amongst other matters, "a mix of good quality residential areas" and "a constant supply of small-scale development opportunities". This therefore provides support for the application.

This application seeks consent for the construction of a pair of semi detached two storey houses to accommodate four x two bedroom flats on land at the rear of 56 – 62 Wednesbury Road, Walsall

Over the past 10 years land (including the application site) enclosed by Wednesbury Road, Corporation Street West and Tasker street has been gradually redeveloped for residential purposes. Originally this backland was a playground, however the area was subject to antisocial behaviour and the council disposed of the land with the potential for residential. There are now four new houses on part of it and as such the principle of this backland development has previously been established subject to all other matters being acceptable.

Residential amenity

The siting of the flats will have its main entrance facing towards the rear of Tasker Street and the four new houses which have been constructed since 2007. There are habitable room windows in this elevation which look towards the rear of the new houses at the rear of Henry Boys Almshouses. The distance is 25 metres which exceeds the designing Walsall SPD standards.

There is 13 metres between the proposed side elevation of the flats and the existing ones on Wednesbury road, there are no habitable room windows in the side elevation.

To the rear of the new building there are also habitable room windows (bedrooms) these look towards the rear of Corporation Street West there is a distance at least in excess of 27 metres between habitable room windows again in accordance with the design Walsall SPD. At the rear of this site is the car park to the rear of the former hotel at 66/68 Wednesbury Road, as such there is no impact on any residential amenity around the proposed building.

An amenity area which provides drying, refuse and sitting facilities will be provided and there is parking for 6 spaces within the curtilage of the site.

Access

Since the councils disposal of the land four dwellings have been approved and are now occupied. Access to this land is via a driveway from off Corporation Street West between no.s 82 and 84. This is unadopted and allows access to the rear of properties on Wednesbury Road, Tasker Street and Corporation Street West. These accesses would have been historically granted as rights of access when the land was owned by the council and were retained as such on disposal of the land.

There are a pair of palisade gates at the rear of 68 Corporation Street West, which allows access to the application site, the applicant has an historic right of access across this driveway which was transferred with the sale of the land from the council. The use of this unadopted access drive is acceptable. The proposed number of additional occupiers within the land to the rear will not impact on the safety of this driveway. The proposed application site will also have a pedestrian access through the rear of 56 to 62 Wednesbury Road which will provide quick access to the main bus routes and the town centre. Similarly a shared secure cycle and motorcycle store on the boundary between the application site and the rear of no.s 56-62 Wednesbury Road is to be provided.

On balance, access to the site in terms of vehicular and pedestrian access is acceptable.

Ownership

Disputes over land ownership and deeds of covenant are civil matters and are not a planning consideration. Planning consent can be granted on land owned by someone else but the consent may not be implemented or built if the land owner does not agree. In this instance when the land was sold by Council for the redevelopment at the rear, it was a condition that all previous rights of access were respected and maintained. The application has submitted information to support his claim of a right of access to the rear of no68 Corporation Street West, if the owner of the adjacent site wishes to challenge that right of access it is a civil matter.

Local Finance Considerations

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

This application proposes 4 new homes.

The 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 411 new homes during 2011-2012 the award to the Council was £576,927. Taking into account the delivery of homes in previous years, the total amount awarded this year was £2,583,252. This figure (which included a premium for affordable housing) 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 may 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.

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant and their agent and discussed the process for determining this application. In response to this advice relevant supporting information and additional revised plans have been submitted. In light of the submitted details officers are able to support the scheme.

Recommendation: Grant Permission Subject to Conditions

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

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

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

Car Park Layout and Drainage (1:1014) submitted 11/4/16

Elevations and Location Plan (1017) submitted 28/4/16

Site Levels (1013) submitted 11/4/16

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 any construction the applicant shall undertake an air quality assessment to determine whether the application site is within an area that is affected by poor nitrogen dioxide air quality levels. The results of the assessment, including any mitigation measures required, shall be submitted to and approved in writing by the Local Planning Authority.

3b. Any mitigation measures shall be fully implemented prior to the development being first occupied and thereafter retained.

Reason: To ensure the health of future occupants

4a. Prior any development commencing a schedule of materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority

4b. Only the approved materials shall be used in the development

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

5a. Prior to commencement of any development on site details of parking and turning facilities for site operatives within the application site shall be submitted to and approved in writing by the Local Planning Authority.

5b. The approved details shall be fully implemented and retained during the construction period.

Reason: In order to discourage indiscriminate on street parking by site operatives on adjacent highways

6a. Prior to the construction of the development above damp proof course full details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development will meet Secure By Design specification.

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

NB. Please refer to "Note For Applicant" for further information.

Reason: To ensure the safety of future occupants.

7a. Prior to the commencement of any built development above damp proof full details of boundary treatments shall be submitted to and approved by the local planning authority.

7b. The approved boundary treatment shall be fully implemented prior to first occupation of any part of the development and maintained in accordance with the agreed details thereafter.

Reason: To ensure the satisfactory appearance of the development.

8a. Prior the development first coming into use, the car parking area shall be fully consolidated, hard surfaced and drained and the parking bays clearly demarcated on the ground.

8b. The parking area shall thereafter be retained and used for no other purpose.

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

9a. Prior to the development first coming into use, details of the location of refuse bin/recycling point for use on collection days together with details of a covered secure cycle shelter for the use of residents of the flats, shall be submitted to and approved in writing by the Local Planning Authority

9b. Prior to first occupation of any part of the development the approved details shall be fully implemented and thereafter retained.

Reason: To ensure the satisfactory servicing of the development and to encourage the use of sustainable modes of travel and in accordance with UDP policy T13 and Black Country Core Strategy TRAN4

10. 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 those approved by the permission, shall be installed in any part of this development.

Reason: To ensure the satisfactory appearance of the development and protect exiting residential amenity.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, there shall be no vehicular access to the site, other than the approved.

Reason: In the interests of highway safety.

12. The disposal of surface water and foul sewage shall be to the main drainage system only.

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

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

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

Reason: To protect local amenity

Notes for applicant regarding Secure by Design

West Midlands Police: The Police Architectural Liaison Officer has been consulted on the application and has made the following comments:

1. The developer should be aware of Secure By Design specifications which will significantly increase the security of the building (doors and windows). Information can be found at http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf

2. All door sets both external and internal should comply to PAS 24 standards.

3. All ground floor and accessible windows should contain a pane of laminated glass which complies to BS EN 356:2000 class P1A. This will improve the standard of security to the more vulnerable ground floor windows.

4. All external door sets should be to PAS 24 2012 standards. If a europrofile cylinder lock is to be utilised this doors testing and certification should incorporate a TS-007 3star cylinder lock.

5. All gates should be 2.1m in height and be key lockable from both sides. They should be positioned as close to the front building line as possible.

Where garden access is at the rear of the property, the alleyway leading to the rear, between two properties needs to be protected by a 2.1m gate (Key lockable from both sides with a mortise type lock) eg. Between plots 3/4, 5/6, 7/8, 21/22, 23/24, 25/26 etc.

6. Due to the increase in metal theft consideration should be used to minimise the use of lead in the design, by using lead substitute or alternative products.

7. All properties should be fitted with a suitable intruder alarm utilising dual technology sensor or above and alarm sirens front and back of building.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jul-2016

Plans List Item Number: 9.

Reason for bringing to committee: Significant community interest

Location: 1, FOLEY CHURCH CLOSE, STREETLY, SUTTON COLDFIELD, B74 3JX

Proposal: NEW DETACHED HOUSE WITH DETACHED GARAGE TO REAR.

Application Number: 16/0198

Applicant: PHILLIP SMITH

Agent: Ben Parsons Design Limited

Application Type: Full Application

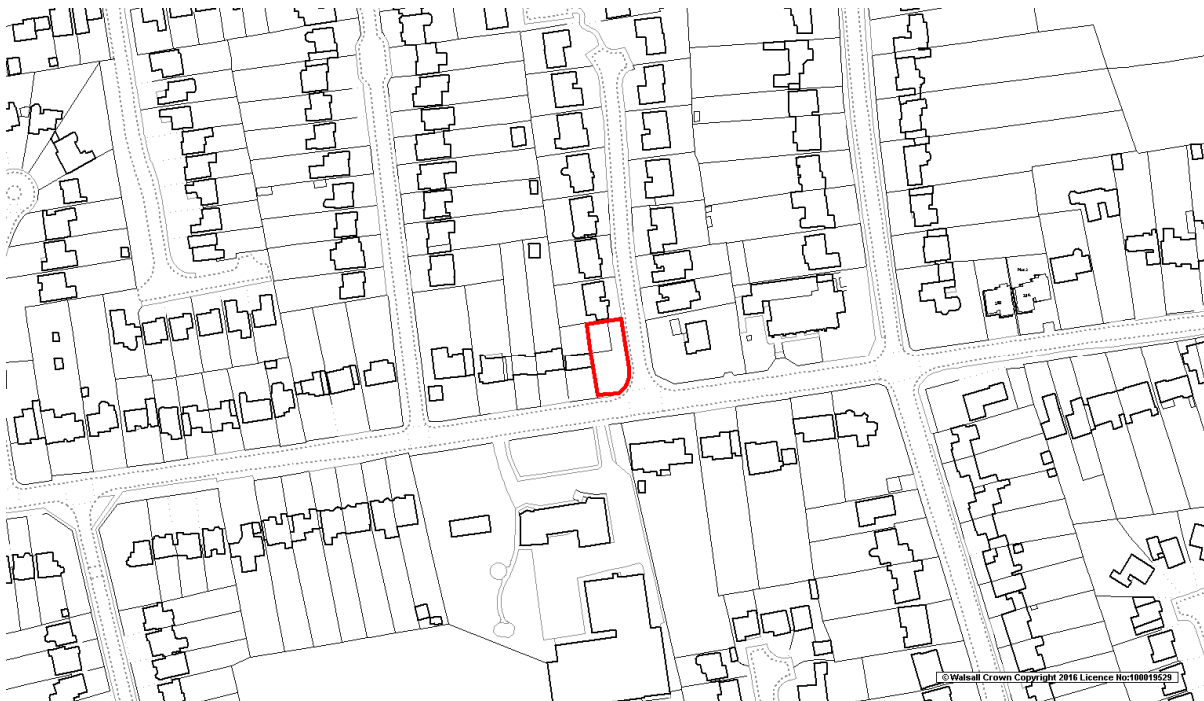
Case Officer: Barbara Toy

Ward: Streetly

Expired Date: 05-Apr-2016

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The site is located on the corner of Foley Church Close (Cul-de-sac) and Foley Road East and comprises the side garden of 1 Foley Church Close. Part of the site immediately adjacent to No 1 is enclosed by tall conifer trees the corner is open grassed area with a hedge to the western boundary with 36 Foley Road East.

1 Foley Church Close immediately to the north of the site is a detached bungalow with double flat roofed garage to the side/front, similar to the other properties in the immediate vicinity in Foley Church Close. 36 Foley Road East to the west is a detached two storey house which has recently been extended. Foley Road East is a predominantly residential street with a variety of houses and bungalows, many with large mature gardens. To the south of the site on the opposite side of Foley Road East is a number of detached bungalows and Streetly Community Centre with open space to the rear. To the east on the opposite side of Foley Church Close is the vicarage (two storey house with single storey projecting garage) to All Saints Church further to the east. The area is characterised by residential properties of a varying of ages, size, styles and design.

This application proposes the erection of a three bedroomed detached two storey house fronting Foley Church Close, with a detached single garage set to the north adjacent to the boundary with No 1 Foley Church Close. The house would follow the building line to the west in Foley Road East, would be rectangular in shape (9.7m x 6.7m) and would have a similar depth of gable roof and overall height to 36 Foley Road East. Whilst the main entrance would be to the side fronting Foley Church Close the front elevation to Foley Road East would have large habitable room windows. The single garage to the rear would be set back to the building line of 1 Foley Church Close adjacent to the north with a parking space in front of the garage.

A private amenity area of approx 102sqm would be provided with approx 200sqm retained for the existing bungalow at No 1. The frontage to Foley Road East would be enclosed around the corner by a 1.1m high post and rail fence with native hedging behind.

The plans have been amended since submission to amend the position of the fencing on Foley Church Close and reduce the size of the windows on the Foley Road East elevation.

The application is supported by a Design & Access Statement which discusses the site, the design objectives, planning policy, access and amenity, sustainability, secure by design and drainage.

Relevant Planning History

Application site

BC22750P, outline for a dwelling, refused 29-06-88

Reason for refusal:

The size and relationship of the site to adjoining dwellings would restrict the size of the proposed dwelling to a small house only. This would be out of keeping with adjoining dwellings and with the character of the area generally. The resulting house would also, by virtue of the prominent position of the site, be detrimental to the visual amenity of the area.

05/0596/OL/E5 outline for one new house, refused 17-05-05.

Reason for refusal:

The siting proposed for the new dwelling would be overly prominent resulting in detriment to the visual amenity of the street scene and the amenity currently enjoyed by neighbouring properties.

36 Foley Road East

14/1384/FL, two storey side/rear extension and single storey rear extension, granted subject to conditions 30-10-14.

Relevant Planning Policy Summary

National Planning Policy

National Planning Policy Framework (NPPF)

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*".

All the **core planning principles** have been reviewed and those relevant in this case are:
Seek to secure high quality design and good standards of amenity for all existing and future occupants.

Take account of the different roles and character of different areas.

Proactively drive and support sustainable economic development to deliver the homes that the country needs.

Contributing to conserving and enhancing the natural environment.

Key provisions of the NPPF relevant in this case:

NPPF1. *Delivering sustainable development*

NPPF4: Promoting Sustainable Transport

NPPF6: Delivering a Wide Choice of *High Quality Homes*

NPPF7: Requiring Good Design

NPPF11. Conserving and enhancing the natural environment

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Costs imposed on developments should pay careful attention to viability and take account of market conditions.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

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

Local Policy

Black Country Core Strategy

- CSP4: Place Making
- CSP5: Transport Strategy
- HOU2: Housing Density, Type and Accessibility
- TRAN1: Priorities for the Development of the Transport Network

- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- *ENV3: Design Quality*

It is considered in this case that the relevant provisions of the BCCS can be given full weight

Unitary Development Plan - http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- H5: Housing for People with Special Needs
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

It is considered in this case that the relevant provisions of Walsall's saved UDP policies are consistent with the NPPF

Supplementary Planning Documents (SPD)

Designing Walsall SPD

- Policy DW1 Sustainability
- Policy DW2 Safe and Welcoming Places
- Policy DW3 Character
- Policy DW4 Continuity
- Policy DW9 High Quality Public Realm
- Policy DW10 Well Designed Sustainable Buildings
- Appendix D

It is considered in this case that the relevant provisions of SPD Designing Walsall are consistent with the NPPF.

Policies are available to view online: http://cms.walsall.gov.uk/planning_policy

Consultations

Transportation – No objections subject to conditions re vehicle crossing and surfacing and drainage of parking area.

Severn Trent Water – No objections subject to drainage condition.

Ecology – No requirement for a bat survey.

Public Participation Responses

Eight objections received on the original scheme.

Objections:

- Small plot and building out of character with the bungalows on the road
- Corner should be preserved as open land
- Impact on traffic on Foley Road East which already has parking issues which causes highway safety issues
- Already two new houses approved in place of the bungalow opposite on Foley Road East, how much more development does Streetly need.
- Will add to existing dangerous parking in the Close and Foley Road East at weekends caused by All Saints Church and Streetly Community Centre, causing visibility issues when exiting Foley Church Close
- Poor visual impact on Foley Church Close
- Restriction in Foley Church Close no fencing to frontage, new fence at the site would be out of character
- Covenant on the land that stipulates shall remain unbuilt on
- Two previous refusals
- Noise and disturbance, additional traffic, mess and visibility issues during building work

Further 7 objections received on the amended plans.

Objections:

- Original objections still stand
- Amended plans very similar to original
- Plot is too small for a house
- Historic covenant that the land shouldn't be build on, should be left open
- No space in Foley Church Close for another driveway
- The size, position and height will make it appear part of Foley Road East
- New hedge on the frontage will eventually cause a visibility issue when exiting Foley Church Close
- Any on street parking for the property would be dangerous and too close to the junction
- Spoil the look of Foley Church Close, new house out of character
- Will add to existing dangerous parking in the Close and Foley Road East at weekends caused by All Saints Church and Streetly Community Centre, causing visibility issues when exiting Foley Church Close
- Visibility issues during building work
- Down grade existing properties

All letters of representation are available for inspection upon publication of this committee report.

Determining issues

- The Principle of Residential Development
- Design and Layout and Impact on the Immediate Vicinity
- Impact on the Amenities of the Surrounding Occupiers
- Parking, Access and Highway Safety
- Local Finance Considerations

Observations

The Principle of Residential Development

The site is within a predominantly residential area with a bus service along Foley Road East.

Annex 2: Glossary of the NPPF provides a definition of previously developed land which excludes 'land in built-up areas such as private residential gardens'. The site cannot therefore be considered as previously developed land and the NPPF (para 53) encourages local planning authorities to resist the inappropriate development of residential gardens. The proposals would provide an

PAGE 133 OF 210

additional residential unit within the side garden area of the existing bungalow at No 1 Foley Church Close. Whilst part of the land is enclosed (by conifer hedging) the remainder is open land on the corner of the cul-de-sac forming part of the Foley Road East frontage and considered not to be typical garden land, rather part of the public realm.

The site forms the side garden of No 1 Foley Church Close but creates a frontage to Foley Road East. The plot for No 1 is considerably larger than the other plots in the immediate vicinity within Foley Church Close, apart from the vicarage on the opposite corner of Foley Church Close, which encloses the corner within the plot.

The principle of residential development at the site is considered appropriate and in compliance with policy.

Whilst there has been two previous outline refusals at the site, these both brought the proposed house forward of the existing building lines in both Foley Road East and Foley Church Close, making the building more prominent and out of character.

Design and Layout and Impact on the Immediate Vicinity

The proposed house would follow the existing building lines of both Foley Road East and Foley Church Close and would have a similar overall height and roof depth as 36 Foley Road East, immediately adjacent. The plot width and depth would also be very similar to No 36 with the footprint of the house being approx 15sqm more than No 36 before it was extended (not including the garage). The position and size of the property and the plot is considered appropriate and characteristic of the adjoining dwelling.

Whilst the main entrance door to the property would be on the side fronting Foley Church Close, the main windowed elevation would face Foley Road East, ensuring that the property would address both street frontages. The size of the windows has been reduced within the amended scheme, with a canopy feature to the side and part of the frontage creating an overall modern appearance. The area is characterised by residential properties of varying ages, sizes and styles with other more modern properties previously approved at 43 Foley Road East opposite the site. Whilst the majority of the properties within Foley Church Close are detached bungalows the Vicarage on the opposite corner of the close is a large two storey house.

Part of the site is currently enclosed by high conifer hedging, approx the same height as the proposed house, with a further conifer sitting forward of the frontage of No 1 Foley Church Close, forward of the side elevation of the proposed house. It is considered that the position and depth of the proposed house would allow improved views of No 1 and the properties within the Close from the corner of the road than the existing conifers allow. Whilst the existing conifers that contribute to the natural environment of the area would be lost, the existing hedging to the boundary with No 36 Foley Road East would be retained and a new hedge and trees would be provided to the front and side of the property in mitigation.

Whilst the front of the site is currently open the proposals would enclose the site with a 1.1m high post and rail fence, with a hedge behind, similar to the existing frontage at No 36 Foley Road East adjacent and front boundary hedging forms part of the character of Foley Road East, the boundary treatment is therefore considered appropriate for the location. The proposed 1.8m high fencing along Foley Church Close between the house and the proposed detached garage (to enclose the rear garden) has been set back in the amended scheme to 2.8m from back of pavement, which would reduce the impact on the street scene and would allow appropriate visibility from the driveway and detached garage. Whilst a number of the properties within Foley Church Close have open frontages the Vicarage on the opposite corner to the site has a similar height of hedging to the boundary on Foley Church Close. The height and position of the enclosure is considered appropriate.

The size, position and height of the property are considered appropriate in this location and would not have an adverse impact on the character of the area or the street scene. The position of the building would follow the existing building lines of both Foley Church Close and Foley Road East reducing the prominence of the building within the street scene, unlike the previous refusals. It is considered that the proposed development would add to the mix of residential properties already in the area. For these reasons the proposals address the concerns raised by neighbours in terms of the impact on the character and visual amenities of the area.

The reference to a covenant preventing building on the land is a civil law matter not a material planning consideration.

The level of amenity space for the new house and existing bungalow at No 1 Foley Church Close would more than meet the guidelines within Appendix D of Designing Walsall.

It is recommended that permitted development is removed for extensions to the house, alterations to the roof, garden buildings and hard standings to enable these matters to be considered fully by submission of a future planning application.

Impact on the amenity of the surrounding occupiers

The proposals would meet the required 13m (Appendix D Designing Walsall) separation distance to No 1 Foley Church Close and fully comply with the 45 degree code in relation to 36 Foley Road East. It is considered that the proposals would have no adverse impact on the amenities of the surrounding occupiers.

Parking, Access and highway safety

The proposals would provide a single garage with a parking space in front of it, fronting Foley Church Close, providing two off street parking spaces in compliance with Policy T13.

The proposals would require a new dropped kerb some 30m from the junction with Foley Road East and would allow for a gap between the new crossing and the existing one for No 1 Foley Church Close, in compliance with guidelines.

The layout has been amended since submission to move the 1.8m high boundary fencing back to 2.8m set back from the pavement to ensure appropriate pedestrian and vehicle visibility splay from the driveway.

The objectors have raised concerns about the impact of the development on the visibility at the junction of Foley Church Close with Foley Road East. It is considered that the proposed front boundary treatment of post and rail fencing with hedging inside would not impact on the visibility at the junction.

Objectors have also raised issues of excessive parking in Foley Church Close and Foley Road East when there are events at All Saints Church and the Community Centre. Both Foley Road East and Foley Church Close have no on street parking restrictions and it is considered that on street parking would not have any adverse impact on highway safety.

Local Financial 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 1 new home.

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 411 new homes during 2011-2012 the award to the Council was £576,927. Taking into account the delivery of homes in previous years, the total amount awarded this year was £2,583,252. This figure (which included a premium for affordable housing) 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 may be offset against reductions in the ‘formula grant’ the Council will receive from Government.

Recommendation: Grant Permission Subject to Conditions

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 and documents: -

Site Location Plan Drawing 1233/01 submitted 9th May 2016

Block Plan submitted 9th May 2016

Proposed Site Layout Plan Drawing 1233/03 Rev A submitted 9th May 2016

Proposed Floor Plan Drawing 1233/04 Rev A submitted 9th May 2016

Proposed Elevations Drawing 1233/05 Rev A submitted 9th May 2016

Proposed Context Elevations Drawing 1233/08 submitted 9th May 2016

Design and Access Statement submitted 10th February 2016

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. No development shall commence until samples of all facing and roofing materials for the proposed bungalow, plus all proposed hard surfacing within the site have been submitted to and approved in writing by the Local Planning Authority.

3b. The development shall be completed with the approved details and retained as such.

Reason: To ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

4a. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority.

4b. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution.

5. Prior to the first occupation of the new dwelling, a new vehicle footway crossing to align with the driveway shall be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance with all statutory requirements.

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

6a. Prior to the new dwelling first coming into use, the driveway shall be fully consolidated, hard surfaced and drained so that surface water run-off from this area does not discharge onto the highway or any highway drain.

6b. This area 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.

7a. Prior to first occupation of the house hereby approved a full landscaping scheme, including front boundary treatment, hedging and trees, shall be submitted to and approved in writing by the Local Planning Authority.

7b. The scheme shall be completed in accordance with the approved details before the development is first occupied. All planting shall be maintained for a period of 3 years from the full completion of the scheme. Within this period any trees, shrubs of plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree. Shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to safeguard the visual amenity and natural environment of the area.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no development within Schedule 2, Part 1, A, B, E and F shall be carried out to the house hereby approved, without the prior approval of a planning application.

Reason: To enable the Local Planning Authority to retain effective control over the site to protect the amenities of the area.

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

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

Reason: In order to safeguard the amenities of the surrounding occupiers.

Notes to Applicant

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

2. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the construction of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team on 01922 654663.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jul-2016

Plans List Item Number: 10.

Reason for bringing to committee: Significant Community Interest

Location: PROVIDENCE CHAPEL, NEW ROAD, WILLENHALL, WEST MIDLANDS, WV13 2BG

Proposal: CONVERSION OF FORMER CHAPEL (CLASS D1) TO FORM 14 BED HMO (CLASS SUI GENERIS)

Application Number: 15/1540

Applicant: Mr & Mrs Hashim

Agent: Mr John Thorne

Application Type: Full Application

Case Officer: Barbara Toy

Ward: Willenhall South

Expired Date: 16-Dec-2015

Time Extension Expiry: 12-Feb-2016

Recommendation Summary: Grant permission subject to conditions and a unilateral undertaking to ensure that the premises remain as a standard HMO and not supported living accommodation.



Application and Site Details

The site is located on the southern side of New Road and comprises a locally listed vacant chapel building set back from the road behind a boundary wall with pedestrian path to the building and two protected sycamore trees (TPO 6/2010).

The chapel dates back to 1879 and comprises a large gable chapel, mostly brickwork with small amounts of painted stone, with two tiers of large arched iron grid windows and a tiled slate roof. The building was last used as a chapel in 2008 and has remained vacant ever since and is now in a poor state of repair with broken windows, the subject of vandalism and break ins.

Immediately to the east of the site is the car park for Lidl supermarket (within the district centre), to the north on the opposite side of New Road is a locally listed pub with other commercial premises and residential flats and cottages. To the west and south west are linked detached two storey houses and flats within Newlands Close. The site is just outside of Willenhall district centre in walking distance of shops and services, in an area characterised by a mix of residential and commercial premises. New Road is a district distributor route with regular bus services.

This application proposes the conversion of the chapel to a House in Multiple Occupation (HMO). The works would include internal alterations to provide 14 en-suite bedrooms split over two floors with communal kitchen and dining facilities at the rear of each floor. A new central staircase would provide access to the first floor accommodation, with two new roof lights to provide some light to the staircase and each room would exceed 10sqm floor area with a double lobby area. The proposals include retention and refurbishment of the existing window frames, allowing for new double glazing, opening windows and obscure glazing up to 1700mm in height and retention and refurbishment of the existing front timber door.

The proposals also include the widening of the access to the site to incorporate vehicle access, the provision of two disabled parking spaces immediately outside the building together with a turning area between the two retained trees on the frontage and motorcycle parking. The existing front boundary wall and piers would be relocated in a set back position (0.8m) and a bin storage area provided just inside the site. Secure cycle storage, drying area and amenity space would be provided to the side of the building.

The scheme has been amended since submission to reduce the number of rooms, remove 12 roof lights, 6 from each of the side elevations, remove the warden accommodation, increase the extent of communal space, amend the position of the refuse store, reduce the number of parking spaces and removal of car parking canopies.

During the course of the application the applicant and agent have met with local residents and Councillor D Coughlan to discuss the scheme and hear the concerns of the residents. The applicants were asked to consider amending the scheme to flats rather than an HMO, but have chosen to run with the current scheme. The planning history below shows two previous refusals for conversion to 8 flats, refused on parking and impact on the protected trees.

The following have been submitted in support of the application:

Design and access Statement

This discusses the background to the site, the design, scale, drainage, vehicular considerations, amenity space, landscaping and access.

Tree Report

Both protected sycamore trees within the site appear healthy and vigorous and no structural defects noted. To achieve the required hardstanding within the root protection area of the trees a no dig technique will be required.

Heritage Statement

Gives a brief outline of the history of the site.

Relevant Planning History

09/1826/FL, change of use to 8 self contained flats, refused 16-02-10.

Reason for refusal:

- Failure to demonstrate that parking spaces can be constructed without any detrimental impact on the TPO trees.

10/0307/FL, change of use to 8 self contained flats, refused 10-05-10.

Same reason for refusal as 09/1826/FL.

10/0340/FL, change of use to temporary storage of white goods, refused 28-05-10.

Reason for refusal:

- Noise from deliveries and impact on residential occupiers.
- Relocation of boundary wall, impact on the street scene and security of Newlands Close
- Parking under the TPO trees likely to lead to pressure to remove the trees

Related History

248 Walsall Road Darlaston

15/0736/FL, change of use of public house/restaurant to HMO units (15 units), refused 11-08-15, by Committee.

Reason for Refusal:

The proposed change of use to a house in multiple occupation (HMO) would by reason of its proposed location within a predominantly residential area give rise to local residents fears of crime from potential future occupiers who may present a risk in terms of their behaviour, activities and associations. Furthermore, the application has failed to demonstrate how the proposed development would not impact on the community or mitigate the concerns which have been raised in respect of the fear of crime and therefore promote community cohesion. As such the proposed conversion to a HMO is contrary to paragraph 69 of the NPPF which indicates that planning decisions should aim to achieve places which promote safe and accessible environments where crime and disorder and fear of crime do not undermine quality of life or community cohesion and Policy H7 of the UDP which whilst encouraging the provision of Houses in Multiple Occupation (HMO) only where there would be no harm to the amenity of the occupants of neighbouring properties or the occupiers of the accommodation.

Subsequent appeal allowed 06-02-16.

The Inspector stated that there is no firm evidence of crime vandalism, and anti social behaviour attributed to the occupiers of multi-occupied properties in general, crime and disorder does not seem to be an inevitable consequence of multi-occupation as opposed to single occupation dwellings, but rather a question of individual behaviour and appropriate management. In concluding the Inspector considered that the proposals would not have a materially harmful effect on the fear of crime in the locality and would provide a safe and accessible environment.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF) www.gov.uk

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*".

All **the core planning principles** have been reviewed and those relevant in this case are:

- Proactively drive and support sustainable economic development to deliver homes
- Actively manage patterns of growth to make fullest possible use of public transport, walking and cycling
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants.
- Take account of *the different roles and character* of different areas
- Encourage an effective use of land by reusing that that has been previously developed
- Promote mixed use developments

Key provisions of the NPPF relevant in this case:

- ***NPPF 2 - Ensuring the vitality of town centres***
- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 6 - Delivering a wide choice of high quality homes***
- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy

Black Country Core Strategy

- CSP1: The Growth Network
- CSP5: Transport Strategy
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- CEN7: There is a clear presumption in favour of focusing development in centres.

Unitary Development Plan - http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

- GP2: Environmental Protection
- GP5: Equal Opportunities
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- H5: Housing for People with Special Needs

- H7: Hostels and Houses in Multiple Occupation
- S8: Housing in Town Centres
- T7: Car Parking
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Annexe D: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

Conserving Walsall's Natural Environment

- NE8

Policies are available to view online: http://cms.walsall.gov.uk/planning_policy

Consultations

Transportation – No objections to amended scheme subject to conditions. Taking into consideration:

- The site has an extant use as a Place of Worship and will attract a parking demand which is currently not accommodated on site,
- The residents of the development are likely to have relatively low car ownership levels,
- The site is located within easy walking distance of Willenhall District Centre with a wide range of public and community facilities and good public transport links,
- The development provides some parking on site which is an improvement on the current position,
- Secure cycle shelter provision and motorcycle parking would be provided,
- There are parking restrictions on New Road and around the Newlands Close junction to control indiscriminate parking,

on balance the Highway Authority considers the development will not have severe transportation implications and is acceptable.

Housing Standards – No objections to the amended scheme that provides improved communal kitchen and dining space on the first floor. Condition recommended to ensure that the premises are not used for supported living.

Conservation Officer – No objections subject to conditions relating to details of rainwater goods and pointing. The amended scheme addresses the previous concerns raised.

Tree Officer – No objections to amended scheme subject to conditions to ensure protection of the trees during the building work on site, the extent and method of the driveway construction.

Pollution Control – No objections subject to conditions requiring a noise assessment and implementation of any noise mitigation measures recommended due to the potential noise from neighbouring activities and condition to restrict hours of working on site.

Community Safety Team – Concerns about *another* HMO in Willenhall

West Midlands Police - No formal objection but concerns raised about the lack of requirement for HMO's to be licensed, therefore there is lack of information about where they are and who manages them. As a general rule HMO's provide multi occupancy accommodation for individuals and families with various issues and vulnerability.

In view of these concerns and taking into consideration the recent appeal decision at 248 Walsall Road the following conditions are recommended should planning consent be granted:

1. The developers be made aware of Secure By Design and the specifications and guidelines that can help secure this development from future crimes. Such information can be found at <http://www.securedbydesign.com/pdfs/SBDNewHomes2014.pdf>
2. A Tenancy Management Scheme should be submitted, approved and implemented to ensure appropriate management by the landlord and agreement that the premises remain as a standard HMO rather than Supported Living.

Public Participation Responses

A petition with 244 signatures and 15 letters of objections to the original scheme and 2 further objections (from original objector) to the amended scheme. Councillor D Coughlan has also submitted an objection to the proposals.

The petition raises objections on the following grounds:

- Plans ambiguous, HMO, 17 bedsits, warden controlled
- No category of clients
- Rowdy groups hanging around outside, little external space
- Become a bigger eyesore than it is
- Creation of vehicle access, extra congestion on the main road
- Detrimental effect on residents of Newlands Close, if clear glazing in new windows.

It should be noted however that not all the signatures on the petition are immediate neighbours, a number of signatures only provide postcodes which are not in the immediate vicinity and some provide no addresses details at all.

Objections raised by neighbours:

- Insufficient parking leading to parking in Newlands Close or New Road
- Already parking problems in the area due to the proximity to the town centre
- Loss of privacy
- Overlooking of Newlands Close
- Old building shame to change its look and use
- Inclusion of warden and visitor accommodation lends itself to hostel for short term living
- Concerns about the type of clients/residents (rehab, students, homeless, immigrants etc)
- Newlands Close residents are predominantly elderly, fear of noise and disturbance due to the type of residents and increased risk of crime
- Low rent/low commitment, properties often attract non-desirable groups on low/no income
- Residents already affected by the building of Lidl and a phone mast, now a huge HMO
- Soup kitchen already in Wilkes Street, which attracts undesirables, proposed use likely to attract more undesirable

- If approved will have an adverse impact on Willenhall, likely increase in anti social behaviour
- Existing building has opaque glass to allow privacy to residents in Newlands Close, clear glass proposed, huge impact on privacy of the residents, house windows (including bedrooms) only 12 - 15m away.
- Concern whether existing sewage pipe would be sufficient for the intensified use, which may cause future issues for adjoining residents.
- Light pollution to adjoining properties
- Noise and disturbance to residents from the number of rooms proposed
- On site parking introduced, noise and disturbance to neighbours
- Negative impact on the character of the area
- New vehicle access likely to cause safety issues onto the main road for both vehicles and pedestrians.
- One objector states that the owner of the building owns other properties around the country used to accommodate asylum seekers and has made personal comments about asylum seekers and not wanting this for Willenhall
- Property devaluation

Further comments on amended plans:

- Previous objections stand
- Why has warden accommodation been removed? Surely this is needed, if complaints who is the point of contact?
- Now unsupervised, vulnerable local residents will live in fear of leaving their homes
- Noise and disturbance
- Parking and access issues
- Risk of crime, higher insurance premiums
- Property devaluation

Councillor Coughlan objects to the proposals on the **grounds** that Willenhall centre already has a number of these type of properties and bedsits for single people and considers that this very large HMO will be detrimental to the surrounding area and its residents.

All letters of representation are available for inspection upon publication of this committee report.

Determining Issues

- Principle of the use
- Design and Layout and Impact on the Street Scene and Character of the Area
- Access and Parking
- Amenities of the surrounding occupiers
- Crime and disorder/Secure By Design

Observations

Principle of the use

The site is just outside (on the edge) of Willenhall district centre and is considered a sustainable location with good bus routes to both Walsall and Wolverhampton within walking distance and access to shops and services that are available in the district centre, with a Lidl supermarket next door to the site.

The proposals would allow for the reuse and refurbishment of a vacant locally listed building that is prominent within the street scene and is currently in a semi derelict condition. The building has been vacant since 2008 and the subject of vandalism and it is considered that if it remains

unoccupied it is likely to deteriorate further. The NPPF and UDP policy H3 encourages the provision of residential accommodation through the conversion of existing buildings in sustainable locations. UDP Policy S8 encourages the provision of residential accommodation within town, district and local centres where a satisfactory level of residential amenity can be achieved and the use would not adversely impact on other town centre uses. Further, UDP policy H7 encourages the provision of Houses in Multiple Occupation (HMO) where there would be no harm to the amenity of the occupants of neighbouring properties or the occupiers of the accommodation or no harm to the character and appearance of the building or the area. In this case the site sits between commercial activities including a Lidl supermarket and its car park and residential properties in Newlands Close and forms the juxtaposition between the commercial activities in the district centre and the residential properties adjacent, it is considered that the proposed use would provide a appropriate bridge between the uses.

Design and Layout and Impact on the Street Scene and Character of the Area

All housing developments must comply with national housing standards such as the decent Homes Standard and must be free from category 1 hazards when assessed in accordance with the Housing Health and Safety Rating System (HHSRS) (sections 1 and 2 of the Housing Act 2004). The Council's Housing Services also apply specific standards to premises defined as Houses in Multiple Occupation (HMO's). The standards may relate to matters such as, minimum room size, and occupancy levels, size and numbers of kitchens and communal areas, bathrooms and fire precautions. Further requirements may also be imposed where premises are subject to Mandatory HMO Licensing.

All rooms would have en-suite facilities and a large communal kitchen and dining area provided on each floor. The proposals include an enclosed amenity space to the side adjacent to the boundary with Lidl car park, this would include secure cycle storage and a drying area as well as amenity space. This is considered an acceptable design and layout for future occupiers.

The number of rooms within the development has been reduced throughout the course of the application and the warden accommodation removed as Housing Standards are unable to support the provision of Supported Living accommodation. To this end the applicant has agreed to enter into a Unilateral Undertaking to ensure that the premises would operate as a standard HMO and not Supported Living Accommodation.

The proposals include refurbishment of the existing iron windows with new double glazed units and refurbishment of the existing wooden front door. The proposals would make little difference to the external appearance of the building within the street scene but would bring it back into a good state of repair. The only additions would be two small roof lights to the western elevation to allow light to the new stairwell in the centre of the building.

The works to the frontage of the site would include the widening of the existing access (from pedestrian to a vehicle access), and repositioning the existing boundary wall and piers, (set back 0.8m) to allow for an appropriate visibility splay at the access. The general appearance within the street scene would remain as existing and it is considered that the works would not adversely impact on the appearance of the locally listed building.

The two protected Sycamore trees within the frontage along the boundary would be retained and it is considered that the amended scheme to provide two parking spaces and motor cycle parking in front of the building and the turning area for vehicles between the two trees, would not adversely impact on the trees providing a no dig construction is used for the hardstanding. The extent of hardstanding has been reduced to just over 20% of the root protection area which is considered acceptable and in line with guidance. The trees are fully visible within the street scene and their retention is considered an important aspect of the street and the surroundings. The retention of the trees limits the extent of hardstanding and the number of parking spaces available on the frontage. The additional hardstanding on the frontage would be the only visual difference to the site within

the general street scene, which would not detract from the overall impact and appearance of the site within its surroundings.

It is considered that the proposals would not have an adverse impact on the character and appearance area.

Access and Parking

The site currently has no off street parking and previously operated as a place of worship without any off street parking. The proposals introduces 2 disabled parking spaces and motorcycle parking within the frontage with a new vehicle access.

It is considered that the site is located within walking distance of the district centre with good public transport links and a wide range of public and community facilities and is highly sustainable. The level of parking on site is an improvement over the existing situation and the extant use of the site is as a place of worship which would attract a parking demand which is currently not accommodated on site. It is also considered that the future occupiers of the development are likely to have relatively low car ownership levels, motorcycle parking and secure cycle storage would be provided on site and there are parking restrictions on New Road and around the junction of Newlands Close to control indiscriminate parking and on balance it is considered that the development would not have severe transportation implications.

The alterations to the front boundary and access are considered appropriate to for visibility, the amended layout allows for a turning head within the site and the bin store would be located just inside the site to allow appropriate access for both tenants and refuse collection.

Amenities of the Surrounding occupiers

Residents in Newlands Close have expressed objections and concerns about noise and disturbance, loss of privacy and overlooking from the proposed development.

The existing separation distance to the adjoining residential properties in Newlands Close would be unaffected by the proposals and the existing large iron windows with some opaque glazing would be replaced with double glazed units (which would improve noise insulation) and the amended scheme includes obscure glazing up to 1700mm in height on each window on the western elevation to prevent overlooking and loss of privacy to these neighbours. .

In terms of noise and disturbance, it is considered that the proposed use is unlikely to create any additional noise and disturbance over that of the extant use as a place of worship. Whilst the introduction of parking on the frontage may create some additional noise/disturbance/activity, there would only be two spaces and it is considered that this level of activity would be acceptable and similar to the front driveway of a residential property, not causing undue disturbance to neighbours.

Crime and disorder/Secure by Design

The objectors consider that the use will attract undesirables, anti social behaviour and associated crime.

The Planning Inspector in allowing the appeal on a similar use at 248 Walsall Road earlier this year concluded that there was 'no firm evidence of crime vandalism, and anti social behaviour attributed to the occupiers of multi-occupied properties in general, crime and disorder does not seem to be an inevitable consequence of multi-occupation as opposed to single occupation dwellings, but rather a question of individual behaviour and appropriate management.'

The Police have advised the site is within the Willenhall South Neighbourhood Police Team area which is one of the highest crime areas in the Walsall Local Policing Area which has suffered 1926

reported crimes in the last 12 months of which 221 were burglaries and 286 vehicle related, 22 drug related and 21 sexual related crimes.

The Police have raised concerns regarding the proposed use and whilst not making a formal objection to the proposals recommends that a Tenancy Management scheme is secured and that the premises operates as a standard HMO rather than supported living and that the development should meet the specifications of Secure by Design.

The measures required by Secure by Design may assist in securing the site, however, many of the issues which have been raised at similar establishments are usually generated by the tenants themselves. This is not a matter that can be dealt with directly or wholly by the planning system. The planning system can however, assist by ensuring that Secure by Design measures are required through safeguarding conditions to ensure the building is secured and monitored at all times.

A Tenancy Management Scheme is also recommended to ensure that the premises is properly managed by the landlord, a condition is recommended to ensure that this is agreed prior to first occupation of the premises and maintained thereafter. Nearby residents have expressed concerns for their safety but these concerns are based on the behaviour of future occupiers of the property. There is no evidence that attributes poor behaviour or crime to future occupiers of buildings in multi-occupation. The key to any development is the satisfactory operation and management of the premises by the landlord and it is considered that securing a Tenancy Management Scheme would assist with this.

The applicant has agreed to enter into a Unilateral Undertaking to ensure that the property is run as a standard HMO and not Supported Living accommodation which would attract more vulnerable residents in need of support.

Having taken into consideration all the objections raised, comments from consultees, and the previous appeal decision, on balance it is considered that subject to conditions and a Unilateral Undertaking the proposals in planning terms can be adequately controlled.

Positive and proactive working with the applicant

Officers have liaised with the applicant's agent during the course of the application to obtain amended plans and additional information to enable support to be given to the proposals.

Recommendation: Grant permission subject to conditions and a unilateral undertaking to ensure that the premises remain as a standard HMO and not supported living accommodation.

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

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

2. The development hereby approved shall be built in accordance with the following plans:

Existing Site Location and Block Plans drawing 15077/000 submitted 16-10-15

Existing GF and FF Plans drawing 15077/001 submitted 16-10-15

Existing Elevations drawing 15077/100 submitted 16-10-15

Existing Roof Plan drawing 15077/004 Rev A submitted 14-12-15

Proposed Site Plan drawing 900 Rev C submitted 03-02-16

Proposed Elevations drawing 101 Rev B submitted 03-02-16

Proposed GF & FF Plans drawing 003 Rev C submitted 14-06-16
Proposed External Works Details drawing 15077/901 Rev A submitted 14-12-15
Proposed Roof Plan drawing 15077/004 Rev A submitted 14-12-15
Design and Access Statement submitted 28-06-16
Heritage Statement submitted 16-10-15
Arboricultural Report by Wolverhampton Tree Service dated 18-11-15 submitted 27-11-15

Reason: To define the *permission*.

3a. No development shall commence on site until details of the disposal of both surface and foul water drainage have been submitted to and approved in writing by the Local Planning Authority.

3b. The development shall be completed in accordance with the approved details and retained as such.

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

4a. No development shall take place until details to show how it complies with Secured by Design specification have been submitted to and approved in writing by the Local Planning Authority.

4b. The approved details shall be fully implemented prior to the first occupation of the building and shall be retained at all times thereafter.

NB. Please refer to "Note For Applicant" for further information.

Reason: To provide appropriate levels of security and safety, in order to protect future occupiers and to gain and record evidence of any breaches of tenants contract or other crime related incidents.

5a. No development shall take place until a noise assessment is submitted to and agreed in writing with the Local Planning Authority. A submitted report shall include detailed findings and any recommendations for mitigation measures.

5b. Any mitigation measures shall be agreed in writing with the Local Planning Authority prior to commencement of construction.

5c. Properties shall not be occupied until any agreed mitigation measures have been implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the development and protect the amenity of occupiers of the proposed residential units.

6a. No development or works associated with the development shall take place until details of tree protective fencing and ground protection for all phases of the development have been submitted to and approved, in writing, by the Local Planning Authority. These must be in accordance with BSD5837:2012, Trees in Relation to Design, Demolition and Construction-Recommendations, section 6.2.

6b. The tree protection measures shall be installed in accordance with the approved plans prior to any work starting on site.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policies ENV18 of the Walsall UDP 2005, and NE8 of the Supplementary Planning Document, Conserving Walsall's Natural Environment.

7. The method of tree and ground protection shall be maintained in-situ and not moved or removed until all construction has finished and equipment, materials, or machinery are removed from 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 Policies ENV18 of the Walsall UDP 2005, and NE8 of the Supplementary Planning Document, Conserving Walsall's Natural Environment.

8. Prior to the commencement of works on site and after the installation of the tree protection in accordance with the approved plans the applicant shall arrange a pre-commencement meeting between the Local Planning Authority and the applicant's arboricultural consultant to allow inspection and verification of the protection measures.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policies ENV18 of the Walsall UDP 2005, and NE8 of the Supplementary Planning Document, Conserving Walsall's Natural Environment.

9a. No development or works associated with the development shall take place until an Arboricultural Method Statement has been submitted to, and agreed in writing by, the Local Planning Authority. The statement should include details of the method of driveway construction including all materials to be used, the existing and proposed levels, and how the no-dig drive will tie in to the existing footpath levels, with reference to site specific scaled cross-sectional drawings if appropriate.

9b. The construction of the no-dig driveway shall be carried out in accordance with the approved details.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policies ENV18 of the Walsall UDP 2005, and NE8 of the Supplementary Planning Document, Conserving Walsall's Natural Environment.

10a Prior to the first occupation of the development a Tenancy Management Scheme shall be submitted to and approved in writing by the Local Planning Authority.

10b. The development shall thereafter be operated in accordance with the approved scheme.

Reason: To ensure the satisfactory operation of the premises as an HMO.

11a Prior to the first occupation of the development :-

i) The frontage parking and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and suitably drained so that surface water from these areas does not discharge onto the public highway, full details of which shall be submitted to and approved in writing by the Local Planning Authority,

ii) The parking bays shall be clearly demarcated on the ground.

11b. 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.

12. Prior to the frontage parking area first coming into use, the existing vehicle footway crossing shall be suitably extended to align with the widened vehicle access, shall be installed in accordance with Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance all statutory requirements.

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

13a. Prior to the development first coming into use, full details of the proposed cycle shelter for residents/visitors of the development, which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

13b. The cycle shelter facility shall thereafter be retained and used for no other purpose.

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

14. Prior to the new access onto New Road first coming into use, the front boundary wall shall be repositioned to respect the visibility splay shown on drawing no.900 Rev C.

Reason: In the interests of highway safety.

15. At no time shall security gates be installed across the new access point unless positioned at least 5 metres back from the kerb line and are inwards opening.

Reason: To allow an accessing vehicle to pull clear of the main carriageway in the event that the gates are in a closed position, in the interests of the free flow of traffic on the public highway and to highway safety.

16. All replacement rainwater goods and downpipes to be constructed of metal.

Reason: To ensure the special character of the locally listed building is preserved.

17. The method of re-pointing existing masonry shall be as follows:

- No mechanical tools or equipment be used to remove mortar;
- All raking out of old mortar shall be by hand;
- All new pointing shall be given a flush finish (not weather struck); and
- All pointing shall be pat finished and not smoothed by tooling. All pointing shall be undertaken in accordance with this methodology and between the months of April to October or during weather conditions agreed by the local planning authority.

Reason: To ensure the special character of the locally listed building is preserved and enhanced and decay/erosion of the historic fabric does not escalate.

18. 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 amenity of local residents

19. No consent is given to any external lighting on the building or within the site.

Reason: To protect the amenity of local residents

Notes For Applicant

Secure By Design - further information on Secure by Design specifications please go to http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf or contact West Midlands Police (Police Architectural Liaison Officer) on 0845 113 5000.

Noise Assessment - Paragraph 123 National Planning Policy Framework:

Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Noise surveys may need to adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation point, and may also need to take account of changes in noise levels on account of height above ground floor level to account for noise exposure at sensitive receptor points. Additionally, a noise survey may have to take into consideration changes in noise climate between normal weekdays, and weekends, effects of holiday periods, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys may be required to corroborate a single noise survey.

Submitted noise measurement data should include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of performance verification checks, recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum. Sound level measuring instrumentation shall conform to either: 'Type 1' of either British Standard BS 5969: 1981 '*Specification for sound level meters*', and/or BS EN 60651: 1994 '*Specification for sound level meters*', and/or BS 6698: 1986 '*Specification for integrating-averaging sound level meters*', and/or BS EN 60804: 1994/2001 '*Specification for integrating-averaging sound level meters*' and/or 'Class 1' of BS EN 61672: 2003 '*Electroacoustics- Sound Level Meters - Part 1: Specifications*' (or any superseding standards as applicable).

Instrumentation shall have been verified either in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' or BS EN 61672: 2003 'Electroacoustics - Sound Level Meters - Part 3: Periodic Tests' within a preceding 2 year period of measurements being conducted, or else verified with a multifunction acoustics calibrator that has been UKAS certified within a preceding 2 year period.

In regard to specifying suitable noise mitigation measures to protect internal and/or external residential areas, reference can be made to guidance and criteria contained in British Standard BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' and World Health Organisation Guidelines for Community Noise 2000. Assessment of certain industrial and commercial noise impacts can be undertaken having reference to British Standard BS 4142 'Method for Rating industrial noise affecting mixed residential and industrial areas'.

Planning Committee Walsall Council;

Ref: Planning Application 15/1540. Providence Chapel, New Road Willenhall.

We the undersigned, object to the above planning application.

Name

Address

19 Delamere Rd, Willenhall, WV12 5QS

19 Delamere Rd, Willenhall, WV12 5QS

19 Delamere Rd, Willenhall, WV12 5QS

19 Delamere Rd, Willenhall, WV12 5QS

4 Deans Gate WV13 3NH

11 Druid Park Road WV12 5EH

11 Druid Park Road WV12 5EH

26 Delamere Road WV12 5QS.

23 Dryden Close, WV12 5HT.

18 Fivefields Road WV12 4PA

7 Thompson Close WV13 2PA

81 pinson road Whall.

18 Five Fields Rd. Whall.

47, Pedmore Road DY9 7DY.

14



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jul-2016

Plans List Item Number: 11.

Reason for bringing to committee: Significant Community Interest

Location: 82, FOLEY ROAD WEST, STREETLY, SUTTON COLDFIELD, B74 3NP

Proposal: REPLACEMENT 5 BEDROOM DETACHED HOUSE.

Application Number: 15/1557

Applicant: S Johal

Agent: Intergrated Deisgns & Associates Ltd

Application Type: Full Application

Case Officer: Stuart Crossen

Ward: Streetly

Expired Date: 12-Jan-2016

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application proposes a replacement detached house with a lounge, open kitchen/dining room, living room, hall, toilet, study, utility room and garage on the ground floor. On the first floor would be four bedrooms with en-suites and a walk-in wardrobe.

The application site is on a road of predominantly individually styled detached houses some with double projecting features and original bay windows, within the same row of houses are pairs of traditional styled semi-detached houses.

A tree preservation order has been placed on the Silver Birch tree in the front garden during the application process and the applicant has omitted a proposed front boundary treatment.

The design includes a hipped roof with 2 projecting bay window gables which mirror one another, a central access with gable feature and a projecting gable garage to the side. The key measurements are:

17.6 metres wide, maximum at ground floor

15.2 metres wide, maximum at first floor

10.3 metres deep

2.9 metre deep front projecting garage

8.6 metres high (400mm higher than the existing house)

In relation to number 82a the garage would be built up to the boundary, but the first floor part would be set 2 metres away. The proposed garage would project 4.5 metres forward of the main front elevation of 82a, 5.7 metres from the mid-point of the nearest ground floor front window of this house. The proposal would not project beyond the rear of number 82a.

In relation to number 80 the proposal would project further forward but not beyond the front elevation of number 80. There would be a 600mm gap to the shared boundary the same as existing and a 2 metre gap between the houses.

A design and access statement has been provided which explains the original proposal but has not been updated to take account of the amendments.

Relevant Planning History

None

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF was published on Tuesday 27th March 2012. It cancels and replaces all PPGs and PPSs (except for PPS10 'Planning for Sustainable Waste Management'), several Mineral Policy Statements and Planning Guidance, a number of Circulars and several Letters to Chief Planning Officers.

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"*.

All the **core planning principles** have been reviewed and those relevant in this case are:

- Seek to secure high quality design and good standards of amenity for all existing and future

- occupants
- Take account of the different roles and character of different areas

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

35. Plans should protect and exploit opportunities for the use of sustainable transport modes

39. If setting parking standards for residential LPA's should also take into account: accessibility, the type and mix of the use, availability of public transport, levels of car ownership and the need to reduce the use of high emission vehicles.

6: Delivering a Wide Choice of High Quality Homes

49. Housing applications should be considered in the context of the presumption in favour of sustainable development

53. LPA's should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people

58. Policies should set out the quality of development that will be expected of an area, including:

- Will function well and add to the overall quality of an area
- Establish a strong sense of place
- Optimise the potential of the site to accommodate development
- Respond to local character and history and reflect the identity of local surroundings and materials
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion
- Are visually attractive as a result of good architecture and appropriate landscaping

59. Consider using design codes where they could help deliver high quality outcomes.

Design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

60. It is, proper to seek to promote or reinforce local distinctiveness

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

On **planning obligations and conditions** the NPPF says:

Planning obligations should only be sought where they meet all of the following tests:

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

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Costs imposed on developments should pay careful attention to viability and take account of market conditions.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for

solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Annex 2- Glossary - Previously developed land

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

The Development Plan

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

The Black Country Core Strategy (BCCS)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted in February 2011 under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies ... even if there is a limited degree of conflict with this Framework*".

The key planning policies include CSP4, HOU2, ENV2 and ENV 3

It is considered in this case that the relevant provisions of the BCCS are consistent with the NPPF

Walsall's Unitary Development Plan (UDP)

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

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

Key planning policy references include saved policies:

3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

ENV14 and 3.9 The Council will encourage the reclamation and development of derelict and previously developed land.

3.64: Trees are an important visual, ecological and historical resource, which should be retained and protected wherever possible.

ENV18: The Council will ensure the protection, positive management and enhancement of existing trees and hedgerows.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with

surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV33 and 3.117 landscape design is an integral part of urban design

H3: Windfall Sites and Conversion of Existing Buildings

(a) The Council will encourage the provision of additional housing through the re-use of brownfield windfall sites and through the conversion of existing buildings.

ENV40 (c) The quality of all water resources will be protected and, where possible, improved.

Development will not be permitted if the drainage from it poses an unacceptable risk to the quality or usability of surface or ground water resources. In particular the Council will need to be satisfied that:-

I. Adequate foul and surface water drainage infrastructure is available to serve the proposed development.

T7: All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

1, 2 & 3 bedroom houses 2 spaces per unit

Supplementary Planning Document (SPD)

On the basis that relevant Unitary Development Plan policies are consistent with National Planning Policy Framework, the related Supplementary Planning Document(s) will also be consistent provided they are applied in a manner consistent with National Planning Policy Framework policy. The relevant Supplementary Planning Document's are:

Designing Walsall (Feb 2008) refers to the development respecting massing, scale and rhythm of adjacent buildings, plots sizes and built density will relate to their local context , privacy and aspect distances between buildings must ensure all occupants have a satisfactory level of amenity, whilst reflecting the emerging and existing character of the area, ground floor activity and natural surveillance will be maximised, a clear definition between private and public realm and building frontage to overlook the public realm, common building lines along road frontages must be maintained with buildings have a clear relationship with their neighbours and new development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment.

DW3 – all new development must be designed to respect and enhance local identity

DW9 new development must seek to ensure it creates places with attractive environmental quality

Annexe D: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, setbacks to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

The Vision: Homes, provides guidance on designing homes in Walsall.

It is considered in this case that the relevant provisions of Designing Walsall Supplementary Planning Document are consistent with the NPPF.

Consultations

Transportation – No objection subject to a condition to ensure the satisfactory condition of the parking area.

Severn Trent Water – No objection subject to drainage condition
Police Architectural Liaison Officer – No objections subject to secure by design principles are adopted.
Ecology – No requirement for a bat survey
Trees – No objections to the scheme, original objection to the wall has been overcome by the omission of the boundary treatment and an amended landscape plan.

Public Participation Responses

5 neighbours have objected on the following grounds:
The look of the property will not be in keeping the area.
The brick walls and iron gates out of character.
The tree to the front is not on the plans and should have a tree preservation order on it.
No gap to the fence of number 80 which would prevent the owners maintaining guttering and roof.
There is existing flooding in the area, concern about drainage for the proposal.
Would not improve the plot or surrounding area.
It would be too big
Should only be used as a private residence

Determining Issues

- Principle of Development
- Design and Character of the Area
- Neighbouring Amenity
- Drainage
- Access and parking
- Trees
- Security

Observations

Principle of Development

The site is situated within a well established residential area with regular bus services along Foley Road West between Walsall and Sutton Coldfield. The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and UDP.

The principle of a residential property fronting the street is already established as this is a replacement house and is considered appropriate in this location.

Design and Character of the Area

The amended design reflects traditional hipped roof semi-detached houses having matching double bay windows, which although serving a single detached house would have the appearance of a pair of semi-detached houses which is considered to integrate well with the existing row of houses along Foley Road West.

The gap to number 82a and 80 is considered adequate to provide good separation which reflects the existing relationship between the application house and neighbouring houses and the wider character of the surrounding defined by detached and semi-detached houses.

The proposed projecting garage although forward of the main front elevation would not be a prominent addition to the design due to its single-storey design and limited forward projection and is considered would be compatible with the proposed house having little impact on the character of the area.

Neighbouring Amenity

In relation to number 82a the proposed garage would project 4.5 metres forward of the nearest ground floor window of this house the centre point of this window is 5.7 metres away. This separation combined with the design of the garage being single storey with a front gable is considered sufficient that the development would not result in a significant loss of light to this nearest neighbouring window or have an unacceptable overbearing impact. The two storey part of the proposal is 6 metres from the main part of 82a and projects two metres further forward and is considered would not have a significant impact on the amenities of occupants of this house. The rear part would not project beyond the rear elevation of 82a.

Although close to the boundary to number 80 this house has no main habitable room side elevation windows and the proposal would not project forward of this house and would project 2 metres beyond the main rear elevation of this house which is over 2 metres from the side of the proposal. This relationship is considered acceptable and would not result in any significant loss of light or overbearing impact.

No main side elevation windows are proposed so there would be little if any potential for overlooking.

Drainage

Concerns have been raised about flooding and Severn Trent has been consulted. Subject to drainage conditions Severn Trent have no objections to the scheme.

Access and parking

The access arrangements would be unchanged and the space for parking available on site combined with the garage has parking exceeds the Council's standards and are considered acceptable.

Trees

The tree to the front of the site has had a tree preservation order placed on it following the submission of this application. Amendments to the application including the omission of the front boundary wall and retention of the existing parking areas have been submitted to ensure the future preservation of the tree to the satisfaction of the Tree Officer. The Tree Officer has requested that the amended landscape plan is conditioned.

Security

The Police Architectural Liaison Officer has recommended security measures to ensure the satisfactory security of the residents of the house which is recommended as a condition.

Other issues raised through consultation:

Objections have been raised that there would be no gap to the fence of number 80 which would prevent the owners maintaining guttering and roof. The application is within land owned by the applicant and this issue would be a private matter between interested parties.

An objection has been received which suggests that the property should only be used as a private residence. The application is for a house whether the owner wishes to live in the house or rent it out is not a material planning consideration.

Positive and Proactive Working with the Applicant:

Officers have spoken with the applicant's agent and in response to concerns raised regarding the proposed design, massing and concerns about the protected tree, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation: Grant Permission Subject to Conditions

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 carried out in accordance with the following plans unless otherwise superseded by condition:

Amended location and site plan (NBF/124/GATE) received 17/05/16

Amended landscape plan (NBF/124/Revision 3) received 17/05/16

Amended existing and proposed elevation and floor plans (NBF/124/Revision 2) received 23/03/16

Reason: To define the permission.

3a) Prior to commencement drainage plans shall be submitted for the disposal of surface water and foul sewage and approved by the Local Planning Authority

3b) The approved details shall be fully implemented prior to occupation and retained thereafter.

Reason: To ensure that the development is provided with a satisfactory means of drainage as part of the construction as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution for neighbours and occupants.

4a) Notwithstanding the details provided and prior to the commencement of the development above the damp proof course hereby approved a schedule of the roof tiles and facing bricks to be used in the roof, including the size, texture and colour shall be submitted to and approved in writing by the Local Planning Authority.

4b) The development shall be completed with the approved details and retained and maintained at all times.

Reason: To ensure the satisfactory appearance of the development.

5) Prior to the development first coming into use, the element of the existing western vehicle access point consisting of loose stone and paving slabs shall be reconstructed to a tarmacadam surface in accordance with Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance all statutory requirements.

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

6a) Prior to the new dwelling first coming into use, the parking area shall be fully consolidated, hard surfaced and drained in accordance with the details approved in condition 6.

6b) This area 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) No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public

PAGE 162 OF 210

Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 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; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.

Reason: To protect the amenity of adjoining residential occupiers.

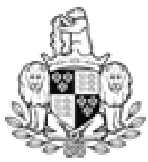
Notes for applicant:

Secured by Design

1. Windows/ roof lights / patio / French doors/ windows should conform to PAS 24 2012 PS1A Standard with at least one pane of 6.4mm laminated glass in all ground floor windows,
2. There should be an area of defensible space in front and across the length of each front facing window, which should be around 1m in depth and consist of dense low level shrubbery, suitable for the light / soil environment at its location. The defensible space will help protect ground floor windows and make access to them by offenders more difficult.
3. All external door sets should be to PAS 24 2012 standards. If a europrofile cylinder lock is to be utilised this doors testing and certification should incorporate a TS-007 3star cylinder lock.
4. Most properties are attacked from the rear therefore perimeter security needs to be effective in order to protect the most vulnerable area of any property. With this in mind perimeter and boundary fencing should be at least 2.1m in height, the fencing should also be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. 2.1m fencing can include 300mm trellis topping i.e. 1.8m fence plus 300mm anti climb trellis topping.
5. Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.
6. All gates should be 2.1m in height and be key lockable from both sides. They should be positioned as close to the front building line as possible.
7. Fencing should be located as near to the front building line as possible.
8. Due to the increase in metal theft consideration should be used to minimising the use of lead in the design, by using lead substitute or alternative products.
9. The property should be fitted with a suitable intruder alarm utilising dual technology sensor or above and alarm sirens front and back of building.
10. 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

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 reconstruction of the dropped kerb footway crossing within the public highway. For further information please contact the Traffic Management Team on 01922 654663.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jul-2016

Plans List Item Number: 12.

Reason for bringing to committee: Significant Community Interest

Location: 8, TILLEY STREET, DARLASTON, WEDNESBURY, WS10 8AZ

Proposal: SINGLE STOREY FRONT AND SINGLE STOREY REAR EXTENSIONS.

Application Number: 16/0058

Applicant: Mrs Sajida Bi

Agent:

Application Type: Full Application

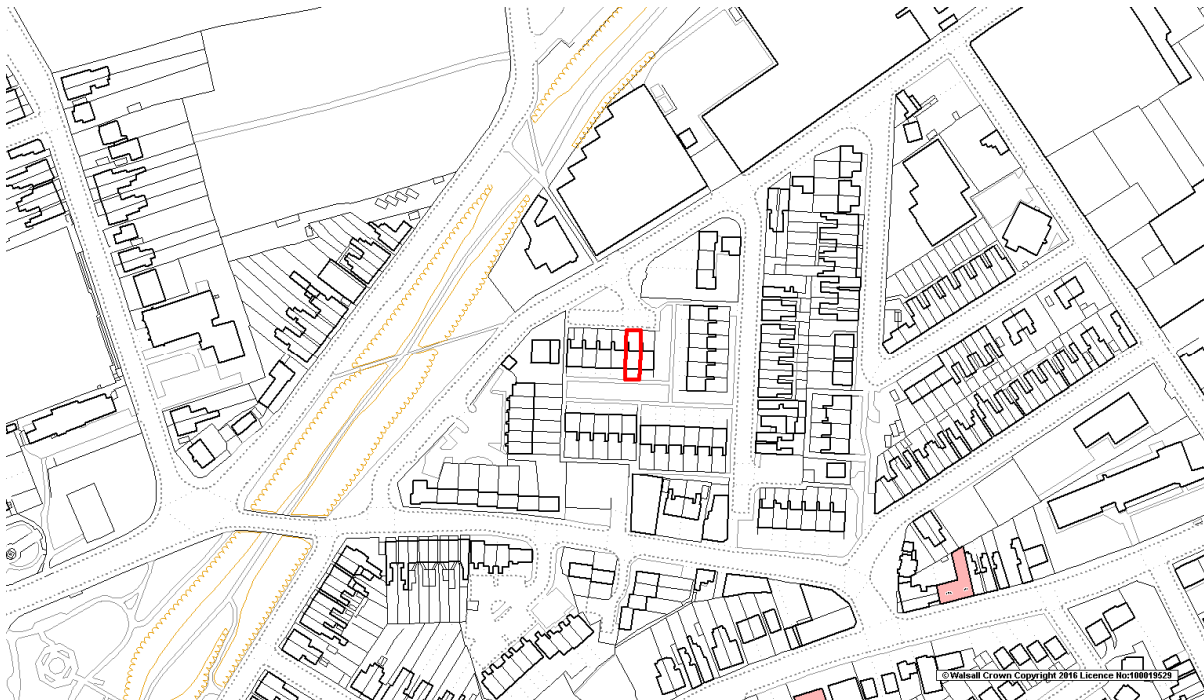
Case Officer: Helen Smith

Ward: Bentley And Darlaston North

Expired Date: 07-Mar-2016

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This is a mid-terraced house located within a row of 6 similar houses. The rear of the application house faces a service road which is used for residents' parking. There is no vehicular access to the front of this and neighbouring houses.

The street has a mixed character of both residential and industrial premises and there are four blocks of similar former local authority houses. No. 5 Tilley Street has a similar front extension to the current proposal.

The proposed full width of the existing house front extension would enlarge the existing lounge and provide a new porch by extending 1.5 metres forward of the front elevation. This extension would have a pitched roof between 2.6 and 3.4 metres high.

The proposed full width of the existing house rear extension would be 3 metres deep from the rear elevation. This extension would have a pitched roof between 2.6 and 3.2 metres high and would include two roof-lights. This extension would provide a new kitchen and bathroom.

No. 7 Tilley Street sits to the east of the application house and has a 3.2 metres deep single storey rear extension along the garden boundary with no. 8. This neighbouring house has front and rear facing habitable room windows.

To the west of the application house sits no. 9 Tilley Street which has its entrance door to the front and a rear habitable room window near to the shared boundary with the application house.

The proposed new front lounge window would face across public areas to front habitable room windows in no. 43 Tilley Street.

The rear elevation of the application house faces across Station Street, towards ZF Lemforder UK Ltd with a separation distance of 38 metres.

The length of the remaining rear yard would be reduced from 8.6 to 5.6 metres. Most of these houses, including the application house, have little off-street parking provision although some residents do park within their rear gardens. There is approximately 2 metres high timber fencing along the rear boundary.

Relevant Policies

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

National Planning Policy Framework (NPPF) www.gov.uk

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*".

All the **core planning principles** have been reviewed and those relevant in this case are:

- Find ways to enhance and improve places in which people live their lives
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

63. Great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

On planning conditions the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On decision-taking the NPPF sets out the view that pre-application engagement is encouraged and

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework System, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advised that "...due weight should be given to relevant policies....according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight they may be given)." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led

officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity.

This checklist has been published on the BCCS and Council websites. Cabinet on the 24 July 2013 resolved to endorse the assessment undertaken by officers from the four local authorities and agreed that the Black Country Core Strategy policies should be given full weight in planning decisions.

The relevant policies are:

ENV2 and ENV3 states that all development should aim to protect and promote the special qualities, design quality and local distinctiveness of the Black Country.

Walsall's Unitary Development Plan (UDP)

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

Policies that have been saved and not replaced by the BCCS remain part of the development plan.

However, in such cases the NPPF says *"due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)"*.

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

ENV32: Design and Development Proposals.

- (a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant in the following locations:-
 - On a visually prominent site.
- (b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-
 - The appearance of the proposed development.
 - The height, proportion, scale, and mass of proposed buildings / structures.
 - The materials proposed for buildings, external spaces and means of enclosure.
 - The integration and co-ordination of buildings and external space.
 - The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
 - The effect on the local character of the area.

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

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The relevant SPDs are:

Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix D (listed below) although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front
- 45 degree code: particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk).
- Garden dimensions: 12m in length or a minimum area of 68 sq. m for houses and 20 sq. m of useable space per dwelling where communal provision is provided.

It is considered in this case that the relevant provisions of Designing Walsall are consistent with the NPPF.

Relevant Planning History

None for the application house

No. 7 Tilley Street recently received prior approval for a 3.5 metres deep single storey rear extension (reference no. 16/0574)

Planning permission for the existing front extension to no. 5 Tilley Street has not been identified. Aerial photographs indicate that this has been in situ in excess of 4 years and has become lawful.

Consultation Replies

Pollution Control – No objections

Representations

One anonymous letter and a petition consisting of four names have been received objecting to the initial proposal which included the first floor rear extension on the following grounds;

- Right of light – impact on light to the front and rear of properties
- Impact on neighbouring foundations (*not a material planning consideration*)
- Overbearing impact
- Overlooking
- Disproportionate addition
- Overshadowing of neighbours' rear gardens and front bedrooms and living rooms
- Unacceptable loss of privacy
- Major parking issues as they have 2 vans, a car and a caravan and residents are already calling the police when their parking spaces are taken

Following re-notification of neighbours of amended plans removing the proposed first floor rear extension no further responses have been received.

Determining Issues

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

Observations

Design of Extension and Character of Area

The proposed pitched roofs are considered would reflect the character of the existing house. The amended proposal is considered to be proportionate to the scale of the existing house.

The proposed rear extension would be viewed against the back-drop of the existing house when seen from Station Street and as there are existing rear extensions to these houses it is considered that any addition impact upon the rear street scene would be minimal.

Whilst the proposed front single storey front extension is considered would interrupt the simple regular rhythm of this block of terraced houses, it would provide some variety to the street scene. No. 5 Tilley Street has a similar front extension which has appears to have been in situ since at least 2004. It is considered that No. 5's extension has not resulted in any harm to the character of the area.

Consequently, and on balance, it is considered the appearance of this proposal is acceptable and would have a limited impact upon the character of the area.

Amenity of Nearby Residents

The front elevations of no's 7, 8 and 9 Tilley Street face south and it is considered this orientation would result in the proposed front extension having a limited additional impact on neighbours' existing light and amenity.

The proposed rear extension would extend no further than the existing single storey rear extension located along the rear boundary with no. 9 Tilley Street. Whilst the new extension roof would be higher than the roof of the existing neighbour's extension, it is considered with No. 8's rear elevation facing north, this proposal would be within the shadow of the existing house and any additional impact on neighbours' light at no's 7 and 9 Tilley Street would be minimal.

The proposed extensions would meet the Council's 45 degree guidance, referred to in Appendix D of Designing Walsall SPD, in relation to adjacent front and rear habitable room windows in no's 7 and 9 Tilley Street. This advice is the Council's tool to guide development and planning applications in relation to neighbour's light and outlook.

The habitable room window to window separation distance of 18 metres between the proposed front extension and no. 43 Tilley Street would be 6 metres less than the recommended separation distance of 24 metres, as referred to in Appendix D. This new window would face across a public street, and Designing Walsall Appendix D explains the 24 metre separation is applied more robustly for rear window to window separations than across front separation distances across public realm. It is considered that residents' privacy would not significantly worsen.

The proposed new rear windows would not directly face any habitable room windows.

The removal of the proposed first floor rear extension is considered to have addressed neighbours' concerns regarding overlooking, overshadowing and the proposal having an overbearing impact.

The amended proposal would have front and rear facing windows, similar to those in the existing house, and it is considered that neighbours' existing privacy would not significantly worsen as a result of this development.

Rights of Light are a private legal matter for neighbours' to pursue if they choose to. The Council uses its 45 degree guidance when considering impact on light and amenity.

Whilst the depth of the rear private amenity space would be reduced below the Designing Walsall Appendix D guidance, it is considered that the rear extension could be built using current permitted development allowances it would be unreasonable to refuse permission on this basis.

Parking

The amended proposal would not increase the total number of bedrooms at this property and no additional parking provision is required to serve this dwelling. Consequently, existing parking concerns for residents' using the service road to the rear of these houses on Tilley Street are not material to the determination of this planning application.

Positive and Proactive Working with the Applicant

Officers spoke with the applicant and in response to concerns raised regarding the proposed first floor rear extension and amended plans have been submitted which enable full support to be given to the scheme.

Recommendation: Grant Permission Subject to Conditions

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 12/01/16
- Existing Site Plan, deposited 14/04/16
- Existing Front Elevation, deposited 14/04/16
- Existing Rear Elevation, deposited 18/04/16
- Existing Ground Floor, deposited 14/04/16
- Existing First Floor, deposited 14/04/16
- (Existing) Section/Elevation Viewed from Left, deposited 14/04/16
- Existing Roof Plan, deposited 14/04/16
- (Existing) Section/Elevation Viewed from Right, deposited 14/04/16
- Proposed Site Plan, deposited 18/04/16
- Proposed Front Elevation, deposited 18/04/16
- Proposed Rear Elevation, deposited 14/04/16
- Proposed Roof Plan, deposited 18/04/16
- Proposed Ground Floor Plan, deposited 18/04/16
- Proposed Section/Elevation Viewed from Right, deposited 14/04/16(*subject to Building Regulations Approval*)
- Proposed Section/Elevation Viewed from Left, deposited 14/04/16(*subject to Building Regulations Approval*)
- Section Thro' Rear Kitchen Extension, deposited 14/04/16 (*subject to Building Regulations Approval*)

- Section Thro' Front Elevation, deposited 14/04/16 (*subject to Building Regulations Approval*)

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 colour, texture and size 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 policy ENV32 of Walsall's Unitary Development Plan.

4: 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.

Date: 11th February 2016

Your application number :16/0058

2 Tilley Street
Darlaston
Wednesbury
West Midlands
WS10 8AZ

Planning and Building Control
The Civic Centre
Zone 2b
Darwall Street
Walsall
West Midlands
WS1 1DG

Dear Sir / Madam

Site Address 8 Tilley Street, Darlaston, Wednesbury, WS10 8AZ

We write in connection with the above planning application, we have examined the plans and we know the site well. We wish to object strongly to the development of the proposed two storey back and one storey front extension for the following reasons:

- A right of Light – If this application is to be granted then the enjoyment of light through will be affected the front of our property's and back gardens will become dark restricting the use and enjoyment also it will cause over shadowing to our property's.
- Currently we have unobstructed daylight, the proposed extension limits the amount of light coming through.
- The proposed extension is close to the surrounding buildings, we feel that any exaction will affect the surrounding foundation.
- We want to object to the application on the grounds of overbearing impact, overlooking our property's and surrounding area and being disproportionate to the surrounding area.
- In our opinion the proposed new development will overshadow neighbouring back gardens, front living rooms and front bedrooms, for most of the day, it will overlook these rooms to the front and back of our houses causing an unacceptable loss of privacy.

If this application is to be decided by the local councillors, Please take this as notice that We would like this application to be rejected on the above grounds.

Signatures of residents that wish to object against the planning at 8 Tilley Street, Darlaston, WS10 8AZ

Name	Signature	Address
		3 TILLEY ST, DARLASTON, WS10 8AZ.
		10 TILLEY STREET, WS10 -
		1. TILLEY ST. DARLASTON WS10 8AZ



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jul-2016

Plans List Item Number: 13.

Reason for bringing to committee: Contrary to Policy

Location: 136, BRIDLE LANE, STREETLY, SUTTON COLDFIELD, WALSALL, B74 3HQ

Proposal: DEMOLITION OF REAR CONSERVATORY, ERECTION OF SINGLE STOREY AND TWO STOREY REAR EXTENSION.

Application Number: 16/0425

Applicant: Mr & Mrs Sofroniou

Agent: JB Architect Services

Application Type: Full Application

Case Officer: Devinder Matharu

Ward: Streetly

Expired Date: 11-May-2016

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

136 Bridle Lane is a detached house located on the southern side of Bridle Lane. The house has a tiled canopy across the front elevation extending across the bay window, front door and integral garage. The front garden is part hard surfaced to provide two off road parking spaces with a small soft landscaped area adjacent 134.

The proposal includes the demolition of the existing conservatory and erection of a single storey and two storey rear extensions.

The existing conservatory extension at the rear of the property extends across the whole width of the house. It is set in from the boundaries of the property and projects a maximum of 3.5m from the rear of the original dwelling. The rear amenity space beyond the conservatory comprises of decking.

There is a one metre gap on each of the side boundaries with numbers 134 and 138.

Numbers 134 and 138 are both detached houses and have no rear extensions. The boundary treatment adjacent 134 is a 2m high close board fence and adjacent 138 is a 2m high close board fence for 4m from the rear elevation of 138 and then reduces down to 1m. The rear of the houses are staggered with number 138 being positioned approximately 0.75m beyond the rear elevation of 136 and number 136 being positioned approximately 0.75m beyond the rear elevation of 134.

To the rear of the site is number 2 Royal Meadow Way, a large detached property, which has a detached garage adjacent to the rear of 134. The property has a first floor side facing secondary bedroom window, which is in line with 134. The boundary treatment with this property is a 2m high close board fence and there are trees within the rear garden of number 2 along the boundary. This property is set at a higher level than 136.

The single storey extension would measure 2.7m beyond the rear elevation of 134 and 3.0m beyond the rear elevation of 138 and would extend the whole width of the house. The extension to the roof height would be 2.5m to the eaves and 3.0m to the pitch.

The two storey extension would be 3m in length and 3.15m in width. The extension would be 5.1m to the eaves and 6.4m to the pitch.

The proposal would also include internal alterations at first floor which would result in the reduction of the first floor middle window to accommodate an en-suite and a first floor obscurely glazed side window facing 138 to provide light into the proposed landing.

A plan has been submitted which shows 3 off road parking spaces within the curtilage of the site.

A plan has been submitted showing the 45 degree code measurement from the nearest neighbouring habitable room windows at ground floor.

Relevant Policies

National Planning Policy Framework (NPPF)

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*".

All the **core planning principles** have been reviewed and those relevant in this case are:

- Find ways to enhance and improve places in which people live their lives
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

7. Requiring good design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57. Important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

- Planning policies and decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy

Black Country Core Strategy

CSP4: Place Making

ENV3: Design Quality

Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits

Unitary Development Plan

GP2, 3.6, 3.7 seeks to make a positive contribution to the quality of the environment, whilst protecting people and not permitting development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

- I. Visual appearance.
- II. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.
- III. The adequacy of the access, and parking.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. 'Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

T7 - Car Parking

All development should satisfy the car parking standards set out in Policy T13, and be well designed.

T13: Parking Provision

3 plus bedroom houses and above, 3 spaces per unit

Supplementary Planning Document Designing Walsall(2013)

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies. The following are the relevant policies;

DW3 – Character -design to respect and enhance local identity;

Annexe D: Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, setbacks to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

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

Policies are available to view online: http://cms.walsall.gov.uk/planning_policy

Relevant Planning History

BC46829P- Bridle Lane Service Station, Bridle Lane. Retention of 6 Detached Houses. Granted on 21-Feb-1997subject to the restrictive conditions below:

2 no side facing windows

4 No rear extensions

6 retain garage and parking area.

Consultations

Transportation – Verbal comments no objection, the proposal seek to retain the garage and there is adequate space on the driveway to accommodate 3 off road vehicles.

Pollution Control – No objection subject to conditions to ensure existing ground gas protection measures will not be compromised and suitable measures to protect the proposed extension can be achieved.

Representations

None

Determining Issues

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

Observations

Design of Extension and Character of Area

The design of the proposed extension is considered acceptable as it would be viewed against the back drop of the existing house. From Bridle Lane the proposed extension would not be seen from the public realm. From long views from the street scene and from of number 2 Royal Meadow Way the proposed extension would be viewed against the back drop of the existing house. It is considered that the proposed extensions would not visually harm the character of the area sufficient to warrant refusal of the scheme.

The proposed extensions would still allow a rear garden of 12.2m with a total amenity area of 115 square metres to be retained, which is in character with the surrounding neighbouring properties.

The proposal would include the reduction of the first floor middle window on the front elevation to accommodate internal alterations to reposition the en-suite within the master bedroom. This alteration would not unduly impact upon the character of the street scene provided the infill brickwork is undertaken with matching facing materials. A condition is recommended to secure this.

Amenity of Nearby Residents

Due to the staggered relationship of numbers 136 and 134, the proposed single storey extension would project 3.5m beyond the rear elevation of 134. The eaves of the roof would be 2.5m with the roof design being a mono pitch at 3m high. The proposed single storey extension would not unduly harm the amenities of the neighbouring occupier at 134 sufficient to warrant refusal of the scheme.

The proposed two storey extension would project 2.25m beyond the rear elevation of 138 and would be 3.2m in width across the rear of 136 with an eaves height of 5.1m and a pitch height of 6.4m.

The proposed two storey extension would breach the 45 degree code from the nearest ground floor habitable room window of 138 by 0.2m (20cm). The proposal would result in some loss of light to the rear of 138 during the early morning for a couple of hours with the majority of the day remaining unaffected. It is considered that this loss of light during the early morning hours would not unduly impact upon the amenities of these neighbouring occupiers at 138 sufficient to warrant refusal of the application.

The 0.2m projection of the proposal beyond the 45 degree code would not unduly impact upon the visual amenities of the neighbouring occupiers to warrant refusal of the scheme, as whilst a 45 degree view of the side wall of the proposed extension would be seen from the habitable room windows of 138, the main outlook from these windows is towards the rear garden of 138.

The installation of an obscurely glazed landing window at first floor facing 138 would not unduly impact upon the amenities of the neighbouring occupiers at 138, as there are no side facing windows on the side elevation of 138.

Towards the rear of the site is number 2 Royal Meadow Way which has a side facing secondary bedroom window at first floor that is level with 134. The agent has submitted a plan that shows a 24m circumference from the proposed two storey rear bedroom extension to number 2 Royal Meadow Way. The side facing window at number 2 cannot be seen from the rear of 138 due to the existing trees along the rear boundary. It is considered that any views towards this window would be interrupted by the boundary treatment, trees and the roof of the detached garage belonging to number 2. The proposed extension would not unduly result in overlooking or loss of privacy to the nearest first floor bedroom window to this property, as the window faces towards the rear garden of this property, away from the rear of 138. It is considered that the proposed extension would not unduly impact upon the amenities of these neighbouring occupiers to the rear of the site sufficient to warrant refusal of the scheme.

The proposal would not unduly result in loss of privacy or overlooking to the rear garden of number 2 Royal Meadow Way as the 2m high rear boundary treatment between the two properties and the trees within the rear garden of number 2 along the boundary with 138 would provide screening and any views would be intermittent.

Parking and access

Policy T13 of the UDP requires houses with 3 or more bedrooms to provide 3 off road parking spaces. The proposal seeks to increase the number of bedrooms from 3 to 4. The retention of the garage and the existing driveway would allow parking for three vehicles within the site curtilage.

Positive and proactive statement

The design of the proposed extension would not unduly impact upon the character of the area. The proposed extensions would not unduly impact upon the amenities of neighbouring residential occupiers. The proposal would comply with the parking policy.

Recommendation: Grant Permission Subject to Conditions

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 submitted on 17th March 2016
- Ground floor plan drawing number 57/PL.01/A submitted 6th June 2016
- First floor plan drawing number 57/PL.02/A submitted 6th June 2016
- Roof plan drawing number 57/PL.03/A submitted 6th June 2016
- Rear elevation drawing number 57/PL.04/A submitted 6th June 2016
- Side elevation West plan drawing number 57/PL.05 submitted 17th March 2016
- Side elevation east plan drawing number 57/PL.06/A submitted 6th June 2016
- Site plan drawing number 50/PL.08/A submitted 27th June 2016

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

3a: Prior to the commencement of this permission, details of ground gas ingress protection measures to be installed in the proposed extension shall be submitted to and agreed in writing with the Local Planning Authority. The applicant shall demonstrate to the satisfaction of the Local

Planning Authority that any existing ground gas ingress protection measures incorporated into the existing dwelling are not compromised.

3b: Prior to the development 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 accepted in writing by the Local Planning Authority.

Reason: To protect human health.

4: The walls and roof of the proposed single storey and two storey extensions hereby approved and the reduction of the first floor middle window on the front elevation with brick infill 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 policy ENV32 of Walsall's Unitary Development Plan.

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

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

6: The side facing landing window shall be obscurely glazed and retained and maintained at all times.

Reason: To protect the amenities of the occupiers of 138 Bridle Lane.

Note for Applicant:

Advice on basic ground gas ingress protection requirements *can be found by reference to the following publication "Protective measures for housing on gas-contaminated land", BRE Report 414, ISBN 1 86081460 3 (contact CRC Ltd 020 7505 6622 for order information).*



Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jul-2016

Plans List Item Number: 14.

Reason for bringing to committee: Call in by Councillor Hussain

Location: 54, SCARBOROUGH ROAD, WALSALL, WS2 9TS

Proposal: TWO STOREY REAR EXTENSION AND CONVERSION OF EXISTING GARAGE TO HABITABLE ROOMS.

Application Number: 16/0056

Applicant: Mrs Majeed Ahmed

Agent: Anthony Spruce

Application Type: Full Application

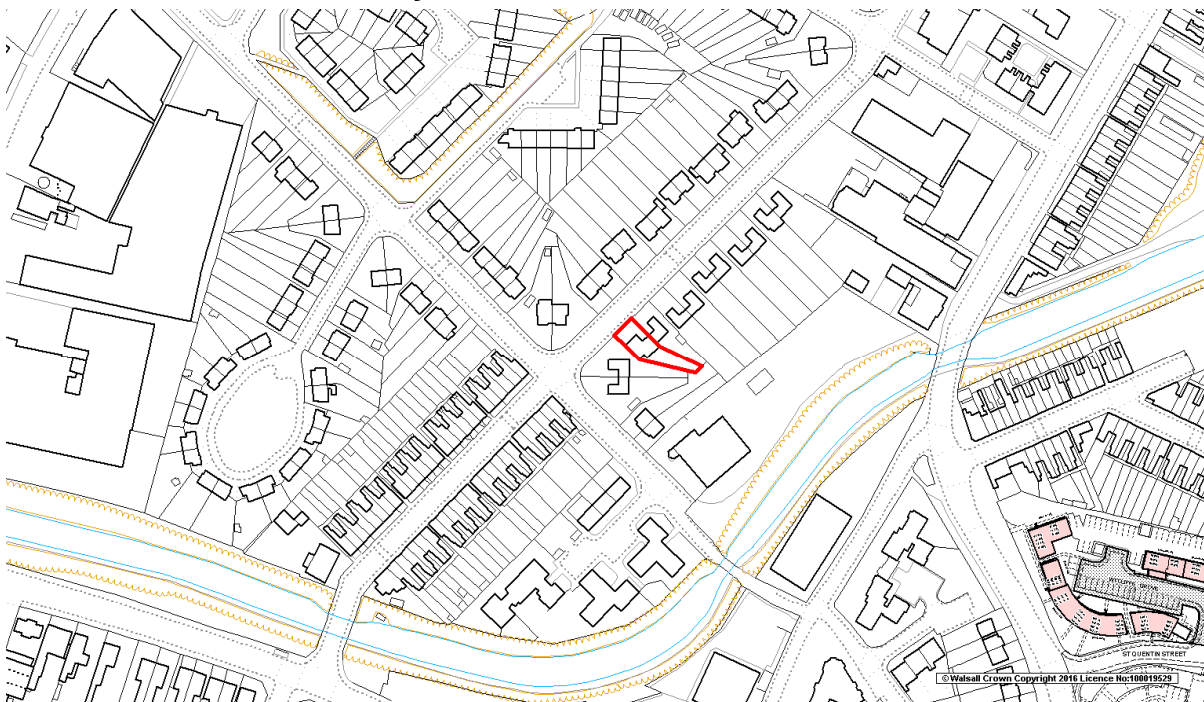
Case Officer: Helen Smith

Ward: Pleck

Expired Date: 10-Mar-2016

Time Extension Expiry:

Recommendation Summary: Refuse



Status

Councillor Hussain called this application before planning committee because he and the applicant consider the proposal adequate and satisfactory and that the applicant has made considerable amendments from past applications which were refused, to meet the criteria. This planning application was to be presented to the 28th April 2016 planning committee and deferred at the request of Councillor Hussain in order that other options could be explored but none have come forward.

The planning application was due to be presented at the 9th June 2016 planning committee and deferred as Councillor Hussain was unable to attend the meeting for personal reasons

Application and Site Details

The application house is a semi-detached property which has a two storey front gable feature with an attached garage to the side and an existing first floor side extension which is set back behind the garage. The adjoining semi, no. 56 Scarborough Road reflects the design of the application house.

There have been a number of previous planning applications for this site and this is a resubmission which includes a new proposal for a first floor rear extension.

The area has a residential character and the street consist of pairs of similar semi-detached and terraced houses.

This proposal includes;

- Convert the existing garage to provide a new lounge and ground floor bathroom.
- Replace the existing garage door with a window and matching brickwork.
- Add a first floor extension above the existing 2.4 metres deep single storey kitchen extension
- This first floor rear extension would enlarge an existing bedroom and provide a new bathroom
- This rear extension would be part hipped and part flat roof and built next to the rear garden boundary of no. 56 Scarborough Road
- The proposal adds a 2.7 metres deep, 3.3 metres high flat roof single storey new kitchen extension to the existing single storey rear extension.
- This rear extension would also be built up to the boundary with no. 56, replacing a timber canopy in a poor condition.

The remaining rear garden of no. 54 Scarborough Road would be 17.2 metres long and this has angled side boundaries in relation to the application house.

No. 56 Scarborough Road is to the north-east and is in line with the front and rear elevations of the original application house. This neighbouring house has a lounge window approximately 0.9 metres from the rear garden boundary with the application house and a toilet window at first floor. There is close boarded timber fencing along the shared boundary between no's 54 and 56.

No 52 Scarborough Road lies to the south-west of the application house which is angled towards the rear garden of no. 52. There are habitable room windows in the rear elevation of no. 52 which would face the proposed first floor extension at an oblique angle with a separation distance of 8 metres.

There would be a separation distance of 27 metres between proposed new rear habitable room windows of the application house and the boundary with the former Woodward's Road garage site. This site has a planning application (14/1462/FL) for residential re-development which is currently being negotiated. Walsall Canal lies to the south of this development site.

The submitted plans detail three off street parking spaces on the existing hard-surfaced frontage of the application house which would require the demolition of a low front boundary wall to provide a widened parking area.

Relevant Policies

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

National Planning Policy Framework (NPPF) www.gov.uk

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*".

All the **core planning principles** have been reviewed and those relevant in this case are:

- Find ways to enhance and improve places in which people live their lives
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

63. Great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, *relevant to planning and to the development to be permitted*, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that pre-application engagement is encouraged and

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework System, and the NPPF says that for 12 months from the publication of the national framework *"decision-takers may continue to give full weight to relevant policies"*. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advised that *"...due weight should be given to relevant policies....according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight they may be given)."* To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity.

This checklist has been published on the BCCS and Council websites. Cabinet on the 24 July 2013 resolved to endorse the assessment undertaken by officers from the four local authorities and agreed that the Black Country Core Strategy policies should be given full weight in planning decisions.

The relevant policies are:

ENV2 and ENV3 states that all development should aim to protect and promote the special qualities, design quality and local distinctiveness of the Black Country.

Walsall's Unitary Development Plan (UDP)

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

Policies that have been saved and not replaced by the BCCS remain part of the development plan.

However, in such cases the NPPF says *"due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)"*.

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant in the following locations:-

- On a visually prominent site.
- (b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-
 - The appearance of the proposed development.
 - The height, proportion, scale, and mass of proposed buildings / structures.
 - The materials proposed for buildings, external spaces and means of enclosure.
 - The integration and co-ordination of buildings and external space.
 - The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
 - The effect on the local character of the area.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

1, 2 and 3 bedroom houses	2 spaces per unit
4 bedroom houses and above	3 spaces per unit

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

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies *are consistent with NPPF*, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The relevant SPDs are:

Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix D (listed below) although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front
- 13 metre separation between habitable room windows and blank walls exceeding 3 metres in height.
- 45 degree code: particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk).
- Garden dimensions: 12m in length or a minimum area of 68 sq. m for houses and 20 sq. m of useable space per dwelling where communal provision is provided.

PAGE 187 OF 210

Relevant Planning History

54 Scarborough Road

BC20363P – Section 32 application; car-port and canopy – refused permission 5/1/88

BC27402P – Side and rear extensions – refused permission on 31/10/89 on the grounds of that the size, dominance, position and poor design would be detrimental to the visual amenities of the area.

BC28880P – Side and rear extensions – granted permission on 6/2/90. This proposal included a similar porch to the current proposal but this was not built.

10/1077/FL - First floor side extension above existing garage, rear conservatory, porch and canopy to front and garage conversion to lounge - refused permission on 21/4/11 on the following grounds;

- 1. The proposed first floor extension would have an overbearing and unacceptable impact on the side ground floor habitable room window at 52, because of its length, when added to the existing two storey extension, height and position in relation to this property.*
- 2. The length of the proposed canopy which disrupts the vertical design of the two storey front projecting gable and proposed wide columns to support the proposed front canopy, would be out of keeping with the design of the existing house, adjoining semi, and would appear over-prominent and incongruous in the street.*

11/1519/FL - Garage conversion with first floor extension over, front porch and conservatory to the rear- refused permission 27/01/2012 on the following grounds;

- 1. The proposed first floor extension would have an overbearing and unacceptable impact on the side ground floor habitable room window at 52, because of its length, when added to the existing two storey extension, height and position in relation to this property.*

14/0339/HPD – Prior approval erection of single-storey rear extension with pitched roof and dimensions of - extending to 5.5m rear of original rear wall, 4m overall maximum height, 2.5m high to the roof eaves. Prior approval required and refused because of the detrimental impact on neighbour's amenity on 10/04/14 on the following grounds;

- 1. The 5.5m rear projection of the proposal beyond the original rear wall would adversely impact on the daylighting and outlook enjoyed from a rear living room window at number 56 Scarborough Road. It would also impact adversely on the daylight and sunlight reaching the rear patio area at this house. The proposal would also therefore have an overbearing impact, harmful to the amenity enjoyed at that house. The extension would also adversely impact on the daylighting and outlook enjoyed from rear windows at number 52 Scarborough Road, and would have an overbearing impact, harmful to amenity at that house.*

14/1184/PAHPD – Prior approval for a 6 metres long conservatory from original rear wall by 4 metres high (2.5 metres high to eaves) - prior approval required and refused because of the detrimental impact on neighbours amenity on 1/10/14 on the following grounds;

- 1. Due to the size of the proposed conservatory (when combined with the existing extension) and constraints of the site, in this case the proximity to the rear habitable living room window and rear patio area at No.56 Scarborough Road it is considered the additional loss of light and shadowing would be at an unacceptable level. Furthermore the full length of the*

proposed conservatory would breach the Council's 45 degree guidance to the rear habitable window at No.56

The Former Garage, Woodward's Road

14/1462/FL - Proposed new build residential redevelopment of former garage site comprising 12 no. houses and 8 no. apartments, 20 no. new dwellings in total – this application has not been determined and revised details are awaited.

Consultation Replies

Transportation – No objections subject to the inclusion of a planning condition, if approved, in respect of extending the existing footway crossing to align with the proposed widened parking area and an informative note to the applicant to keep the highway free of debris during any construction works.

Canal and River Trust – No objections but require the inclusion of an informative note for the applicant to ensure the works comply with the Canal and River Trust "Code of Practice for Works affecting the Canal and River Trust", if planning permission is granted.

Representations

Objections have been received from an adjoining neighbour on the following grounds;

- Reduction of natural light to lounge and rear garden
- Previous additional single storey extensions have been rejected and this is for a first floor extension
- No objections to the proposed garage conversion

Determining Issues

Whether the current proposal has overcome previous refusal reasons or raised any new issues in respect of:-

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

Observations

Whether the Current Proposal has Overcome Previous Refusal Reasons

The most recent refusal reason in 2014 states the following;

1. *Due to the size of the proposed conservatory (when combined with the existing extension) and constraints of the site, in this case the proximity to the rear habitable living room window and rear patio area at No.56 Scarborough Road it is considered the additional loss of light and shadowing would be at an unacceptable level. Furthermore the full length of the proposed conservatory would breach the Council's 45 degree guidance to the rear habitable window at No.56*

In this instance the proposed combination of two extensions would extend 5.1 metres beyond the adjacent ground floor lounge window serving no. 56 Scarborough Road.

It is considered that the excessive length of these extensions, when combined with the south-westerly orientation of no. 54 and the addition of a 2.4 metres deep, first floor rear extension, near to the shared boundary with no. 56 would have a harmful and detrimental impact on neighbours existing light and amenity particularly to their rear lounge window and patio area.

Furthermore the proposed rear extensions would fail to meet the Council's 45 Degree guidance, as referred to in Appendix D of Designing Walsall SPD, in relation to the lounge window at no. 56. The Council's 45 degree code is guidance which aims to limit the impact of proposal in relation to neighbour's light and outlook.

Whilst previous proposals vary in design and length it is considered that the current proposal has failed to address the Council's concerns regarding the unacceptable impact these additional extensions would have on neighbours' amenity at no. 56 and has not overcome previous refusal reasons.

Design of Extension and Character of Area

The proposed first floor flat roof is considered to represent poor design in terms of its detrimental appearance and would appear to be an incongruous addition, which would materially harm to the detriment of the character and appearance of the host dwelling and street scene, particularly as there are long views of the rear of this property from Woodward's Road.

The proposed replacement of the existing garage door with a window is considered would be a minor alteration to the appearance of the dwelling and would not harm the overall appearance of the application house or existing street scene, subject to the materials used and the window design match those used in the existing house.

Amenity of Nearby Residents

The proposed first floor rear extension is considered would have an unacceptable impact on the rear ground floor habitable room window and rear patio area at 56 Scarborough Road, because of its height and its orientation in relation to 56 Scarborough Road.

The rear elevation of no. 54 extends further back than no. 52 Scarborough Road and is angled towards the rear garden of no. 52. There would be a limited separation distance of 8 metres between no. 52's rear first floor bedroom window and the blank side elevation of the proposed first floor rear extension. Consequently it is considered that the proposed extension would result in an unacceptable loss of outlook to no. 52's first floor rear bedroom window, because of the angled relationship between these two houses and the extensions close proximity to no. 52.

The separation distance of 27 metres between proposed new rear habitable room windows of the application house and the boundary with the former Woodward's Road garage site, is considered would not restrict any future proposed development on the site to the south.

Parking

The frontage of the application house is already hard-surfaced with an existing dropped kerb access from the highway.

The total number of bedrooms would remain as four and there is sufficient space to accommodate three off street parking spaces to meet the requirements of UDP Policy T13 Parking. Highways Officers have no objections to the proposal subject to the inclusion of a planning condition, if approved, to extend the existing footway crossing to align with the proposed widened parking area and an informative note to the applicant to keep the highway free of debris during any construction works.

Conclusion

Whilst this current proposal differs to earlier planning applications and the prior approval applications, it is considered that the fundamental issue of unacceptable impacts of this proposal on the existing light and amenity experienced by the occupiers of no. 56 Scarborough Road have not been addressed. The additional space the extensions would create for the applicant are considered do not outweigh the harm to the adjacent neighbours or the harm to the character and appearance of both the host dwelling and the area. The applicant's agent has been advised to remove the proposed first floor extension and limit the depth of the single storey extension to a maximum of 3.5 metres next to the boundary with no. 56. The applicant has declined this suggestion and has not provided a justified planning argument for the Council to set aside its own planning policies or what special circumstances there maybe to outweigh the harm to the adjacent neighbours and local character. Therefore this application is recommended for refusal.

Positive and Proactive Working with the Applicant

Proposed amendments to the scheme to enable this to meet current planning policy and guidance have been discussed with the agent. These changes have been declined, consequently, in this instance the Council is unable to support the proposal as the benefit to the applicant does not outweigh the detrimental harm to the neighbour's amenity or the harm to the character and appearance of both the host dwelling and the area.

Recommendation: Refuse

1. The proposed first floor flat roof is considered to represent poor design in terms of its detrimental appearance and would appear to be an incongruous addition, which would materially harm to the detriment of the character and appearance of the host dwelling, area and street scene, particularly as there are long view of the rear of this property from Woodward's Road. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Designing Walsall SPD.
2. The proposed first floor rear extension would have an unacceptable impact on the rear ground floor habitable room window and rear patio area at 56 Scarborough Road, because of its height and its orientation in relation to 56 Scarborough Road. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Appendix D of Designing Walsall SPD.
3. The proposed first floor rear extension would result in an unacceptable loss of outlook to the first floor bedroom window in no. 52 Scarborough Road because of the angled relationship between the application house and no. 52 and the limited separation distance between the proposed extension and the first floor bedroom window in no. 52. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Appendix D of Designing Walsall SPD.
4. The proposed single storey rear extension would have an unacceptable impact on the rear ground floor habitable room window and rear patio area at 56 Scarborough Road, because of its additional length when added to the length of the existing rear extension and its orientation in relation to 56 Scarborough Road. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64;

The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and Appendix D of Designing Walsall SPD.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jul-2016

Plans List Item Number: 15.

Reason for bringing to committee: Significant Community Interest

Location: 54, CARTBRIDGE CRESCENT, WALSALL, WS3 1TJ

Proposal: TWO STOREY SIDE EXTENSION

Application Number: 16/0326

Applicant: Mr Morn Sohal

Agent: Alexander Associates

Application Type: Full Application

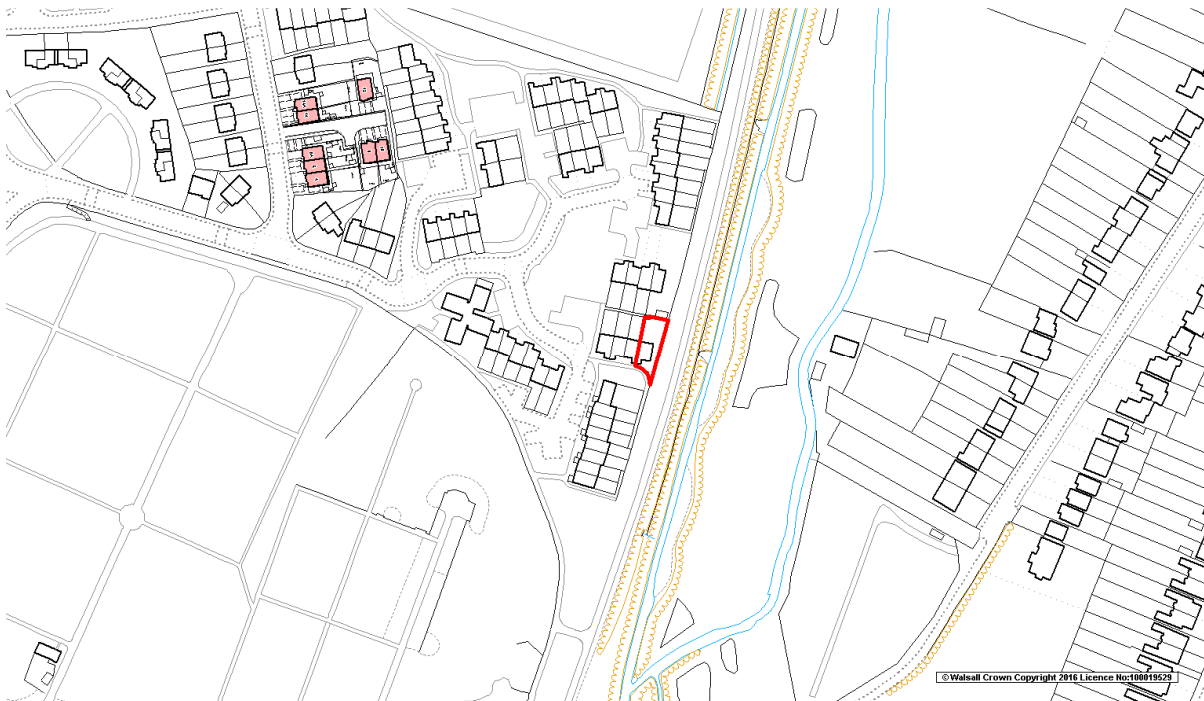
Case Officer: Jenny Townsend

Ward: Blakenall

Expired Date: 26-Apr-2016

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Status

This item was deferred from the Planning Committee on 9th June 2016 to enable objectors concerns to be heard at a future committee.

The original report now follows:

This application seeks to add a two storey extension to the side of an end of terrace house that would enlarge the existing lounge and dining room at ground floor and enlarge the existing front bedroom at first floor and add a new third bedroom.

The existing plans show a porch with a sloping roof across the front of the house however this had been removed at the time of the planning officer's site visit. The original plans included the rebuild of the porch continued across the full width of the existing house and also the extension but amended plans have been received which show the porch omitted to free up space on the frontage of the house for parking.

This is a residential area with a mix of terraced houses and flats. The application house is a plain design with a gable roof which lies at the end of a cul-de-sac serving the terrace of 4 houses. The former railway line which is now part of National Cycle Route 5 runs alongside the site to the east with metal palisade fencing to this side boundary. A number of nearby properties have hardsurfaced the front garden to provide off-street parking. The application house has a tarmaced drive for one vehicle and a gravelled area to the side of the house that can accommodate a further vehicle.

The proposed extension would be in line with the existing house at both the front and rear and would increase the width of the house from 5.9 to 8.5 metres at the front and 5.9 to 8.9 metres at the rear. The 0.4 metre step in the side of the extension would follow the angle of the side boundary. The existing gable roof is to be continued over the extension. Amended plans show high level eaves to the front of the wider rear section of the extension.

There are no windows or doors proposed in the side elevation adjacent the cycle track and on the front new windows serving the existing living room at ground floor and bedroom at first floor part proposed.

On the rear a secondary window to the enlarged kitchen diner is proposed at ground floor and a window to the new bedroom would be above. The rear of the application house faces the rear of number 73 Cartbridge Crescent which has habitable room windows at both ground and first floor level with a tall fence on the boundary between them. The separation between the rears of the houses is approximately 22 metres as originally were built.

The front of the house faces across the road towards the tall fence which is to the side boundary of the rear garden of number 52 Cartbridge Crescent.

Relevant Policies

National Planning Policy Framework (NPPF)

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"*.

All the **core planning principles** have been reviewed and those relevant in this case are:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

NPPF 7 - *Requiring good design*

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy

Black Country Core Strategy

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

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

- Appendix D

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

Policies are available to view online: http://cms.walsall.gov.uk/planning_policy

Relevant Planning History

15/0570/FL Proposed two bedroom house. Refused 17/06/15 on the grounds that the proposal by virtue of its scale, massing and appearance would represent a camped development of the site which would appear incongruous and unrelated to the surrounding development causing harm to the character and appearance of the area. The application fails to take account of the context that defines the character of the area, disrupting the street scene to the detriment of visual amenity and compromising the quality of the local environment. In addition the proposal does not provide sufficient or adequate amount of useable private amenity area for either the occupiers of 54 Cartbridge Crescent or the proposal. The proposal also fails to provide adequate off-street parking provision to meet the operational need of both the proposed house and the existing house; as a consequence the development is likely to lead to increased reliance for on-street parking and is likely to result in constrained vehicle movements and conflict to the detriment of highway safety.

Consultation Replies

Pollution Control – No objections.

Transportation – No objections subject to a condition relating to parking.

Representations

Three letters of objection from neighbours on the following grounds:

- there is already parking problems in street from vans of contractors carrying out work;
- rubbish and mess from skips on front driveway is blowing around the garden and estate and children are playing in this mess which is a health and safety issue;
- scrap men messing in skips;
- cars and properties are full of dust and dirt from the works, costing money to keep cleaning;
- current proposal will have the same visual impacts and parking limitations as the previously refused application;
- drawings conflict – one shows rear of extension in line whilst the other shows it projecting beyond rear of neighbour which would block view to the nature reserve trees and sun from the garden.
- encroaches on privacy and affects husband's health;
- already renovating house and have noise, bonfires and dust;
- noise and disruption to the neighbourhood from contractors lorries if approved;
- reduce light to garden and neighbouring properties;
- if railway alongside property reopens it will be too close to the extended house- the gap to the side is there for this reason;
- belief that this application is a 'back door' attempt to achieve a dwelling that could be for more than one family or maybe an HMO which would incur issues of its own ie. parking, noise, extra rubbish etc.- this is backed up by the fact that the rear garden has already been split by fencing;
- out of character with rest of estate as built right to edge of cycle track and any future maintenance/repairs would need to be done from this land;
- removal of metal fencing would lead to security and privacy issues for neighbours but would be only way of gaining a side access;

Determining Issues

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

Observations

Design of Extension and Character of Area

The design of the extension is compatible with the existing house. The first floor part of the houses are already all in line and the proposal is considered would be in keeping with this existing character.

The removal of the front porch is considered would not significantly harm the appearance of the house and when looking down the cul-de-sac, the porch to the front of number 56 partly screens the front of the existing house and it would not be immediately obvious that the application house had no porch. The house would be wider than the neighbours but this is considered would not harm the character of the area.

A condition removing permitted development rights for porches to the front of the house is recommended to prevent a porch being added at a later date that would prevent the frontage being available for parking.

The amended plan shows high level eaves to the wider rear part of the extension. This would be set back from the front of the house and whilst it is acknowledged that the eaves would not match with the existing eaves of the house, this would not be *visible when looking down the cul-de-sac* towards the application house. From the cycle track the break would be seen against the brickwork of the front section and the modest depth of the wider section is considered would diminish the difference. The front of the house does not directly face towards the front of any neighbouring dwelling and on balance it is considered that the difference in eaves height to this narrow section would not significantly harm the visual appearance of the house or the area sufficient to refuse the application for this reason alone.

It is acknowledged that part of the reason for refusal of the previous application was harm to the visual amenity of the area however this application is for an extension rather than a completely new dwelling and on balance it is considered that given the shallow design of the existing roof, the set back to the section with the higher eaves and the modest width of this, they would be barely visible from the ground.

Amenity of Nearby Residents

The proposed extension would not project beyond the existing house at either the front or rear and would have little impact on the neighbouring house number 56 with regards to loss of light or outlook. The extension would be set away from the boundary with number 56 and this separation is considered would minimise any overlooking from the windows in the extension to the rear of number 56.

The separation distance between the new bedroom window proposed on the rear and the rear of number 73 would be the same as already exists between the habitable room windows on the rear of both of the houses, which is also the case for the rest of the houses in this terrace and the other houses in the block of which number 73 is the end house. It is acknowledged that there is a modest shortfall to the 24 metres required by policy, but in this context it is considered that maintaining current separation distances would provide an acceptable level of amenity for the occupiers of both properties in keeping with the existing character of the area.

The other new windows on the rear would be secondary windows to existing rooms that already face towards the rear of number 73. As such it is considered that there would be little change to the existing situation with regards to privacy of the occupiers of both houses.

The new windows to the front would also be secondary windows to existing rooms and do not directly face towards any other house. The first floor window faces towards the rear garden of number 52 but this is across the road and as the rear garden of number 52 is already adjacent the cycle track it is considered on balance that the addition of a secondary window to an existing bedroom would not significantly worsen the existing situation with regards to harm the amenity of the rear garden of number 52 sufficient to warrant refusal of the application on these grounds alone.

With regard to the neighbours comments, parking of contractors vans, dust and skips in connection with the development are temporary and whilst it is accepted that there would be some disturbance for neighbours during construction works it is considered that as most house extensions are small in scale they are normally completed in a relatively short time. The block plan appears to show the previous scheme and is not included in the list of approved plans. The amended plans do not show any projection beyond the rear of the house. The application does not include any side access or

propose any change to the fencing along the side boundary. There are only two houses, the application house and number 73 Cartbridge Crescent that are parallel to the former railway line, all the other houses back onto it at right angles and it is up to the applicants if they wish to reduce their own amenity by being closer to the public track at the side of the house. The removal of the porch has provided an area for parking and a condition preventing the addition of a porch under permitted development rights is recommended to ensure that this area remains for parking only. Noise is covered by separate legislation and maintenance and access for maintenance are not material planning considerations.

With regard to sub-division of the house or utilising the property for an HMO, whilst there are conditions to be adhered to with regards to both options, it is permitted development which is outside of the control of the Local Planning Authority. The current proposal has to be considered on its own merits.

Parking

The development looks to add a two storey side extension including increasing the number of bedrooms from 2 to 3. Taking into account there is no policy requirement for an increase parking space provision over and above the existing provision and there is no evidence that the property ever had more than one parking space, on balance the Highway Authority considers that the proposed single parking space provision is acceptable and will not have severe transportation implications.

The plan submitted to show two parking spaces does not reflect the existing layout of the road because it shows a footpath in front of the houses that does not exist and for this reason has not been included in the list of approved plans.

Note: The parking area and access to the property off Cartbridge Crescent is not public highway but is under the control of Walsall Housing Group

Positive and Proactive working with the applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding the parking space on the frontage of the property, amended plans with the proposed porch omitted have been submitted which enable full support to be given to the scheme.

Recommendation: Grant Permission Subject to Conditions

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 2 March 2016;

Amended existing and proposed plans drawing 30012015/A1/EPSE Rev 03 deposited 27 May 2016.

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 policy ENV32 of Walsall's Unitary Development Plan.

4: 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.

5: The single frontage parking space shall hereafter 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.

6: No development within Class D Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development Order) 2015 or succeeding orders (porches) shall take place without the prior submission and approval of a planning application.

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

Notes for Applicant

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

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

This Standing Advice is valid from 1st January 2015 until 31st December 2016



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 07-Jul-2016

Plans List Item Number: 16.

Reason for bringing to committee: Call in by Councillor Martin

Location: 117, SUTTON ROAD, WALSALL, WS5 3AG

Proposal: RESUBMISSION OF PLANNING APPLICATION 15/1547.
RETROSPECTIVE - RETENTION OF DOUBLE STOREY SIDE AND SINGLE
STOREY REAR EXTENSION WITH LOFT CONVERSION.

Application Number: 16/0334

Applicant: Mr M Ali

Agent: Mr Maz Aqbal

Application Type: Full Application

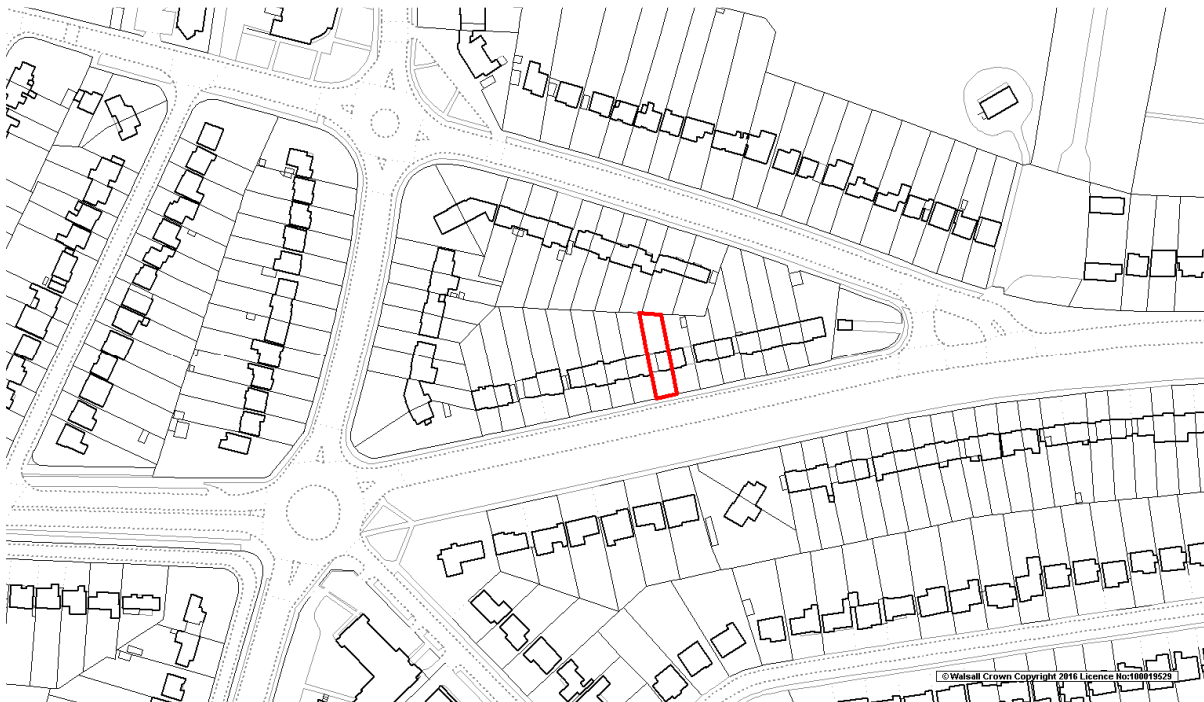
Case Officer: Helen Smith

Ward: Paddock

Expired Date: 01-May-2016

Time Extension Expiry:

Recommendation Summary: Refuse



Status

Councillor Martin has called this application before planning committee because she considers that the proposal requires delicate judgement. The previous retrospective planning application (reference 15/1547) was called before the 4 February 2016 planning committee and members refused retrospective permission. A new planning agent is acting for the applicant and the proposal remains the same as the 15/1547 application.

The Planning Agent has provided a visual representation of the front elevation of extension as built in relation to the approved extension and it is considered that this document emphasises the harm caused by reducing the width of the first floor gap between no's 115 and 117 Sutton Road.

Application and Site Details

This is a retrospective application to retain a two storey extension which has not been built in accordance with the approved planning permission (12/0484/FL). Following a complaint, Planning Enforcement Officers visited the application site confirming to the applicant that the extension did not conform to their planning approval and that it was required to be amended to meet the 2012 permission. The applicants submitted a retrospective planning application to retain what has been built rather than re-build to match the approved plans which was refused permission by the February 2016 planning committee. The applicant has applied for a second time to retain the extension as built.

The application house is a semi-detached house with a two storey front gable feature which is reflected in the design of the adjoining semi, number 119 Sutton Road. The application house is in line with the houses to each side. The street has a spacious character and benefits from mixed design houses. This house is located along an important route into the borough.

The first floor side elevation of the two storey side extension has been built 0.5 metres from the shared side boundary with number 115 Sutton Road which is 0.4 metres wider than the original planning permission. The width of the extension has been increased to 3 metres from the approved 2.6 metres.

This extension is flush with the first floor front and rear elevations of the application house and has a hipped roof design as high as the existing ridge height.

The single storey rear extension is part-built and extends 3.5 metres rearwards in line with an existing single storey rear extension and would have, based on the submitted drawing, a 3.6 metres high pitched roof. The proposed rear dormer would be 0.3 metres below the ridge, 1 metre above the roof eaves and would extend 2.2 metres from the roof slope, based on the submitted drawings. This is built and a smaller window opening has been installed than as shown on the previous approved plans.

Number 115 Sutton Road has previously been extended to the side at first floor up to the side boundary with the application house. The front elevation of no. 115 is approximately 1.2 metres forward of the two storey front elevation of the application house. Number 115 has front habitable room windows near to the shared side boundary with the application house along with an obscurely glazed window to the rear. Number 115 has an approximately 0.4 metres lower ground level at the rear than the application house.

Number 119 Sutton Road is in line with the two storey front and rear elevations of the application house and has a conservatory to the rear positioned next to the existing rear extension at the application house.

The rear two storey elevations of the application house faces habitable room windows in the rear elevation of number's 104 and 106 The Crescent with a minimum separation distance of approximately 32 metres. The rear garden of no. 117 is 13.6 metres long with a ground level approximately 0.5 metres lower than the level of the house and mature planting along the rear boundary.

This submission is supported by a planning statement and an estimate from Red House Builders stating that rectification works to ongoing extension works to meet the earlier planning permission would cost the applicant £12,000 plus VAT.

Relevant Policies

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

National Planning Policy Framework (NPPF) www.gov.uk

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*".

All the **core planning principles** have been reviewed and those relevant in this case are:

- Find ways to enhance and improve places in which people live their lives
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

Function well and add to the overall quality of the area

Establish a strong sense of place

Respond to local character and history and reflect the identity of local surroundings and materials

63. Great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

11: Conserving and Enhancing the Natural Environment

109. The planning system should contribute to and enhance the natural and local environment by:

Protecting and enhancing valued landscapes

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that pre-application engagement is encouraged and

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

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

The Development Plan

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

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework System, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advised that "...due weight should be given to relevant policies....according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight they may be given)." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity.

This checklist has been published on the BCCS and Council websites. Cabinet on the 24 July 2013 resolved to endorse the assessment undertaken by officers from the four local authorities and agreed that the Black Country Core Strategy policies should be given full weight in planning decisions.

The relevant policies are:

ENV1, ENV2 and ENV3 states that all development should aim to protect and promote nature, the special qualities, design quality and local distinctiveness of the Black Country.

Walsall's Unitary Development Plan (UDP)

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

Policies that have been saved and not replaced by the BCCS remain part of the development plan.

However, in such cases the NPPF says "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

VII. The adequacy of the access, and parking.

ENV23: Nature Conservation and New Development.

The Council will require appropriate measures to encourage the conservation of wildlife. A supplementary planning document will provide more detailed advice on the implementation of this policy.

ENV32: Design and Development Proposals.

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant in the following locations:-

- On a visually prominent site.

(b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-

- The appearance of the proposed development.
- The height, proportion, scale, and mass of proposed buildings / structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The integration and co-ordination of buildings and external space.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
- The effect on the local character of the area.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

1, 2 and 3 bedroom houses	2 spaces per unit
4 bedroom houses and above	3 spaces per unit

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

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The relevant SPDs are:

Designing Walsall

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix D (listed below) although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front
- 45 degree code: particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk).
- Garden dimensions: 12m in length or a minimum area of 68 sq m for houses and 20 sq. m of useable space per dwelling where communal provision is provided.
- Terracing: avoid the creation of terracing to existing developments as a result of side extensions where this is not characteristic of the area by retaining a minimum 0.9m gap to the boundary (may be increased in some circumstances), set back first floor extensions by a minimum of 1m (may be increased in some circumstances) and the use of hipped roofs where in keeping with existing character.

Conserving Walsall's Natural Environment

Provides guidance on development which may adversely affect trees, important species and habitats.

It is considered in this case that the relevant provisions of Designing Walsall are consistent with the NPPF.

Relevant Planning Policy

15/1547 – Retrospective: Retention of double storey side and single storey rear extension with loft conversion – refused permission by the 4 February 2016 planning committee on the following grounds;

1. *This failure to respect the 0.9 metres wide set in from the side boundary, at first floor, when combined with the lack of a 1 metre first floor set back to the front, is considered to have harmed the appearance of the host dwelling by resulting in a cramped and terraced appearance between numbers 117 and 115 Sutton Road and as a result is considered has a poor visual relationship with the neighbouring houses and a detrimental impact on the street scene.*

12/0484/FL - Two storey side and single storey rear extension and loft conversion (repeating the 07/0863/FL/H5 application) - granted permission subject to conditions on 20/07/12

07/0863/FL/H5 – First floor side extension. The front and rear elevations were to be flush with the front and rear elevations of the existing house with a 0.8 metre wide gap to the side at first floor. Granted permission subject to conditions in August 2007.

05/2025/FL/H1 – Double storey side extension – refused permission on the grounds of terracing and errors on the drawings. The front of the proposed first floor was to be set back 1 metre from the existing first floor, but the side was to lie along the boundary with no. 115. Refused December 2005

05/0951/FL/H2 – Double storey side and front extension – refused permission on the grounds of terracing. This proposal matched that of no. 115, with a gable projecting to the front. Refused permission June 2005

BC62995P – Single storey rear extension – granted permission subject to conditions March 2001

BC49793P – Proposed new side garage and kitchen to replace existing – granted permission subject to conditions July 1997

Consultation Replies

None

Representations

The planning agent has provided two letters of support for the proposal from the occupiers of no's 115 and 119 Sutton Road.

The neighbour at 119 has stated they consider the extension is similar to others in the immediate vicinity, looks to have been built to a high standard and has not had any direct effect on their adjacent property at no. 119.

The neighbour at 115 has advised that both he and the applicant have resolved their differences and he no longer has any complaint regarding the planning.

Determining Issues

- Previous Refusal Reason
- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Protected Species
- Parking

Observations

Previous Refusal Reason

This application is the same as the 15/1547 planning application refused permission by the 4 February 2016 planning committee and has not overcome previous concerns.

Design of Extension and Character of Area

The 2012 planning assessment considered that proposed two storey side extension with a hipped roof reflected the design of the existing house and the adjoining semi, number 119. In addition the retention of a first floor 0.9 metre wide gap to the side boundary, combined with the position of the extension set back 1.2 metres from the front elevation of number 115 was considered would be sufficient to avoid a terracing effect and meet the requirements of Appendix D of Designing Walsall SPD.

The street scene was considered previously and it was noted that most of the houses along this part of Sutton Road had first floor gaps which helps to maintain the spacious character of this area particularly as this house is located along an important route into the borough. The examples of extensions which have been built up to the boundaries pre-date current terracing guidance as referred to in Appendix D of the Council's Designing Walsall SPD.

Consequently, it is considered that the reduction in the first floor side gap from 0.9 metres to 0.4 metres, when combined with the lack of a 1 metre first floor set back to the front has resulted in a terracing effect between number's 115 and 117 Sutton Road. *The previous extension to the side of number 115 pre-dates current terracing guidance referred to in Appendix D of the Council's Designing Walsall SPD.* This guidance provides a tool when assessing future planning applications to avoid the harmful impacts of terracing on streets where this was not the original character of the area.

This failure to respect the 0.9 metres wide set in from the side boundary, at first floor, when combined with the lack of a 1 metre first floor set back to the front is considered to have harmed the appearance of the host dwelling by resulting in a cramped and terraced appearance between number's 117 and 115 Sutton Road and as a result is considered has a poor visual relationship with the neighbouring houses and a detrimental impact on the street scene. The requirement for a 1 metre deep set-back to the front was a compromise when assessing the 2012 application as the proposal was revised to include a 0.9 metres wide set back and the existing house has a two storey front gable feature which extends forwards of the property.

The Planning Statement includes policy information from the previous report to planning committee and states that *"the only reason for the wider extension was because the builder had tried to achieve an internal dimension of 2.7 metres which has resulted in the extension being approx. 3m wide instead of approx. 2.65. This was genuinely based on optimising internal space as opposed to deliberately wanting to break planning rules"*

Furthermore the statement if the applicant is forced to remove the extension then this would result in a substantial financial cost and delays which would cause the applicant and his family significant hardship. The applicant was not forced to build outside of the planning approval and whilst the applicant has submitted a quotation from Red House Builders to rectify the extension works this is not a material planning consideration for the determination of this planning application.

The explanation does not impact upon the recommendation to planning committee or overcome the 4th February 2016 planning committee's resolution to refuse the same proposal.

Amenity of Nearby Residents

The side extension is not visible by residents from within number's 115 and 119 Sutton Road as this extension would be flush with the existing front and rear elevations and the neighbouring houses are in line with the application house.

The front elevations of the application house and neighbouring properties face south and it is considered that this orientation results in the extension having little impact on neighbours' existing light available to front habitable room windows. Rear habitable room windows in number's 115 and 119 Sutton Road face north and whilst there would be some reduction in light to rear gardens as a result of the side extension. It is considered, that in this instance, insufficient to maintain a refusal reason.

The proposed rear extension extends in line with the existing extension at the application house which screens this proposal from the conservatory at number 119 Sutton Road. The northerly orientation of the rear extension is within the shadow of the existing house which limits any additional impact on the daylight available to rear habitable room windows in number 115 Sutton Road.

The proposal meets the Council's 45 degree guidance, as referred to in Appendix D of the Council's Designing Walsall SPD, in relation to habitable room windows in number's 115 and 119 Sutton Road.

The habitable room window to window separation distance of 32 metres between the rear dormer window and number's 102 and 104 The Crescent, exceeds the minimum recommended separation distance of 24 metres, as referred to in Appendix D of the Council's Designing Walsall SPD by 8 metres.

The new roof tiles are rosemary tiles which match in size and texture with the original roof tiles. They have a darker and less red colour to the tiles on the neighbouring properties. It is considered that these new tiles blend into the existing street scene and do not harm the character of the area.

Protected Species

The Council's Ecologist previously commented in 2012 that the application site meets the criterion for requiring a bat survey and bats will probably be present in the neighbourhood. The house is isolated from the Arboretum to the north and the wider landscape by wide roads which form a barrier to bat movement. Bats may be present but there did not appear to be a high risk.

This decision not to require a bat survey in support of this proposal was finely balanced due to the number of mature trees along Sutton Road and the proposed alterations are extensive. No bat survey was considered to be required but the inclusion of a note for the applicant was included in the subsequent approval and if this proposal is granted permission the note would be included again to conserve local bat populations.

Parking

The provision of three parking spaces is required to serve this development as detailed in the Council's UDP Policy T13. The garage would be too short to accommodate a parking space of 2.4 x 4.8 metres but the existing hard-surfaced frontage has sufficient space to accommodate the required spaces.

Planning Balance

Most houses along this part of Sutton Road have first floor gaps which help to maintain the spacious character of this area particularly as this house is located along an important route into the borough and the previous 2012 planning permission considered this character when assessing and determining this planning permission. It is considered that this situation is unchanged since the 2012 permission or the 2016 refusal. No very special circumstances have been provided to set aside the Council's planning policy and guidance to overcome the detrimental impact on the street scene with the reduction of the first floor gap to 0.4metres, lack of first floor set back from the front elevation and reduction in ridge height of the extension. Consequently, the recommendation to planning committee remains a refusal.

Positive and Proactive Working with the Applicant

The Planning Enforcement Officer advised the applicant that to continue to build would be at their own risk and that they should alter the first floor side extension in order that the development matched the approved plans granted permission in 2012. The applicant has subsequently submitted a planning application for the development, as built, for consideration which was refused by the 4 February 2016 Planning Committee. The applicant has appointed a new agent to act on his behalf and the application has also been called before planning committee. This proposal is still contrary to the Council's adopted current policies and guidance and, in this instance, is recommended for refusal.

Recommendation: Refuse

1. This failure to respect the 0.9 metres wide set in from the side boundary, at first floor, when combined with the lack of a 1 metre first floor set back to the front, is considered to have harmed the appearance of the host dwelling by resulting in a cramped and terraced appearance between numbers 117 and 115 Sutton Road and as a result is considered has a poor visual relationship with the neighbouring houses and a detrimental impact on the street scene. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core

Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 plus Appendix D of Designing Walsall SPD.