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

Report of Head of Planning, Engineering and Transportation on 28-Apr-2016

Plans List Item Number: 1.

Reason for bringing to committee: Major application

Location: ROSS FARM OPEN SPACE (SWANNIES FIELD) AND THE LEA OPEN SPACE, GOSCOTE LANE, BLOXWICH

Proposal: OPEN SPACE IMPROVEMENTS AT VARIOUS LOCATIONS ON LAND AT THE LEA AND SWANNIES FIELD, INCLUDING PLAY AREAS, MUGA, TRIM TRAIL, SKATE PARK, FISHING PLATFORMS, FENCING AND TOWPATH WORKS.

Application Number: 16/0264

Case Officer: Stuart Crossen

Applicant: Walsall Council

Ward: Blakenall

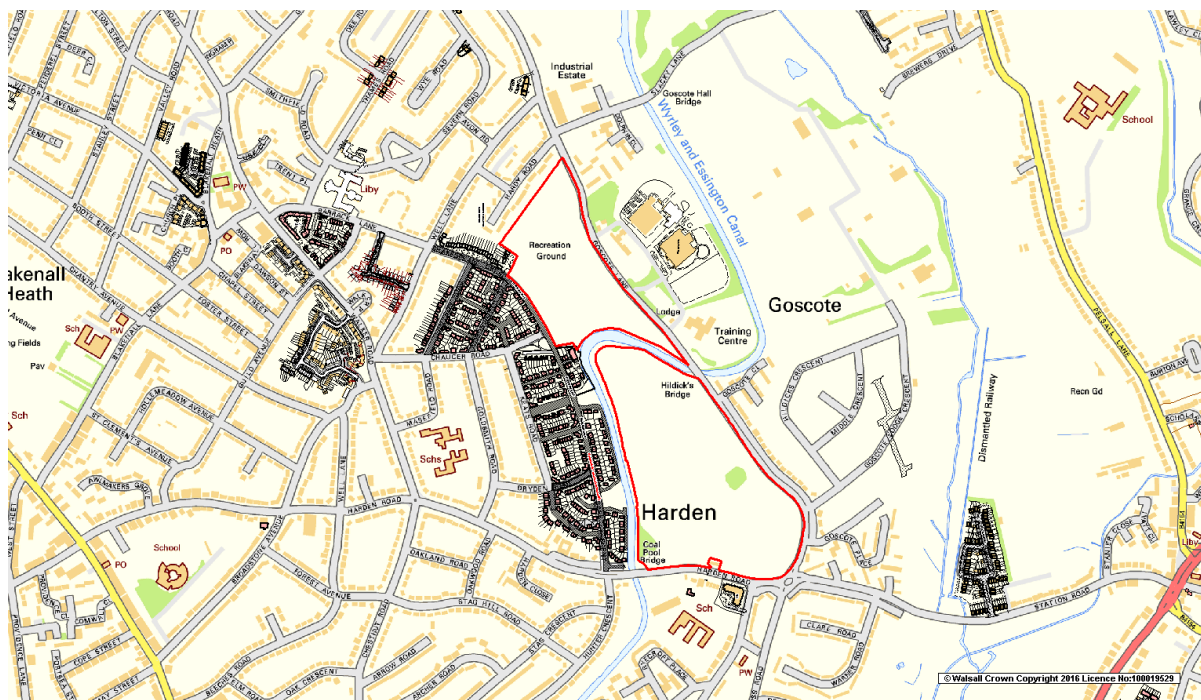
Agent:

Expired Date: 26-May-2016

Application Type: Regulation 3 Consent
(Major)

Time Extension Expiry:

Recommendation Summary: Delegated to the Head of Planning Engineering and Transportation Services to Grant permission subject to conditions and subject to no new material objections from consultees which cannot be resolved through condition or amendment



Application details

The application proposes open space improvements at the Lea and Swannies Field which follow the adjacent Goscote housing development. The proposal includes the following proposals:

Improved adult/junior football pitch1 (plan no. RDD42119)

The pitch is existing on the North part of the Lea, but would be improved by the removal of the existing concrete cricket crease to be replaced with new soil and the area re-graded level and reseeded.

Skate park (plan no. RDD42108)

The skate park would be on the North part of Swannies field and includes a spine, half pipe and tarmacked skate track with a series of jumps.

Multi-use Games Area (MUGA) (plan no. RDD42109)

The MUGA would be immediately South of the skate park and would be fenced off, it would have an artificial playing surface with goal areas, surface markings and basketball hoops.

Play areas – one on the Lea and Swannies Field (plan nos. RDD42103 and RDD42104)

The Lea play area would be North of the football pitch and have a mixed surface of play turf, grass and tarmac with a multi play unit slide, cherry twist, see-saw and swing.

The Swannies play area would be towards the Southern boundary and have a mixed surface of play turf, grass, tiger mulch, tree trunks, rocks, tractor tyres, gravel, concrete pipes and tarmac with a slide, climbing frame, cherry twist, see-saw, bollards and swings.

Trim Trail equipment - one circular route on the Lea and one grouped area on Swannies Field (plan nos. RDD42105 and RDD42113)

6 outside gym units would be located around the North, East and South perimeter of The Lea. 6 outside gym units would be located within a grouped area North of the Swannies field play area.

Vehicle gate entrances, K-barriers and perimeter fencing above 1 metre adjacent to the Highway (plan nos. RDD42111 and RDD142110)

New gates and entrances would be erected at 8 points along the boundary of Lea to the East and West New gates and entrances would be erected at 5 points along the boundary of Swannies field to the South and East.

The Goscote Lane Regeneration Corridor, approximately 1.5miles north of Walsall Town Centre and less than a mile east of Bloxwich District Centre, is predominantly a residential area with large areas of open space and access to Wyrley and Essington Canal.

The open space improvement area is bound by Goscote Lane (east), Harden Road (south), the canal and Shakespeare Crescent (west), and the rear of existing properties on Hardy Road (north). The land is designated green belt in the Walsall Unitary Development Plan (UDP) and emerging Site Allocation Document (SAD) and is intersected east to west by the canal. The open space to the north of the canal is known locally as the Lea (circa 6ha) and the southern area as Swannies Field (also referenced as Ross Farm in Walsall's strategic planning policy documents) (circa 13ha); both of which are owned by Walsall Council, and are designated in Walsall Council's emerging Site Allocation Document (SAD). The canal corridor (i.e. the canal and adjoining towpath) is owned by the Canal & River Trust (C&RT).

The open space improvement area lies central to the former Poets (Shakespeare Crescent) and Goscote (Goscote Lodge Crescent) estates. These are strategic housing development sites which are being redeveloped by Walsall Housing Group (WHG), in partnership with the Council and private sector house builders, for circa 700 new homes over a 6-year phased programme. The development of 412 units at 'Waters Keep' (Poets estate) commenced in 2014/15 (planning application no. 12/0036/OL and 14/0799/RM). A planning application for the development of the former Goscote estate is scheduled for submission in spring 2016.

The open space is currently low quality grassland with some existing formal paths and worn desire lines. The open space is predominantly used for informal recreation, such as dog-walking, and there is little in the way of play provision or sports facilities for children, teenagers or adults. The open space is poorly linked and integrated with the surrounding residential area which heightens perceptions of personal security threats and anti-social behaviour activities.

The following additional documents have also been submitted:

Geo-Environmental Investigation Report. The Lea, Goscote Lane – reference BM/J-B0989.01(R01) dated March 2016.

Geo-Environmental Investigation Report. Swannies Field, Goscote Lane – reference BM/J-B0989.00(R01).

Design and Access Statement

Preliminary Ecological Assessment

Phase I Geo-Environmental Assessment

Relevant Planning History

12/0036/OL - Goscote Lane Regeneration Corridor incorporating sites in Shakespeare Crescent, Keats Road, Tennyson Road, Chaucer Road, Wordsworth Road, Dryden Road, Harden Road and Well Lane. - Outline permission for residential development on sites A, D and J (access only). Granted Subject to Conditions 13/08/14

14/0799/RM - Goscote Lane Regeneration Corridor incorporating sites in Shakespeare Crescent, Keats Road, Tennyson Road, Chaucer Road, Wordsworth Road, Dryden Road, Harden Road and Well Lane. - Reserved matters application for erection of 412 new dwellings - 235 for private. Granted Subject to Conditions 11/11/14

15/1158 - Goscote Lane Regeneration Corridor incorporating sites in Shakespeare Crescent, Keats Road, Tennyson Road, Chaucer Road, Wordsworth Road, Dryden Road, Harden Road and Well Lane. - Non-material amendment to permission 14/0799/RM to change stone lintel cill sizes from 225mm to 140mm. Granted Subject to Conditions 17/08/15

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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*".

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 7 - Requiring good design***
- ***NPPF 8 - Promoting healthy communities***
- ***NPPF 9 - Protecting Green Belt Land***
- ***NPPF 11 - Conserving and enhancing the natural environment***

Paragraph 63 states that '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.'

Paragraph 65 states that 'Local planning authorities should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design.'

Paragraph 69 states that 'Planning decisions should aim to achieve places which promote: opportunities for meetings between members of the community who might not otherwise come into contact with each other which bring together those who work, live and play in the vicinity; safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.'

Paragraph 73 states that 'Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities'.

Paragraph 74 states that 'existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss'.

Paragraph 81 states that 'once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land'.

Paragraph 89 states that 'a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are: provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;'

Paragraph 109 states that 'the planning system should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes; minimising impacts on biodiversity'.

Paragraph 125 states that 'by encouraging good design, planning policies and 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.

Local Policy

Black Country Core Strategy

CSP2: Development Outside the Growth Network

ENV2: Historic Character and Local Distinctiveness

ENV3: Design Quality

ENV4: Canals

ENV6: Open Space, Sport and Recreation

Unitary Development Plan

- GP2: Environmental Protection
- ENV1: The Boundary of the Green Belt
- ENV2: Control of Development in the Green Belt
- ENV3: Detailed Evaluation of Proposals within the Green Belt
- ENV4: Major Developed Sites in the Green Belt
- ENV10: Pollution
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban Open Spaces
- LC3: Children's Play Areas
- LC6: Sports Pitches
- LC8: Local Community Facilities

Supplementary Planning Document

Conserving Walsall's Natural Environment

- Development with the potential to affect species, habitats or earth heritage features
 - NE1
 - NE2
 - NE3
- Survey standards
 - NE4
- The natural environment and new development
 - NE5
 - NE6
- Development with the potential to affect trees, woodlands and hedgerows
 - NE7
 - NE8
 - NE9
 - NE10

Designing Walsall

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

Open space, sport and recreation

- OS6: Quality and Value
- OS7: Minimum Specifications
- OS8: Phasing of On-site Provision for Children and Young People

Masterplan - Goscote Lane Regeneration Area Masterplan

Policies are available to view online at www.walsall.gov.uk

Consultations

Canal and River Trust – No objections subject to landscaping, construction and environmental management plan conditions.

Community Safety Team – Concerns are raised about lack of detail for new planting and existing trees management, the absence of which may result in a lack of visual surveillance for the site putting users at risk.

Inland Waterways – No objections

Landscape – No comments

Local Access Forum – No objections

Natural England – No objections

Pollution Control – No objections subject to conditions in respect to localised contamination.

Public Footpaths – No objections, a note to applicant recommended relating the requirement for a separate stopping up and diversion order.

Ramblers Association – No objections

Transportation – No objections

Public Participation Responses

None

Determining Issues

- Design and character of the area
- Residential amenity
- Ground conditions
- Highways and public access

Observations

Design and Character of the Area

The proposals would represent a significant improvement to the existing open space, would integrate well with the existing public open space use and would accord with the aims and objectives of the Goscote Lane Regeneration Area Masterplan and development plan policies.

The canal would run through the middle of the site. The proposals are welcomed by the Canal & Rivers Trust as they will increase the activity along the canal corridor which would increase the vibrancy of the towpath, recreational use and offer improved security.

Although the proposed Skate Park is set back from the canal the Canal & Rivers Trust consider that taller vegetation in the area marked 'selective woodland clearance' should be retained or improved to increase the strength of this strip as a landscaped visual buffer. This could be secured through a condition if the application is approved.

Residential amenity

The site is already public open space, there are existing houses adjacent the site and new houses being built as part of the existing regeneration scheme in the area. The application would not change the use of the land and any existing or proposed residents surrounding the site will be aware of its use for open space.

It is recognised that the proposed changes which include new equipment may result in increased use of the open space and there may be noise associated to this newly installed equipment. No comments have yet been received by Pollution Control, but it is considered that any necessary noise mitigation measures can be secured by appropriate conditions. Alternatively the applicant has indicated that if there are elements of the proposals where noise mitigation cannot be easily remedied (e.g. skate park) they are prepared to omit this element of the proposal for future consideration by a separate application. For example it may not be possible to install acoustic boundary measures without impacting on visual surveillance of the site which is considered to carry more weight in determining this application.

Subject to the above considerations on balance the proposal is considered acceptable in terms of potential noise disturbance and the impact on residential amenity is not significant.

Ground conditions

Pollution Control supports this development proposal subject to additional works being implemented to investigate and remediate the localised contamination identified within the Geo-Environmental Investigation Report. Conditions to address these concerns are recommended.

Highways and public access

The Canal and Rivers Trust are keen to ensure that users of the towpath and canal are not disadvantaged or put at risk during the construction phase and that the canal is also protected from any potential contamination. This could be controlled through the imposition of a condition if planning permission was approved.

Transportation and Public Footpath officers also have no objections to the proposals. The proposals offer the opportunity to improve pedestrian links through the site to the surrounding residential area and enhance public access.

Community Safety

No details have been submitted within the management plan of maintaining clear vision/sight lines for anyone using the site through the existing trees or any new planting. The Community Safety Team considers that obstruction of view to an area that is inviting young people in particular could leave individuals vulnerable within a large expanse, well away from assistance. They note that the site (in particular Swannie's field) is a large area which is not easily overlooked and within a depression, mostly hidden from view, it should be considered that once on the site, vulnerability and opportunities for ambush increases. This combined with the restricted points of access/egress would restrict flight by potential victims of crime.

The indefinite management of trees and planting at this site cannot be secured through an enforceable or reasonable condition. Landscaping conditions usually secure planting for 5 years after which the landscaping becomes established. It is considered that the potential concerns over personal safety at the site are not made significantly worse by the proposed scheme and indeed the proposals would encourage increased footfall to the public open space and increased surveillance. A condition is recommended to secure landscape details which can specify which species are to be planted to ensure that they do not cause additional harm.

Positive and proactive working

Officers have confirmed that the submitted details are acceptable and no further changes have been requested.

Recommendation: Delegated to the Head of Planning Engineering and Transportation Services to Grant permission subject to conditions and subject to no new material objections from consultees which cannot be resolved through condition or amendment

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:

- Land Ownership Plan (RDD42093) received 26/02/16
- Block Plan (RDD42094) received 26/02/16
- Cross Sections (RDD42095) received 26/02/16
- Swannies Field – Play Area (RDD42103) received 26/02/16
- The Lea – Play Area (RDD42104) received 26/02/16
- Swannies Field Trim Trail Area (RDD42105) received 26/02/16
- Skate Park (RDD42108) received 26/02/16
- Swannies Field MUGA (RDD42109) received 26/02/16

Entrances The Lea (RDD42110) received 26/02/16
Entrances Swannies (RDD42111) received 26/02/16
The Lea Trim Trail Area (RDD42113) received 26/02/16
Landscape Ecological Proposals (RDD42115) received 26/02/16
Block Plan (RDD42116) received 26/02/16
Draft Final Design with Play Areas (RDD42117) received 26/02/16
Phase 1 Geo – Environmental Assessment at Swannies Field, Goscote, Walsall received 26/02/16
Ecological Assessment received 26/02/16
Geo-Environmental Investigation Report 07/03/16
Landscape Management Plan received 26/02/16
Open Space Improvement Plan received 26/02/16
Proposed Skate Park received 26/02/16
Skate Park Supporting Statement received 26/02/16
Design, Access and Planning Statement received 26/02/16

Reason: To define the permission.

3a) Prior development commencing at Swannies Field a further site investigation and ground contamination survey, having regard to current best practice shall be undertaken to delineate the elevated levels of ground contamination and asbestos identified in the Geo-Environmental Investigation Report. Swannies Field, Goscote Lane – reference BM/J-B0989.00(R01 (see Note for Applicant CL1)

3b) Prior to development commencing on Swannies Field a copy of the findings of the site investigation and ground contamination survey, together with an assessment of the hazards arising from any land contamination shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)

3c) Material removed from the footpaths shall be stockpiled in a suitable area and testing for elevated levels of contamination prior to reuse on site or removal off site. (see Note for Applicant CL5)

3d) Prior to development commencing a “Remediation Statement” setting out details of remedial measures to deal with the identified and potential hazards of any land contamination 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 iv) 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 investigations 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.

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 and to comply with UDP policy ENV10.

4a) The development hereby approved shall proceed only in accordance with detailed landscaping plans detailed in condition 2 of this permission.

4b) The approved planting shall be completed in all respects within the first planting season following the first use of development hereby approved and the tree(s) and shrub(s) shall be planted within six months of that first use.

4c) Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 – Transplanting Root-balled Trees and BS4428 – Code of Practice for General Landscape Operations.

Reason: To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies CSP4 & ENV4 of the Black Country Core Strategy 2011.

5) Prior to any additional planting to the landscape details approved as part of this planning permission, details of the location and species of plants shall be submitted to the Local Planning Authority and approval in writing.

Reason: To safeguard the amenities of users of the open space and to accord with UDP policy ENV32.

6) The development (including any works of demolition / remediation) shall proceed only in strict accordance with a Construction and Environmental Management Plan which has been submitted and approved in writing by the local planning authority and thereafter the development shall be carried out in accordance with the approved details. The Plan shall include / provide for:

- a) the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development;
- b) measures to control the emission of dust and dirt during construction;
- c) details of protective measures (both physical measures and sensitive working practises) to avoid impacts during construction;
- d) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (such as when badgers, reptiles and amphibians are active and during bird nesting seasons);
- e) Persons responsible for:

- i) Compliance with legal consents relating to nature conservation;
- ii) Compliance with planning conditions relating to nature conservation
- iii) Installation of physical protection measures during construction;
- iv) Regular inspection and maintenance of the physical protection measures and monitoring of working practices during construction;
- v) Provision of training and information about the importance of Environment Protection measures to all construction personnel on site.

Reason: To safeguard the environment and prevent any detriment to the Wyrley & Essington Canal and its users, and avoid damage to or contamination of the waterway and ground water from wind blow, seepage or spillage in accordance with Policies CSP 3, CSP4 & ENV4 of the Black Country Core Strategy 2011 Paragraph 109 of the NPPF.

Notes for Applicant – Contaminated Land

CL1

Ground investigation surveys should have regard to current “Best Practice” and the advice and guidance contained in National Planning Policy Framework; British Standard BS10175: 2011+A1:2013 “Investigation of potentially contaminated sites – Code of Practice”; British Standard BS5930: 1999 “Code of practice for site investigations”; British Standard BS8485:2015 Code of Practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings, BS8576:2013 Guidance on investigations for ground gas; Construction Industry Research and Information Association “Assessing risks posed by hazardous ground gasses to buildings (Revised)” (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2

When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 “Model Procedures for the Management of Land Contamination”, The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 “Updated technical background to the CLEA model” and Science Report – SC050021/SR2 “Human health toxicological assessment of contaminants in soil” or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

Validation reports will need to contain details of the “as installed” remediation or mitigation works agreed with the Local Planning Authority. For example photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported “clean cover” materials, manufacturer’s specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

CL5

Stockpiling and sampling of stockpiled materials should have regard to BSISO10381-1:2002, BSISO10381-8:2006 and BSISO15176:2002 or any relevant successors of such guidance.

The applicant/developer is advised to contact Desmond Harris, the Principal Works Engineer for further information. Des can be contact at Desmond.Harris@canalrivertrust.org.uk or on 07710 175 227 or 01827 252038, in order to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

Notes for Applicant – Public Rights of Way

The grant of planning permission does not give authority to stop up or divert a footpath or bridleway. The diversion or stopping up of footpaths and bridleways is a separate process which must be carried out before the paths are affected by development. An application must be made for a stopping up and diversion order under Section 257 of the Town and Country Planning Act 1990. New footpaths must be in place and old footpaths are to remain undisturbed/ unaffected by development until the order is completed.

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

Report of Head of Planning, Engineering and Transportation on 28-Apr-2016

Plans List Item Number: 2.

Reason for bringing to committee: Requiring delicate judgement and authorisation to enter into a S106 agreement

Location: MUSLIM WELFARE SOCIETY, MASJID E UMAR, BILLS STREET, DARLASTON, WALSALL, WS10 8BB

Proposal: TWO STOREY EXTENSION AND PITCHED ROOF TO MOSQUE, ERECTION OF TWO STOREY LIBRARY AND RESOURCE CENTRE WITH ASSOCIATED PARKING AND LANDSCAPING.

Application Number: 16/0022

Case Officer: Paul Hinton

Applicant: Muslim Welfare Society

Ward:

Agent: Amanah Studio

Expired Date: 02-Mar-2016

Application Type: Full Application

Time Extension Expiry:

Recommendation Summary: Delegate to Head of Planning and Building Control Delegate to the Head of Planning, Engineering and Transportation to Grant Permission subject to conditions and to negotiate a Section 106 agreement to provide an overflow 20 space car park on the Darlaston's Youth and Community Centre



Application and Site Details

This planning application seeks permission for a two-storey extension and pitched roof to mosque, replacing the existing flat roof, erection of two-storey library and resource centre with associated parking and landscaping. There is a car park immediately to the rear of the mosque, which is next to a former scaffolding storage yard and office building. The mosque has owned these for the last 12 years with the building used for storage and the yard an overflow car park, though there is no record of planning permission for this use. The existing scaffolding office building is proposed to be demolished with a replacement two-storey library and resource centre adjacent to the rear boundary of the site and a formal car park created at the front.

Prayers take place at the mosque five times a day, Monday-Sunday, with existing congregation between 20 and 65 worshippers. Friday prayers are currently between 31 and 99 worshippers. The mosque is also used for Madrasah (religious study) classes, Monday-Friday, there are two sessions, 16:30-18:30 with 98 attendees and 18:30-20:05, with 37 attendees. There are also classes on Saturday mornings, 9:00-10:30, with 85 attendees and 10:30-12:30 with 30 attendees. It is explained that the extension and resource centre will support the continuation of existing educational activities, prayers and events of the local Muslim community and will allow other social/cultural uses which would benefit all members of the local community. It is projected that there will be 15 new student enrolments each academic year. The largest congregation during Friday prayers is likely to be 114 worshippers by 2020.

The two-storey extension to the rear of the mosque. The key dimensions are;

- a depth of 6.8m
- a width of 15m.
- eaves height of 7.5m.

The existing flat roof of the mosque is 7.4m, which includes a dome on the roof to a maximum height of 11m. The existing mosque minaret (a slim tower projecting from the roof) would be removed and incorporated into the rear extension, rising to a maximum height of 11m. The tile pitched roof would have a maximum height of 9.5m to the ridge. The proposal includes the installation of solar panels and sun tunnels.

The rear extension would provide at ground floor;

- an increased prayer hall,
- new teaching area for the continuation of the existing evening madrasah function of Islamic religious education. It is explained that no free school, general daytime secular school or other forms of education provision is planned. On the ground floor teaching space is for general public use.
- children and disabled entrance on the ground floor.

At first floor the extension would provide;

- an additional classroom. The first floor teaching spaces would now be dedicated for exclusive use of children, special needs and young ladies, mostly under 16 years of age to be in line with Department of Education recommendations for separate secure entrances, facilities and safe child and welfare provisions.
- ablution rooms (washing facilities).

Windows would be proposed to the side elevation facing Bills Street and rear elevation. The extension would have matching bricks and window detailing. It is explained that it is not envisaged worshippers' numbers will increase any more than 15 over the next five years.

The library and resource centre would be constructed with a tile roof, contrasting brick and render walls, plus arched windows to the ground floor front elevation, windows to the ground floor rear elevation, there no first floor windows to either side or rear elevations, with the exception of a ventilation grill to first floor rear facing window to the ladies washroom. The building would allow books, Islamic art, artefacts and other community based exhibitions/functions to be accommodated and allow development of non-teaching/non-worship activities to foster greater social-cohesion and integration. The key dimensions of the building are;

23m wide

8.7m deep,

-eaves height of 5.9m

-a pitched roof of 7m at the ridge.

The ground floor there would be;

-a resource and community room

-two entrances including a vaulted entrance facing Bills Street

-ladies wash room

At first floor

-a further community room

-ladies wash room.

2 car parking spaces including three disabled spaces are proposed within a reconfigured car park using the existing access point to Bills Street. Two of the spaces are proposed to have electrical charging facilities. Covered cycle storage is also proposed. The applicant explains that Darlaston Youth and Community centre located on the opposite side of Cope Street will allow use of their car park and access to a further 20 parking spaces during special occasions such as mid-day prayers on Fridays, Annual Eid and any special programs (usually once a month, on a Saturday evening for approximately 120mins) where more than the normal number of visitors may attend.

The proposed Bills Street boundary would be 2m high black finish railings, with 2m high acoustic fencing to make good part of the boundaries with Gladstone Villa, Jones Spring and Cope Street. Tree and shrub planting is proposed around areas the perimeter of the car park and the buildings.

The mosque is located on the corner of Bills Street and Cope Street, with access to the car park and the existing storage building on Bills Street. Cope Street which leads to Gladstone Street are predominately residential, with the exception of the Jones Springs Ltd factory to the rear of the application site. To the north of the site is a small public car park providing five spaces which residents use. On the opposite side of Bills Street are industrial buildings. Darlaston District Centre is 620m away (as the crow flies). Darlaston Youth and Community centre is also on Bills Street, 77m away.

Design and Access Statement

- Current building lack DDA provision for disabled users and the infirm
- Proposals aim to improve on-site vehicular access
- Will provide dedicated facilities and access for able and special needs children, toilet and ablution facilities for both genders.
- Provide better child safeguarding and welfare measures – secure, monitored, controlled access points and dedicated stand alone children's areas
- Aims to create a more user-friendly 'inclusive' environment for other members of the local community/neighbourhood so that visitors of other faiths and outlook may visit.
- Mosque predominantly serves the local community, 57% of visitors arrive by foot.
- Supporting letter from All Saints Church.
- Have agreements to use the car park of Darlaston Boy's Club on Fridays
- 130 people have signed a petition in support of the proposed extension.

Coal Report

- Not within zone of influence from past, present or future workings.

Geological and Mining Appraisal

- Recommend a rotary borehole investigation is undertaken to identify the presence and condition of any mine-workings in the mineral seams.

Ground Investigation Report

- Proposed buildings should be founded on strip footings with suspended floor slab
- For buildings, access road and car park, no other surface protection is needed.
- In landscaped/planting borders and open spaces areas, recommend that 450mm blanket of imported clean topsoil/subsoil should be places to protect the end uses.
- No elevated levels of methane or gas flows have been detected.

Walkover survey and desk study

- Recommends a full geological and mining appraisal is undertaken and followed by a ground investigation.

Travel Plan

- Appoint a Travel Plan Coordinator
- Encourage walking to the site by registering with the Council's A*STARS programme, security features such as good lighting and CCTV, promoting journey planners, promotional material, setting up a walking buddy scheme.
- Encourage cycling with the provision of 20 cycle parking spaces, hold cycle maintenance session, group cycle rides, use of journey planners.
- Encourage public transport by providing travel information posters, promote online journey planners.
- Promote car sharing through a car-sharing scheme, provision of reserved on-site parking spaces for car sharers only.

- Use of parking management strategy setting out who can use the car park, potential to implement parking permit scheme, advising visitors not to drive, employing traffic marshals to patrol nearby streets to ensure visitors park with consideration for residents and other road users.
- Investing in online resources and a receiver system to broadcast sermons, lectures and programs to worshippers/students in their own homes.
- The Travel Plan will be reviewed at 6 weeks, 3 months, 12 months, 36 months and 60 months.

Transport Statement

- Eight bus routes can be accessed from bus stops within 400m of the site.
- Existing car park provides up to 14 spaces. The overflow car park is gated and is only open on Fridays to accommodate additional parking demand with capacity of 11 vehicles. Further six off-street spaces on Bills Street.
- On a typical weekday basis around 70 people can be on-site at any given time, rising to around 110 on Friday afternoons.
- Travel surveys (for prayer) indicate on average 41% of worshippers arrive by car. 57% of worshippers travel to the site on foot. No worshippers recorded to travel by bus reflecting the localised catchment area. Of the 24 drivers attending the first congregation 10 parked in the main car park, 11 in the overflow and three on street. In the second congregation, all four parking in the main car park.
- For students attending the Madrasah classes, 20 vehicle trips are attracted to the site in the run-up to the first class starting at 16.30 and 11 vehicle trips on the run up to the second class starting at 18.30.
- There are now four mosques within a one-quarter mile radius and as such the proposal is unlikely to attract people from a wider catchment
- The applicant has entered into an agreement with Darlaston's Youth and Community Centre on Cope Street to allow access to a further 20 parking spaces that will be secured through a legal agreement. Bringing the total off-street parking provision to 47 spaces, including three disabled spaces.
- Includes the provision of seven covered cycle stands outside the mosque building and three stands outside the library and resource centre equating to 20 cycle parking spaces in total.

Relevant Planning History

BC17650 – Erection of new mosque. Granted subject to conditions 9/4/1981.

BC06536P – Erection of mosque for religious worship and ancillary plus classrooms for Islamic education for children. Granted subject to conditions 21/2/1983.

BC10756P – Erection of mosque for religious worship. Granted subject to conditions 7/6/1984.

BC20988P – First floor extension over car park. Granted subject to conditions 12/10/1987

Land rear of 27 Cope Street

BC40752P – Erection of store. Granted subject to conditions 23/4/1994.

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:

- 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:

- ***NPPF 1 - Building a strong, competitive economy***
- ***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***
- ***NPPF 8 - Promoting healthy communities***

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

- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- DEL1: Infrastructure provision
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres

- CEN4: Regeneration of Town Centres
- CEN5: District and Local Centres
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- TRAN1: Priorities for development of the transport network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- 3.6 and 3.7: Environmental Improvement
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- JP7: Use of Land and Buildings in Other Employment Areas
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- S5: The Local Centres
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW3 Character
- DW4 Continuity
- DW9 High Quality Public Realm

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, set backs 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 SPD Designing Walsall are consistent with the NPPF.

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

Other Legislation

Equalities Act 2010 - Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

Human Rights Act 1998 - Article 8 of the European Convention on Human Rights provides that everybody has the right to respect for his private and family life and his home, and there should be no interference by a public authority with the exercise of this right, except where that interference is (amongst other considerations) in accordance with the law and is necessary in a democratic society for the protection of rights and freedoms of others.

Consultations

Transportation – no objection subject to securing a S106 agreement for the use of Darlaston Youth and Community Centre for overspill parking and use of recommended conditions in regard to provision of parking spaces, reinstatement of redundant crossing, installation of tactile dropped kerbs, provision of cycle storage, review of travel plan target and resource centre to remain ancillary.

Coal Authority – no objection subject to a condition requiring intrusive site investigation works.

Pollution Control – no objection subject to the use of recommended conditions in regard to identified soil contamination and ground gas and working plan.

Public Participation Responses

Surrounding occupiers notified by letter.

No comments received

Submitted within the Design and Access Statement were letters of support from All Saints Church and Darlaston Youth and Community Centre. A petition of support signed by 130 people was also submitted.

Determining Issues

- Principle of development
- Impact upon ground conditions
- Impact upon the character and appearance of the area
- Impact on residential amenity
- Impact on highway safety

Observations

Principle of development

This is a long established place of worship (D1). Places of worship are a town centre use, and this site is in an out-of-centre location, requiring assessment, in particular, in the context of the criteria in UDP policy S6:

- i. Scale and kind to meet local need: The extension and resource building are to provide facilities and access for able and special needs children, toilet and ablution facilities for both genders. Provide better child safeguarding and welfare measures – secure, monitored, controlled access points and dedicated stand alone children’s areas. 130 people have signed a petition in support of the proposal.
- ii. The local need cannot be better met by investment in a nearby centre: As the site is currently being used for religious worship, local need has already been demonstrated, and is an extension to an existing facility is more sustainable than the construction of a complete new facility. Locating in the town centre would no longer serve the local community and would encourage people to travel by car rather than walk to visit the mosque.
- iii. Impact on the vitality and viability of an established centre: Community facilities have the potential to bring vibrancy into centres and increase footfall. In this case there is an existing use, a larger facility in this location is unlikely to impact upon Darlaston town centre.
- iv. Impact on existing local provision: The proposal is required to improve local provision.
- v. Improve accessibility: The proposal will be within convenient safe walking distance of the community it is intended to serve.
- vi. Reduce the need to travel: Serving the local community the proposal encourages users to walk. The applicant states that the majority of patrons who attend the mosque walk to the site.

- vii. No significant loss of amenity for neighbouring homes: This is considered below.
- viii. Servicing and parking: This is considered below.

Based on the above the extension and resource centre are considered to meet local needs and in principle would be acceptable.

Impact upon ground conditions

The Coal Authority records indicate the site has been subject to past coal mining activity, with the potential for unrecorded probable shallow coal workings. A condition requiring an intrusive site investigation to establish the ground conditions and the required mitigation is considered necessary and is recommended.

A initial Ground investigation report has been submitted noting made ground, an element of foundry waste and elevated levels of contaminated substances. No remediation measures have been submitted. Pollution Control recommends conditions for remediation measures and validation of the measures which is considered necessary.

Impact upon the character and appearance of the area

The existing red and blue brick building with decorative window detailing reflects its use as a place of worship. The proposed low pitch tile roof would not cause visual harm. The two-storey extension would match the height of the existing building and would be set in from the main elevations to ensure it appears subservient. The extension would have matching brick and window detailing reflecting the existing building.

The existing single storey store building at the back of Bills Street pavement and concrete boundary fence would be demolished. The two-storey resource centre building would be positioned at the rear of the site in close proximity to the blank rear elevation of the adjoining industrial building. The massing of the resource centre building would not cause visual amenity harm and would serve to screen part of the commercial building. The resource building would have a mix of brick and render, with contrasting brick details and a vaulted entrance facing Bills street. The building would have a contemporary Islamic appearance reflecting the use of the building providing a further design mix the location emphasising the buildings relationship to the place of worship.

Impact on residential amenity

The existing rear of the mosque breaches the 45 degree code from the bedroom window of the end terrace house 27 Cope Street. The proposed extension would be set a further 2m from 27 Cope Street and would be 13m from the bedroom window. Accordingly the proposed extension would cause no further loss of light or outlook than the existing mosque building. The extension is positioned sufficient distance from other residential properties to ensure no further loss of amenity. Other surrounding occupiers are industrial and the extension to the mosque would have limited impact.

The resource building would be 3.8m from the rear of Jones Springs Ltd and 5m from the side boundary of the house Gladstone Villa. Within the rear garden of this house is a large detached building. The outlook from the nearest Gladstone Villa bedroom window is restricted by Jones Spring Ltd, with the nearest corner of the resource centre 11.5m from the Gladstone Villa bedroom window. No windows are proposed in the side of the resource centre building. The proposal would not result in a significant loss of outlook for the occupiers of Gladstone Villa. Gladstone Villa is to the north-west of the application site and the existing factory, with the existing factory casting a shadow across the amenity area from midday. During the winter months the resource centre would have the potential to cast an additional shadow across the amenity area of Gladstone Villa. This is considered would be for a short period in the morning. During other times of the year when the sun is higher the rear amenity area would continue to receive the morning sun and ensures, on balance, sufficient amenity is available to the occupiers of Gladstone Villa.

The mosque is a detached building within a mixed use area which already has community activity. The development would generate noise and activity within and around the site. However, the extension and library and resource buildings provide adequate space for worshippers to meet, socialise and say farewells without having to congregate within the street. The changes are considered would not materially increase activity that would cause significant harm to the amenities of nearby residents by virtue of any additional people or vehicle movements. The capacity of the car park is not significantly greater than the existing and is considered would not result in any greater vehicle movements than the existing situation. To avoid harmful noise disturbance to neighbouring residents, it would be necessary to attach a condition in respect of any external 'call to prayer' from the site. Pollution Control have no objection to the use of the site and consider that the construction and demolition working plan submitted by the applicant is satisfactory. A condition is recommended to ensure that the working plan remains in place until the construction is complete.

Impact on highway safety

The NPPF places great importance on providing sustainable development and making fullest possible use of public transport, walking and cycling. The applicant explains that the mosque would continue to serve local people and 57% of visitors arrive by foot. The site would provide 21 car parking spaces (three disabled) and secure, covered and illuminated cycle storage for 20 bicycles. A transport statement and travel plan have been submitted in support of the application.

It is explained through travel surveys that 41% of worshippers arrive by car and on a typical weekday around 70 people can be on-site at any given time, rising to around 110 on Friday afternoons. The Travel Plan sets out the intention to appoint a Travel Plan Coordinator to encourage walking, cycling and use of public transport. It also commits to reviewing the Travel Plan over the next 5 years.

In addition to the 21 on site car parking spaces, the applicant has entered into a private agreement with Darlaston's Youth and Community Centre on Cope Street to allow access to a further 20 parking spaces. The Council has not seen a copy of this agreement and does not know how long this lasts or any exit clauses for either party. The Community Centre have written in support of the application explaining that if additional overflow parking facilities are required they will permit use of their car park on special occasions such as Friday prayers and by arrangement.

Transportation have considered the proposal, noting that at times the surveys indicate instances of over 200 people in attendance on the site. Whilst surveys show a higher percentage of visitors walk to the site as the catchment area is quite small, the applicant has explained there are four mosques within a quarter mile radius of the site, the applicant has also submitted a draft Travel Plan to further reduce car travel. On balance, Transportation consider that the measures taken to improve and increase off street parking provision together with the commitment to develop a travel plan to further reduce car trips, will help mitigate and not exacerbate the current parking issues in the locality and will not have severe transportation implications and is acceptable. It is necessary that the additional car parking spaces at the Youth and Community Centre are available and this arrangement can only be formalised through a S106 legal agreement. The applicant has confirmed they and the owners of the community centre are willing to enter in a S106 agreement with the Local Planning Authority, and agree to a clause to that should the car park become unavailable, they will make provision for an alternative lawful car park.

The heads of terms for the S106 shall include;

- The Darlaston's Youth and Community Centre on Cope Street car park should be able to accommodate a minimum of 20 marked out parking spaces (parking space size is 4.8 metres by 2.4 metres minimum) and hard surfaced and drained to avoid water running on to the public highway
- The Darlaston's Youth and Community Centre car park on Cope Street shall be available for use by members of the mosque on Fridays between the hours of 13:00 and 14:00, during Eid, once a month on either the last or penultimate Saturday evening and at no other times of the day or the week.
- within 10 days of the Darlaston's Youth and Community Centre on Cope Street ceasing to be available for parking by users of the Muslim Welfare Society, Masjid E Umar mosque, the elders of the mosque shall notify the Council's local planning authority in writing the car park facility is no longer available and from what date the car park facility is no longer available.
- within 6 calendar months of the receipt of the notification from the mosque, the elders of the mosque shall identify a replacement lawful 20 space overflow car park for the use of members of the mosque in writing to the local planning authority confirming its location and extent of the car park
- the elders of the mosque and any third party whose land is to be used for an alternative car park, shall be able to demonstrate that it has full planning permission for the use of a car park
- a deed of variation of the original S106 shall be entered into and signed by all parties within seven months of the Darlaston's Youth and Community Centre on Cope Street ceasing to be used to secure the overflow car parking for the mosque.

- the car park shall be no greater than 400metres from the boundary of the mosque site
- the car park shall be able to accommodate at least 20 parking spaces as a minimum (a parking space is defined as 4.8metres by 2.4metres), with appropriate circulation space for vehicle manoeuvring, to satisfy the Council's Highway Authority and be able to demonstrate that the access and egress to the car park does not generate a highway or pedestrian safety hazard.
- In the event of a failure to establish a replacement car park facility, the library resource building shall cease to be used until such time as a replacement facility is made available

Recommendation: Delegate to the Head of Planning, Engineering and Transportation to Grant Permission subject to conditions and to negotiate a Section 106 agreement to provide an overflow 20 space car park on the Darlaston's Youth and Community Centre

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

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

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

- Location and block plan received 6/1/16
- Location and existing site plans received 10/2/16
- Existing layouts received 6/1/16
- Site, ground and first floor plans 6/1/16
- Proposed elevations received 6/1/16
- Landscape and drainage plan received 6/1/16
- Phased construction and demolition working plan received 6/1/16
- Ground investigation received 6/1/16
- Geological and Mining Appraisal 6/1/16
- Walkover survey and desk study received 6/1/16
- Travel Plan received 6/1/16
- Transport Statement 6/1/16

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

3a. No development shall commence until an intrusive site investigation confirming the exact situation regarding coal mining legacy issues on the site 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.

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

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

4a. No development shall commence until details of the proposed remediation or mitigation works to address identified soil contamination and ground gas has first been submitted for written approval of the Local Planning Authority.

4b. The development shall be completed in accordance the approved measures

4c. Prior to the development first being brought into use a validation report confirming that the agreed remediation or mitigation works shall have first been submitted for written approval of the Local Planning Authority.

Reason: To ensure that unacceptable risks are not caused to future site users or the environment.

5a. No built development shall be carried out until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include where possible sustainable drainage methods and a demonstration that surface runoff would not increase beyond the current surface water runoff rates of the site.

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

Reason: To ensure 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.

6a. No development above damp proof course shall take place until a schedule of facing materials to be used in the external walls, roofs, windows, doors, rainwater goods and surfacing have been submitted to and approved in writing by the Local Planning Authority.

6b. The scheme shall be fully implemented in accordance with the approved details before the development is first brought into use and retained thereafter.

Reason: To ensure the satisfactory appearance of the development and ensure the facing and roofing materials harmonise with those in the surrounding vicinity.

7a. No development above damp proof course shall take place until full details of hard and 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

- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.
- Existing and proposed levels.

7b. The approved scheme shall be fully implemented before the development is brought into use and retained for 5 years and managed in accordance with the approved management details. 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 and protect wildlife

8a. No development above damp proof course shall take place until details of all boundary treatment, including materials and finishes have been submitted to and approved in writing by the Local Planning Authority.

8b. The approved details shall be implemented prior to the development first being brought into use.

Reason: In the interests of visual amenity and protecting the amenity of neighbouring occupiers.

9. Prior to Phase 2 of the development (the Library and Resource Centre) first coming into use:

- i) All parking spaces fronting Bills Street shall be fully consolidated, hard surfaced and drained so that surface water from the development does not discharge onto the highway or into any highway drain and the parking bays clearly demarcated on the ground. The parking spaces shall be brought into use in accordance with the approved details and thereafter retained and used for no other purpose.
- ii) The approved boundary treatment shall be installed and retained along the Bills Street frontage of the parking area to prevent unauthorised vehicular access across the public highway
- iii) The existing vehicle footway crossing fronting and serving the Phase 2 site and made redundant as a result of the development shall be removed and reinstated back to full kerb height to a specification to be first submitted to and approved in writing by the Local Planning Authority
- iv) The retained bellmouth access point in Bills Street to the serve the parking areas shall be upgraded to include tactile pedestrian dropped kerbs either side to a specification to be first submitted to and approved in writing by the Local Planning Authority
- v) A pair of tactile pedestrian crossings shall be installed across the Cope Street junction with Bills Street outside the site and the Whitton Street junction with Bills Street, to a specification to be first submitted to and approved in writing by the Local Planning Authority
- vi) Full details of the proposed covered cycle shelter shall be first submitted to and approved in writing by the Local Planning Authority. The facility shall be installed and brought into use in accordance with approved details and thereafter retained and used for no other purpose.

Reason: To improve pedestrian access to the site including the bus routes on Walsall Road, to ensure the safe and satisfactory operation of the development and in accordance with UDP policy GP2, T1, T7, T11 and T13, DfT 'Inclusive Mobility' guidance and BCCS Policy TRAN4.

10. Prior to Phase 3 of the development (the mosque extension) first coming into use, all parking spaces associated with this phase of the works shall be fully consolidated, hard surfaced and drained so that surface water from the development does not discharge onto the highway or into any highway drain and the parking bays clearly demarcated on the ground. The parking spaces shall be brought into use in accordance with the approved details and shall thereafter be retained and used for no other purpose.

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

11. Upon the development first coming into use, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained within the JMP Travel Plan dated June 2015 shall be fully 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.

12a. The development shall be constructed in accordance with the submitted phasing and construction methodology plan shown on drawing PP07 (B) Rev B dated Dec 15 including the implementation of wheel cleansing facilities to prevent mud from being deposited on the highway during the period of construction.

12b. The wheel cleansing facilities 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.

13a. The 'Phased Construction and Demolition Working Plan' submitted with the application shall be instigated upon commencement of works.

13b. The Construction and Demolition Working Plan shall remain in place until all of the construction activities have been completed.

Reason: To protect the amenity of the occupiers of nearby residential developments and the highway network.

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

(* 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 the occupiers of nearby residential developments.

15. Permitted levels of ground-borne vibration transmitted to floor structures of vibration sensitive premises from all ground stabilisation works shall not exceed a peak particle velocity (PPV) of 1.0 mms⁻¹.

Reason: To protect the amenity of the occupiers of nearby residential developments.

16a. The solar panels shall not be installed until full details of their appearance and location have been submitted to and approved in writing by the Local Planning Authority.

16b. The solar panels shall be installed in accordance with the approved details.

Reason: In the interests of visual amenity.

17. The development hereby permitted shall be used only for the purposes of worship, religious teaching and associated activities. The library and resource centre shall not be used as a prayer hall. The proposed Library and Resource Centre hereby approved shall at all times remain ancillary to the main use of the site and shall at no time operate independently.

Reason: To ensure the satisfactory functioning of the development, to safeguard the amenity of the occupants of adjoining premises and to ensure adequate off street parking is retained

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

Reason: To protect the amenity of nearby occupants.

19. The maximum number of students attending the madrasa at anytime shall be limited to 95 people.

Reason: To define the permission, in the interests of the free flow on the public highway and highway safety and to protect the amenity of nearby residential occupiers.

Notes for the Applicant:

Pollution Control

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, any 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.

BS 6472-1:2008 – ‘Guide to evaluation of human exposure to vibration in buildings. Vibration sources other than blasting.’ The Standard provides guidance on predicting human response to vibration in buildings. The vibration dose value is used to estimate the probability of adverse comment which might be expected from human beings experiencing vibration in buildings.

BS 7385-2:1993 – ‘Evaluation and measurement for vibration in buildings — Part 2: Guide to damage levels from groundborne vibration’. The Standard provides guidance on the assessment of the possibility of vibration-induced damage in buildings due to a variety of sources.

Instrumentation used for the determination of vibration levels shall accord with the main requisite components of British Standard BS EN ISO 8041: 2005 ‘Human response to vibration. Measuring instrumentation’ where applicable or any superseding standard, and shall have a linear performance frequency range of not less than 8Hz to 80 Hz.

Highways

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

The applicant will be expected to either enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority or obtain a Road Opening Permit from the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.

We, the undersigned, support the proposed extension plans for Muslim Welfare Society (Darlaston).

Name	Address	Post Code
	37 YORK CRESCENT	WS10 9JT
	15 BRIGHT ST	WS10 9NX
	7 AVERGATE RD	WS10 8AN
	214 WALSALL ROAD, WEDNESDAY	WS10 9BN
	35 ALEXANDRA ROAD	WS10 9LJ
	2 WILTON STANES	WS10 8BA
	9. CROSDEN ST. DARLASTON	WS10 9BN
	10 FESTIVAL AVE. DARLASTON	WS10 9RP
	5 JOHNSON STREET	WS10 9H2
	41 GLAISTONE ST	WS10 8RE
	26 CUPP STREET WRE	WS10 8DD
	41 BURZEST GARDENS	WS10 9UC
	39 HILL ST. WEDNESDAY	WS10 9LD
	52 COOK ST	WS10 9PU
	6 GOSH STREET	WS10 9LE
	25 FRANCHISE ST	WS10 9RE
	2 TILLY STAGE, DARLASTON	WS10 8T2
	21 FRANCHISE ST	WS10 9RE
	14 ALL SAINTS ROAD	WS10 9LE
	32 BULL STREET	WS10 8AX
	102 CROSDEN - WS10	WS10 9BN
	27 GLAISTONE ST	WS10 8RE
	31 COOK STREET	WS10 9RE
	11 BRUNEL WALK	WS10 9TA
	19 WESTBOLING LANE	WS10 8AT
	5 BULL ST DARLASTON	WS10 8AN
	5 BULL ST DARLASTON	WS10 8AN
	206 OLD PARK RD	WS10 9LD
	14 ALL SAINTS ROAD	WS10 9LE
	14 ALL SAINTS RD	WS10 9LE
	36 CORONA ST	WS10 9LE
	22 GLAISTONE ST	WS10 8RE
	20 ALL SAINTS RD	WS10 9LE
	15 ALEXANDRA RD	WS10 9LH
	18 COOK ST	WS10 9EN
	20 ALL SAINTS RD	WS10 9LE
	15 ALEXANDRA	WS10 9LH
	212 B. CROSDEN ROAD	WS10 9SE
	84 STATION ST	WS10 8BL
	144 Station Street	WS10 8BG



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 28-Apr-2016

Plans List Item Number: 3.

Reason for bringing to committee: Significant Community Interest

Location: CROWN AND ANCHOR, WEST BROMWICH STREET, WALSALL, WALSALL, WS1 4BP

Proposal: CONVERSION OF PUBLIC HOUSE AND NEW BUILD TO CREATE 9 TWO AND THREE BEDROOM APARTMENTS WITH THREE OFFICES ON THE GROUND FLOOR.

Application Number: 15/0461/FL

Applicant: Mr Armik Gill

Agent: Mr Damian Field

Application Type: Full Application

Recommendation Summary: Grant Permission Subject to Conditions

Case Officer: Karon Hulse

Ward: St Matthews

Expired Date: 26-Aug-2015

Time Extension Expiry:



Application and Site Details

The site comprises of previously developed land, namely the Crown and Anchor public house on the corner of West Bromwich Street and Little London, Walsall.

The application seeks to change the use of this former public house to provide:

- three offices on the ground floor
- 8 two bedroom apartments and
- 1 three bedroom duplex apartment split between the first and second floor.

The apartments would range between 49 sq mts and 110 sq mts in floor area. They will be accessed from the street frontage on West Bromwich Street as well as having rear access to resident's amenity space and bin stores.

The total amount of office space to be provided would be 130sq mts with an additional 44 sq mts for office A. these will be accessed directly off the street frontage on West Bromwich Street and will have four parking spaces allocated to the offices within a small courtyard area off Little London.

The proposal includes a new build element which will be 3 storey to match the existing. It will be attached to the upper floors will be rendered again to match the existing, however the mass of the front elevation will be broken up by a vertical brickwork element which aims to help distinguish the proportions of the render to match the pub. The new building will be flat roofed and be of a contemporary design.

There is an existing outbuilding on Little London which will provide secure cycle storage and a landlords store.

This is a 'Locally Listed' building.

The site is currently occupied by the Crown and Anchor Public House which is a mid-19th Century building in Caldmore. The building is now redundant & has been the subject of vandalism & arson over the past 18 months. The main building is of relatively sound condition and supports conversion.

The site is outside the existing Caldmore local centre which is 40 metre northwest further along West Bromwich Street. The Caldmore local centre and Walsall town centre both provide shops, health facilities and other community facilities.

The site has double yellow lines and a bus stop immediately outside.

The location is served by local bus network, & is approximately one kilometre walk from Walsall train station which has connection to both the regional & national rail network.

The application is accompanied by a planning statement which provides evidence and justification for the office provision outside the local centre and a justification for parking provision. Furthermore, evidence has been provided to demonstrate local need for office provision outside the local centre.

Relevant Planning History

None relevant

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:

- 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 17: conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

Paragraph 50 seeks to deliver a wide choice of quality homes and states local planning authorities should plan for a mix of housing.

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 103 when determining planning applications local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a Flood Risk Assessment.

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 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.

Paragraph 131: In determining planning applications, local planning authorities should take account of:-

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 133: Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 134 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 137: Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

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:

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

CSP4: Place Making

CSP5: Transport Strategy

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

CEN2: Hierarchy of Centres

CEN4: Regeneration of Town Centres

CEN5: District and Local Centres

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 HOU3: Seeks to secure 25% affordable housing on all sites of 15 dwellings or more where this is financially viable.

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.

ENV7: All residential developments of 10 units or more must incorporate generation of energy from renewable sources sufficient to offset at least 10% of the energy demand of the development.

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.

GP3: Planning obligations will be used to secure any on or off-site mitigating measures made necessary by a development.

ENV10: Development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution.

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.

ENV24: Seeks to retain and enhance wildlife corridors.

ENV27 (Buildings of Historic or Archaeological Interest)

ENV31 (Continued Protection of the Historic Built Environment)
 ENV32: Proposals should take in to account the surrounding context 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.
 JP5: Seeks to protect core employment areas for employment uses.
 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 .
 S1: Definition of Town Centre Uses
 S2: The Hierarchy of Centres
 S4: The Town and District Centres: General Principles
 S10: Hot Food Take-Aways, Restaurants and Other A3 (Food and Drink) Outlets
 T1: All development should conform to the accessibility standards set out in policies T10-T13.
 T7: All development should satisfy the car parking standards set out in Policy T13.
 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.

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.
 DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses
 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.

Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment: English Heritage (2008)

Consultations

Transportation – no objections subject to conditions

Building Conservation – no objections

Environmental Health – no objections

Pollution Control –no objections subject to conditions regarding noise mitigation measures

Severn Trent Water – no objections subject to conditions

Police ALO – no objections subject to Secure By Design specifications to increase the security of the building (doors, windows, fences etc).

Public Participation Responses

Three letters of representation objecting on the following grounds:

- parking due to double yellow lines and flats opposite
- Area already over crowded so parking is a major concern
- Boundary retaining wall - ownership should be established
- Disturbance to Nehemiah Court residents, a lot of the residents are elderly have various health concerns.
- Access and exit from the car park on the West Bromwich St side is already quite difficult and this could be made more hazardous during the building works and afterwards.

Determining Issues

- Principle of development / policy
- Character and appearance within the surrounding area
- Layout and Design
- Conservation matters
- Environmental Aspects
- Access and parking
- Provision for Affordable Housing and Urban Open Space
- Local Finance Considerations

Observations

Principle of development / policy

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.

The site is outside the Caldmore Local Centre, it has been marketed as a pub without success, there are other pubs within the local area and the re-use of a locally listed building is a key consideration. It is therefore considered the proposal meets the requirements of UDP Policy LC8.

Whilst the application does not provide evidence that the scheme could not be accommodated within the current UDP adopted local centre boundary (UDP S7 and BCCS CEN7) the principle of the conversion and mixed use can be supported particularly as the SAD (which is now out to publication consultation) proposes to amend the boundary to include the site within the local centre. A Local Centre study has been produced that evidences the proposed boundary changes and shows the centre to be in good health with limited vacancies. The application does however provide evidence of demand for the office floorspace at this location and the offices proposed are of a scale and function to not undermine the vitality of the centre.

Therefore, on balance the use of the ground floor for office with residential above would support the vitality and viability of the centre. The proposal would also bring into life a key building of importance to the character of the centre. The site relates well to the centre with town centre uses linking the current UDP boundary and the site. Whilst the SAD is still at consultation stage and has little weight there were no objections to the proposed boundary changes to Caldmore during the last stage of consultation – Preferred Options.

Character and appearance within 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 reuse of this former public house is to be welcomed and it will bring back into effective use a locally listed building on an important and prominent location at the corner of Little London and West Bromwich Street.

The proposed new build will be contemporary in design but will compliment and highlight the historic value and appearance of the existing public house which would reinforce local distinctiveness whilst creating and promoting the existing street scene.

On balance the mixed use redevelopment of this previously developed site, which has now been vacant for sometime and is considered to be in a sustainable urban location being on the edge of the local centre and within 500 metres of Palfrey Park, will be in accordance with the NPPF and BCCS and local development plan policies

Design and Layout

The existing building is currently rendered brick & set out over three storeys at back of pavement wrapping around the corner of West Bromwich Street & Little London. The principal elevation has Victorian 2-over-2 sash windows set under bracketed classical lintels. To the rear & side of the building is a walled yard with an outbuilding contemporary to the main building.

It is proposed to construct the new build with painted render to the upper floors with brickwork to the ground floor. A vertical brickwork element will denote the entrance to the upper floor flats and is used to break up the mass of render. The new building will be flat roofed and be of a contemporary design whilst respecting features of the public house. It will be 3 storeys to match the existing main building, although the overall height of the roof will be less which is to ensure that the Crown & Anchor maintains its dominant architectural feature of the streetscape.

The apartments are spacious and all are two bedroomed with the exception of one which will be three bedrooms and split over the two upper floors (duplex).

The layout includes 172 sq mts of private amenity space for residential (19 sq mts per residential unit), this is an acceptable level of private amenity space for this location which is a sustainable urban location close to a local centre with its amenities and facilities.

Conservation Matters

The building is rendered brick & set out over three storeys at back of pavement wrapping around the corner of West Bromwich Street & Little London. The principal elevation has Victorian 2-over-2 sash windows set under bracketed classical lintels. To the rear & side of the building is a walled yard with an outbuilding contemporary to the main building

The building is locally listed for its architectural and/or historical importance with the entry on the register specifying:-

“C18 ‘Staffordshire’ farmhouse, converted to public house later C19. Three storeys in height with original sashes to the upper floors and attractive hood moulds on the second storey. The ground floor entrance is set in the centre of a single long bay window of c.1920s date. 2006”

The existing building is a former farmstead, where a number of outbuildings and stables are still in situ. The building was then used as a public house, whilst speculative Victorian terraces were built surrounding the subject site. Although the Public House is part of the built up form of the area, the subject site maintains a detached appearance in the street scene.

The proposed refurbishment of the Public house will include a number of internal alterations, and refurbishment and changes to fenestration.

Whilst it would be preferable to retain any original glazing, there will be no significant impacts caused by inserting slim line double glazed timber windows to the facades, subject to approval of detailed drawings.

The proposed extension is relatively large, particularly along the West Bromwich Street frontage where the extension is over double the width of the Public House, whilst the proposed flat roof is not in-keeping with the character of the surrounding area, the vertically proportioned windows work well with the proportions of the public house, and the materials such as render and aluminium windows suit the modern appearance of the building, allowing it to be read differently from the locally listed building.

The refurbishment works will not result in any loss of the external fabric building, however the proposed extension will result in the detached setting which the building currently sits in being reduced in size and stature. However given the locally listed status, it is considered that the harm would be less than substantial. The application, therefore should be determined against paragraph 134 which states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*.

The proposed development will retain the existing locally listed building and will result in positive improvements to the building via the refurbishment of the building and the outbuilding. Although there is an issue regarding the scale of the extension from a conservation perspective this would be less than substantial impact with the building still being able to be read and understood from the Little London and West Bromwich frontages.

Environmental Aspects

Noise - The windows are to be modern P.P.C. Aluminium Anthracite Grey. In order to provide adequate acoustic performance from street noise they will be double or triple glazed.

The necessary acoustic performance levels will be achieved by the appropriate design of party walls & ceilings. Within the existing building the floors will be upgraded by the construction of a platform floor with absorbent material. This will improve the performance of airborne & impact sound

Floors to the new build elements will achieve the necessary airborne & impact performance by incorporating similar robust details to those as described above. New partition walls between flats will achieve the necessary acoustic ratings. The relevant walls & floors will be tested by an approved Acoustic Engineer as per Building Regulations guidelines prior to completion.

Pollution control officers recommend standards in respect of double or triple glazing to properties with adequate acoustic performance to deal with street noise. Pollution Control recommends that any glazing to habitable rooms should achieve a minimum sound reduction of Rw 38dB this can be required by way of a planning condition requiring the submission of acoustic measures to be installed

Although historical maps held by Pollution Control would seem to indicate that contaminated land should not be a significant issue for the site, Pollution Control recommends that the applicant undertakes their own due diligence survey of the site and if necessary take their own remediation measures.

Engineering and Construction Phase Given the proximity of the development site to the road network and other residential premises it is recommended that a Site Construction Management Plan is agreed in writing with the Local Planning Authority, detailing how the developer will control noise, dust and debris impacts, including drag-out of debris onto the road network. A condition is also recommended to control working hours.

The existing public house structure needs to be surveyed for the presence of asbestos containing materials and a report on the findings and any proposals for dealing with any necessary removal should be agreed in writing with the Local Planning Authority. A planning condition to address this is recommended.

The concerns of a nearby occupier (Nehemiah Court) will also be addressed by the above conditions and whilst it is acknowledged that there will always be some disruption during building works it can be minimised by at least restricting the working hours will be imposed.

Access and parking

In respect of this application, the Highway Authority raises no objections to the proposed development subject conditions relating to access, parking and visibility. In T13 parking policy terms, for comparison purposes the existing pub use based on GFA of about 260sqm including outbuildings and residential accommodation above requires 16 spaces in total inclusive of 2 disabled spaces.

The proposed office element based upon a GFA of about 360sqm requires 16 spaces inclusive of 2 disabled spaces and the 9 flats element requires 14 spaces at 1.5 spaces per flat. Therefore in T13 policy terms the development requires a maximum of 30 spaces which is 14 spaces above the maximum requirement for the extant use.

The development looks to provide 4 spaces inclusive of 1 disabled space for the office element in the rear courtyard with no parking for the residential element. In order to mitigate against the lack of on-site parking, the development will provide secure, covered cycle shelter provision as well as a motorcycle parking area.

The site is located on the edge of Caldmore Local Centre with a wide range of retail and community facilities and good public transport links to the town centre, the site is considered to be in a highly sustainable location. 2011 census data for the immediate area shows that 50% of households do not own a car and it is likely that the tenants of the proposed flats will be none car owners. There are existing double yellow parking restrictions on West Bromwich Street outside the site and around the Little London junction which controls indiscriminate parking.

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

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 8 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 approved plans: -

Plans

- Existing Floor Plan (181 L 01 rev A) submitted 27/3/15
- Existing Elevations (181 L 02 rev A) submitted 27/3/15
- Proposed Ground Floor Plan (181 L 03 rev G) submitted 21/3/16
- Proposed First and Second Floor and Roof Plan (181 L 04 rev F) submitted 21/3/16
- Proposed Elevations (181 L 05 rev D) submitted 21/3/16
- Location Plan (181 L 06) submitted 27/3/15

Reports

BBS lease interest 19-01-16

DBS Anderson Letter 19-01-16

Justification for Office Provision Appendix B 19-01-16

Parking and Vehicular Movements Appendix C 19-01-16.pdf

Design and Access Statement submitted 2/07/15

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 any built development taking place drainage plans for the disposal of surface water and foul sewerage have been 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 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 conversion of existing buildings the applicant shall undertake a survey to identify the presence of asbestos containing materials within the structure.

4b. The findings of the survey and any subsequent Method Statement produced detailing actions and time scale to be taken to remove asbestos containing materials shall be provided to and agreed in writing with the Local Planning Authority.

4c. Following the removal of the asbestos containing materials a validation report shall be provided to the Local Planning Authority in writing.

Reason: In order to ensure the satisfactory amenity of future occupiers

5a. Prior to construction of new buildings and conversion of existing buildings the applicant shall agree acoustic mitigation measures in writing with the Local Planning Authority.

5b. Upon installation of the acoustic mitigation measures the applicant shall submit a validation report in writing to the Local Planning Authority that the agreed mitigation measures have been checked and installed by an approved acoustic engineer.

Reason: In order to ensure the satisfactory amenity of future occupiers

6a. Construction activities shall not commence until the applicant agrees in writing with the Local Planning Authority a Construction Working Plan detailing the arrangements for control of noise, dust and debris, including drag-out of debris onto the road network.

6b. The Construction Working Plan shall be implemented upon commencement of works and shall be maintained until the site is completed.

Reason: In order to ensure the satisfactory amenity of existing occupiers

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

8b. These areas shall be thereafter 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 construction of the development above damp proof course details of proposed measures to achieve a high quality sustainable design shall have been submitted to and agreed in writing by the Local Planning Authority. Examples may include the following measures: -

- i. Measures to reduce energy consumption and carbon dioxide emissions (e.g. building insulation, energy display devices, drying space, energy labelled white goods, low and zero carbon technologies, cycle storage, home office)
- ii. Measures to reduce water consumption (e.g. recycling surface water or grey water)
- iii. Responsible sourcing of materials
- iv. Reduction of surface water run-off (e.g. surface water management and management of flood risk)
- v. Household recycling, construction waste management and composting facilities
- vi. Means of reducing pollution and emissions
- vii. Health and wellbeing measures (e.g. daylighting, sound insulation, private space, Lifetime Homes)
- viii. Management opportunities (e.g. home user guide and considerate constructors scheme)

ix. Ecological enhancements

9b. The development shall be carried out in accordance with the approved measures referred to in Condition 10a, and the dwellings shall not be occupied before the approved measures have been fully installed and made available for use by the occupiers of the dwellings.

Reason: In order to secure the sustainable means of construction to Level 3 or above of the Code for Sustainable Homes in accordance with policy ENV3 of the Black Country Core Strategy and policies ENV39 and ENV40 of Walsall's Unitary Development Plan.

10a. 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.

10b. 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.

11a. Prior to the office element first coming into use, the rear parking area shall be brought into use including the clear demarcation of the parking bays and motorcycle bays in accordance with the approved details.

11b. The parking area shall thereafter be retained and used for no other purpose.

Reason: To ensure that adequate off-street parking is available and retained in accordance with UDP Policy GP2, T7 and T13.

12a. Prior to the development first coming into use full engineering details showing the upgrade of the existing pedestrian dropped kerb crossing across the Little London junction with West Bromwich Street to include tactile paving shall be submitted to and approved in writing by the Local Planning Authority

12b. The agreed details shall be fully implemented prior to the development first coming into use and thereafter retained.

Reason: To improve accessibility to the development for residents and office staff on the basis of the under provision of on- site parking and in accordance with UDP policy T1.

13a. Prior to the first occupation of the development, the cycle shelter shall be fully implemented in accordance with the approved details

13b. The approved cycle store shall thereafter retained and used for no other purpose.

Reason: To encourage sustainable modes of travel, in accordance with UDP Policy T13 and BCCS policy TRAN4

14a. Prior to the commencement of the development a schedule of materials to be used in the external finishes of the conversion and the construction of the new build shall be submitted to and approved in writing by the Local Planning Authority. The details shall include all external joinery of the refurbished public house building and ancillary outbuilding to be in timber with a 'Heritage White' painted finish

14b. Only the approved materials shall be used in the construction of the development.

Reason: In order to protect the character of the locally listed building, ensure the satisfactory appearance of the development and accord with Policy ENV31 (Continued Protection of the Historic Built Environment); and Policy ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan.

15a. Prior to the commencement of the refurbishment of the Crown & Anchor Public House and ancillary outbuilding, large scale drawings [1:20] showing all new window frames, external doors and door frames including sections through the head, jamb, cill and glazing bars shall be submitted to and approved in writing by local planning authority.

15b. The development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: In order to protect the character of the locally listed building and accord with Policy ENV31 (Continued Protection of the Historic Built Environment); and Policy ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan.

16. Prior to the realigned vehicle access off Little London first coming into use a new vehicle footway crossing shall be installed in accordance with Council's footway crossing specification SD11/8 dated January 2008. 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 and in the interests of highway safety.

17. No engineering or construction works, (including demolition, 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: In order to ensure the satisfactory amenity of future occupiers

18. No ground fires shall be permitted on the site.

Reason: To safeguard the amenities of nearby residents.

Note to applicant (BS8233 2014 Guidance on sound insulation and noise reduction for buildings)

Acoustic mitigation measures shall include information about acoustic performance of glazing and ventilation – glazing to habitable rooms should achieve a minimum sound reduction of R_w 38dB. It should be noted that the panes of glass used within double or triple glazing should be of different depths or densities to ensure the co-incidence effect is avoided. Furthermore the habitable rooms shall be served with ventilation that has a minimum sound reduction of R_w 38 dB in the open position.

Improving acoustic performance – there are various options for walls/floors/ceilings, these may include use of absorbent material, use of resilient bars and insulation boards, use of mineral wool between layers, sealing gaps, etc. Reference to Approved Document E and Robust Details is recommended.

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. Ground floor windows should conform to PAS 24 2012 PS1A Standard with at least one pane of 6.4mm laminated glass in all rear ground floor windows,
2. All internal doors to flats and external entry / exit 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.
3. The Side gate needs to be 2.1m in height and be designed in such a way that it does not provide climbing aides for offenders. The side gate needs to be positioned as flush to the building line as possible and be key lockable from both sides.
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. An access control system should be in place on the main entry doors of the premises. This should be connected to a vandal resistant video intercom system linked to each flat.

7. There should be an access control system in place on the ground floor stairways, limiting access to higher floors. This will restrict access to unauthorised persons around the building.

8. Entrance points need to be well light.

Note for Applicant regarding S38/S278 Works

No works on the public highway shall be commenced until all engineering details have been approved by the Highway Authority and an agreement under Section 38/278 of the Highways Act, 1980 entered into. All costs are to be met by the applicant and it should be noted that any non standard materials, landscaping, highway drainage or structures etc will require a commuted sum for future maintenance. Note for applicant regarding Mud on Highway 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.

Note for Applicant regarding Drainage over the public highway

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning areas do not discharge onto the public highway. No drainage from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway or vice versa.

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 28-Apr-2016

Plans List Item Number: 4.

Reason for bringing to committee: Contrary to Policy

Location: 312 , PLECK ROAD, WALSALL, WS2 9EY

Proposal: CHANGE OF USE FROM A3 RESTAURANT TO A1 RETAIL WITH ADDITION 3 FLATS ON THE FIRST FLOOR WITH NEW RETAIL FRONTAGE ONTO IDA ROAD.

Application Number: 16/0288

Applicant: Pleck Supermarket

Agent:

Application Type: Full Application

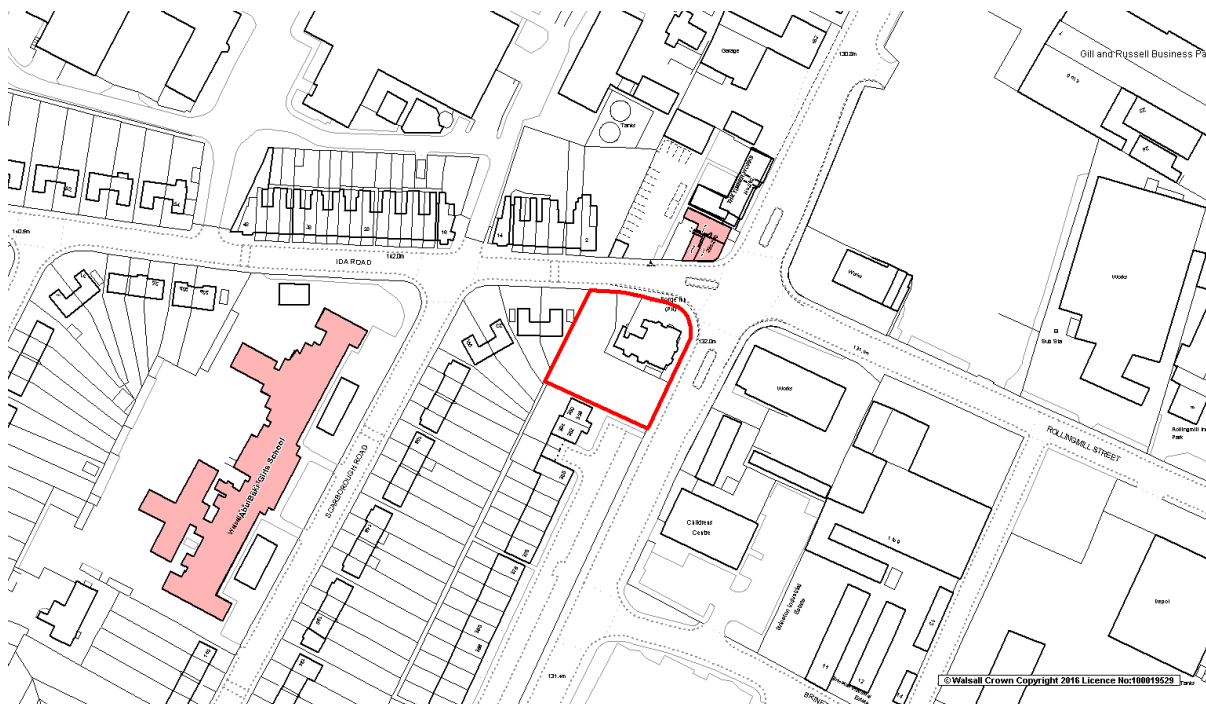
Recommendation Summary: Delegate to Head of Planning, Engineering and Transportation to approve subject to conditions

Case Officer: Karon Hulse

Ward: Pleck

Expired Date: 26-Apr-2016

Time Extension Expiry:



Application and Site Details

The application site is the former Forge and Fettle public House and is currently vacant previously used as a pub/restaurant class use A3/A4 with parking towards the rear.

The application seeks to change the use of the ground floor from an A3 restaurant to an A1 retail shop and conversion of the first floor to three flats one bedroom self-contained flats.

Existing internal walls on the ground floor will be removed to create an open plan space for retail purposes.

The proposal includes a new frontage facing Ida Road which will have a centrally positioned double door with large windows either side.

The application site is situated on the corner of Pleck Road and Ida Road traffic light controlled junction. There is a small newsagents on the corner opposite with a car repairs and window company on the other two corners.

The site is in a mixed use area with housing to the west and south, the Walsall manor hospital is to the north with Premier Business Park to the east. Access to the building is from off Ida Road with a car park also being accessed from Ida Road at the rear of the property.

The proposed hours of opening will be Monday to Friday: 0800 – 2200, Saturday, Sundays and Bank Holidays: 1000 to 1800.

The total retail floor area will be 144 sq mts with a total ground floor including the retail floor area, storage, office, toilets and stairwells being 190 sq mts.

Pleck Road is a main A road into and out of Walsall town centre.

A Design and Access Statement has been submitted setting out the proposed works and the setting of the premises.

Relevant Planning History

None relevant

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:

- 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 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

- CSP4: Place Making
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN6: Meeting Local Needs for Shopping and Services
- CEN7: Controlling Out-of-Centre Development
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments

- T4 - The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document Designing Walsall

- DW3 Character

Shop Front SPD

- SF2: Shop front proportions
- SF3: Materials to shop fronts
- SF4 Colour finishes
- SF6: Advertisements
- SF7: Illumination
- SF8: Shop front security

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

Consultations

Transportation – no objections

Pollution Control – no objections subject to condition in respect of noise

Environmental Health – no objections

Public Participation Responses

None

Determining Issues

- Principle of development/Policy
- Design and visual impact
- Impact upon neighbouring residential occupiers
- Parking and access

Observations

Principle of development/Policy

Policy CEN6 states new small-scale local facilities outside defined centres of up to 200 square metres gross, or extensions to existing facilities which would create a unit of up to 200 square metres gross will be permitted provided it can be shown that the proposal is of an appropriate scale and nature to meet a specific day-to-day need of a population within convenient, safe walking distance for new or improved facilities; local provision could not be better met by investment in a nearby centre; existing facilities that meet day-to-day needs will not be undermined and access to facilities by means other than by car would be improved.

The application site and its proposal is for the change of use of the former forge and fettle public house (and subsequent restaurant) into a retail unit, which is a centre use to be located in an out-of-centre location on a prominent busy traffic light controlled junction on Pleck Road and Ida Road, Walsall.

There are a number of other convenience shops in the vicinity of this site including on the other corner opposite the site (Ida Road side of Pleck Road).

Pleck local centre is the nearest local centre to this site, approximately one kilometre away to the south. This centre is in “good health” and has very little vacant premises, which could accommodate this current proposal.

It is unlikely that a proposal of this scale and nature would have any adverse impact on any established local nearby centres especially Pleck or even Caldmore which just over one kilometre away to the east and again has little or no vacancies within its centre. The proposal would meet the requirements of UDP policies S6 and S7 and BCCS policies CEN6 and CEN7.

The proposal is within a mixed-use area and would fit with the nature of the surrounding uses. UDP Policy S6 states that when meeting local needs that cannot be accommodated within a local centre will normally be encouraged adjacent to existing shop clusters or parades, wherever feasible. This proposal is considered meets UDP policy S6.

Design and visual impact

Amendments have been received which moves proposes the main entrance to the shop from Pleck Road to Ida Road, the frontage will be a traditional timber framed shop front with decorative timber panels. This will be more in keeping with the character of the existing building.

The new shop front would enhance the site within the street scene whilst providing an active frontage with views across Ida Road. It is considered that the re-use of a currently vacant and boarded up premises into a retail unit would enhance the visual appearance of this prominent corner site of commercial units whilst deterring any antisocial behaviour or people hanging around the currently vacant premises. A planning condition can be attached to seek appropriate external finishes of the proposed shop front and any infill brickwork.

The new shop front reflects the design and character of the existing building and will compliment other examples of commercial premises in the immediate area. It will be important to ensure that the materials used in the new shop front respect the existing building. Conditions to ensure the above should be placed on any approval.

It is proposed to retain the bays on the Pleck Road frontage along with the chimney features which are considered to be important features of this building in this location.

Impact upon neighbouring residential occupiers

There are no directly adjoining neighbours with the car park wrapping around the building, providing a separation to no.19 Ida Road to the west (20 metres) and no. 358 Pleck Road, to the south (22 metres).

The proposal seeks to open on Sundays and bank and public holidays from 10am to 6pm. It is considered that this opening would not unduly impact upon the amenities of the neighbouring residential occupiers to warrant refusal of the scheme.

Parking and access

The application looks to change of use from a former Restaurant to an A1 retail shop with 2 flats above.

In terms of UDP T13 parking policy based upon a GFA of about 200sqm on the GF, the existing A3 use requires 11 spaces including 1 disabled. The proposed A1 use with 3 flats above requires 20 spaces including 2 disabled spaces. The site has a car park of about 30 spaces including 2 disabled bays. This is over and above the policy requirement and should be more than adequate to serve the development.

There are red route parking restrictions around the signal junction to control any potential indiscriminate parking. The proposals confirm that the disabled access to the car park via a wooden ramp is to be retained.

On balance, the Highway Authority considers the development will not have severe transportation implications and is unacceptable in accordance with NPPF para 32.

In conclusion, whilst this current proposal is for an out of centre retail use, policy CEN6 of the BCCS supports small scale development outside of identified centres. Furthermore, there are no vacant units in nearby local centres. The design of the proposed shop front and alterations are considered acceptable and its reuse would deter any antisocial behaviour at this currently vacant site. The proposal would not have a detrimental impact upon highway safety or parking and as such the change of use to retail in an out of centre location is considered to be acceptable as it brings back a vacant building into use without detriment to nearby local centres. The proposed amendments are subject to re-consultation, however, on the basis no new material considerations are received it is recommended to delegate the application to the Head of Planning, Engineering and Transportation to approve subject to conditions.

Positive and proactive working with the applicant

Officers have liaised with the applicant's agent during the application process to seek the fullest possible information is available at the earliest opportunity to fully consider the proposal.

Recommendation: Delegate to Head of Planning, Engineering and Transportation to approve 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
- Existing Plans (2016-022-002) received 25/2/16
- Existing first floor Plans (2016-022-003) received 25/2/16
- Existing Elevations (2016-022-004) received 25/2/16
- Existing side elevations (2016-022-005) received 25/2/16
- Proposed Elevations (2016-022-006) received 25/2/16
- Proposed Plans (2016-022-007) received 25/2/16
- Proposed Elevations (2016-022-008) received 25/2/16
- Proposed Side Elevations (2016-022-009) received 25/2/16
- Design and access statement

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

3a. Prior to the commencement of the development, a car parking layout plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall allocate at least five parking spaces to the proposed three flats and at least two disabled parking spaces.

3b. Prior to the development first coming into use, the car parking layout shall be fully implemented in accordance with the approved plan and thereafter 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.

4a. Prior to the development first coming into use, the existing bell mouth car park access point onto Ida Road shall be modified to include tactile pedestrian dropped kerbs, full engineering details of which shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority

4b. The approved works shall be implemented prior to any part of the development first being used or occupied.

Reason: To improve accessibility to the site in accordance with Inclusive Mobility guidance, UDP Policy T1 and highway safety.

5a. Prior to the development first coming into use, full details and location of a secure covered and illuminated cycle shelter for the use of the staff and residents shall be submitted to and approved in writing by the Local Planning Authority

5b. The approved details shall be fully implemented in accordance with the approved details and thereafter 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.

6a. Prior to any building work commencing details of:

- the external finish of the proposed shop front
- works to retain the existing chimneys and chimney breasts
- any proposed new brick work
- any proposed new render finish and render colour finish

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

6b. The development shall be completed in accordance with the approved details and retained and maintained at all times.

Reason: In the visual amenities of the area.

7a. Prior to any roller shutters being installed within the new shop front details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include internal installation, colour coded and with at least 60% open lattice style

7b. The approved shutters shall be installed prior to the shop first coming into use and thereafter retained.

Reason: To enhance and protect the character and visual appearance of this area and the building in accordance with Policies ENV29 and ENV31 of the Walsall Unitary Development Plan 2005 and Walsall Shop front SPD.

8a. Prior to the development commencing the applicant shall submit a full air quality investigation in writing to the Local Planning Authority. The investigation will determine whether the proposed residential premises will be affected by elevated Nitrogen Dioxide levels.

8b. In the event that the Air Quality report indicates elevated Nitrogen Dioxide levels then air quality mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

8c. A validation report shall be submitted to the Local Planning Authority in writing confirming the agreed air quality mitigation measures have been installed.

8d. The residential premises shall not be occupied until the Local Planning Authority provides written confirmation that they are satisfied with the implementation of air quality mitigation measures.

Reason: To ensure that the amenities of future residents is secured and to comply with policy ENV32 of the Unitary Development Plan.

9a. Prior to the development commencing the applicant shall submit an acoustic investigation in writing to the Local Planning Authority. The investigation will determine whether the proposed residential premises will be affected by road traffic noise and noise from the proposed ground floor activities.

9b. In the event that the acoustic report indicates that future residents will be affected by elevated noise levels then acoustic mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

9c. The applicant shall submit a written validation report to the Local Planning Authority that confirms the agreed acoustic mitigation measures have been installed.

9d. The residential premises shall not be occupied until the Local Planning Authority provides written confirmation that they are satisfied with the implementation of acoustic mitigation measures.

Reason: To ensure that the amenities of future residents is secured and to comply with policy ENV32 of the Unitary Development Plan

10. The proposed shop hereby approved shall only be open for business between the hours of Monday to Fridays 0800 – 2200, Saturday, Sundays and Bank Holidays: 1000 to 1800.

Reason: To ensure adequate off road parking is available for the prospered use.

11. At no time shall the existing stone detailing around the pedestrian access doors of the building be removed or obscured

Reason: To ensure a satisfactory appearance to the development in the interests of visual amenity as these are considered to be key features of the building and to comply with policy ENV32 of the Unitary Development Plan.

12. At no time shall the large display windows for the shop front be obscured by adverts including decals/stickers/posters, shelving, petition walls, displays or stock.

Reason: In order to provide an active frontage and to provide and allow natural surveillance into and out of the street.

13. No materials, goods or refuse shall be stored or deposited in the rear open yard area other than in a refuse container.

Reason: To ensure the satisfactory provision of off-street parking, appearance and functioning of the development

14. All loading and unloading of goods relating to the approved shop shall take place within the curtilage of the site.

Reason: To ensure the satisfactory functioning of the development and in the interests of highway safety.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, there shall be no development consisting of a change of use of the building falling within Class M of Part 3 of schedule 2 of the Order.

Reason: To ensure the Local Planning Authority has control over the development in accordance with UDP Policy GP2 and S7

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

Report of Head of Planning, Engineering and Transportation on 28-Apr-2016

Plans List Item Number: 5.

Reason for bringing to committee: Significant community interest

Location: 37, FIELD MAPLE ROAD, STREETLY, SUTTON COLDFIELD, WALSALL, B74 2AD

Proposal: ERECTION OF DETACHED DWELLING TO SIDE GARDEN.

Application Number: 15/1586

Case Officer: Stuart Crossen

Applicant: Gary Black

Ward: Streetly

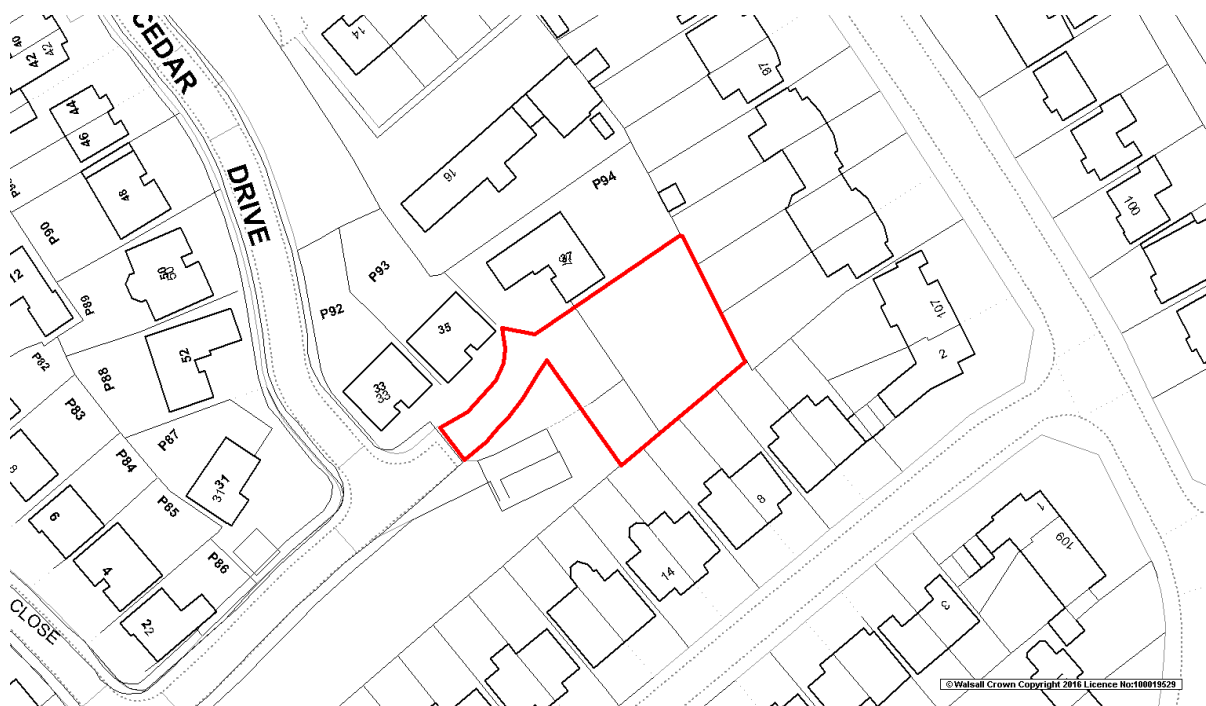
Agent: Plot Design Solutions

Expired Date: 23-Feb-2016

Application Type: Full Application

Time Extension Expiry:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

The application proposes a detached house to the side of 37 Field Maple Drive. The proposal would include an integral garage, utility room, kitchen/breakfast/family room, toilet and lounge on the ground floor, on the first floor would be 3 bedrooms, two with an en-suite, a bathroom and a study.

The house design includes a main hipped roof with chimney, a ground floor front projecting gable, front porch with main access, patio door to the rear and main habitable room windows to the front and rear elevations with a side access door to the garage. The key measurements are:

- 12 metres deep maximum
- 10.6 metres wide
- 4 metres high to the eaves
- 7.7 metres high to the roof ridge

Amended plans have been received which have reversed the layout of the house so that the garage side is near to the boundary trees, keeping the main habitable room windows away from potential tree shading.

Field Maple Road is a modern cul-de-sac of detached houses predominantly with traditional features including gable front projections. The application site is within the south east corner of a larger 1990's housing redevelopment site of a former land fill site. The wider housing site rises in a westerly direction.

Number 37 is the nearest house and the proposal would be approximately built in line with this house which has a side gable roof and no side elevation windows.

On the opposite side of the proposal to number 37 are the rear elevations of the Fordwater Road houses 26.5 metres away.

The houses to the rear at Hundred Acre Road are 27 metres away and are part of a modern 1960's style development. These houses are on lower ground.

The application proposes a block paved driveway with space to park at least 2 cars in addition to the integrated garage.

The proposed garden would be a maximum of 12.5 metres deep with a private amenity area in excess of 350m² with the application house retaining at least 255m² to the rear.

Details have been provided about ground gas protection measures which would integrate with existing ground gas management of the estate.

A design and access statement has been submitted which makes the following other relevant points:

The plot comprises of 700m² (0.17 acre) and includes a number of trees protected by Tree Preservation Order TP032 -2006, although the trees are unaffected by this proposal.

The site has a mature setting with the existing trees and apart from shrub planting to frontage and privacy tree planting at rear the fenced garden will remain relatively unchanged. Block paved drive and riven paving will complement the existing frontage.

Relevant Planning History

02/0069/FL/E2 - Residential development & associated works at Land at, Aldridge Road, Streetly, SUTTON COLDFIELD, West Midlands. Granted Subject to Conditions 01/10/02

04/0502/FL/E2 - Pumping station to serve development. Granted Subject to Conditions 08/07/04

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.

Other Relevant Legislation

European Convention on Human Rights Article 8 – Privacy and Protocol 1, Article 1 – Property.

Consultations

Transportation – No objections subject to condition for hardsurfacing and drainage.

Natural Environment Team – Trees – No objection subject to conditions to protect existing trees and for replacement trees should any be damaged.

Pollution Control – Awaiting final comments but confirmation has been received that ground gas issues can be mitigated for.

Severn Trent – No objections subject to condition for drainage plans which can be conditioned.

Police – No objections, recommendations made in respect of secured by design which can be conditioned.

Public Participation Responses

5 Objections have been received on the following grounds;

- Devalue existing exclusive houses in the cul-de-sac
- Would overlook neighbouring houses
- Existing private drive parking issues
- Would make turning in the cul-de-sac difficult
- Increase in traffic would disrupt children social time
- Private driveway would be damaged
- Condition required if approved that any damage to the shared access shall be put right by the applicant
- Plantation should not be disturbed
- Highway Safety
- Out of character
- Development cannot accommodate 3 parking spaces
- Increase in emissions from other vehicles coming into neighbouring houses
- Would require the land level to be raised increasing the slope to houses on Fordwater Road
- Would impact on an existing soakaway
- Ground gas issues

- Would impact on the existing protected trees
- Noise and mess during construction would be contrary to UK Human Rights Protocol 1 Article 1/Right to peaceful enjoyment of property.
- Out of scale and proportion.
- Work should not be carried out between the hours of 8.00 am and 4.00 pm.
- Construction vehicles and staff should not park on the drive and the driveway is swept and cleaned each night.
- On completion of the dwelling that the whole of our driveway along with number 33's driveway is re-surfaced at the expense of the applicants.

Determining Issues

- Principle of Development
- Design and Character of the Area
- Neighbouring Amenity
- Drainage
- Access and parking
- Ground Gas
- Trees
- Security

Observations

Principle of Development

The site is situated within a well established residential area with regular bus services from Aldridge Road into Walsall and Birmingham. The site is considered to be in a sustainable location consistent with guidance in the NPPF, BCCS and UDP.

Whilst the proposals will result in the development of a residential garden which is not defined as previously developed land in the NPPF, in this case, it is considered that the proposals will not cause harm to the local area, will not adversely impact on the character and identity of the local area and will be consistent with advise in paragraph 53 of the NPPF and that the house is within a residential location. An appropriate level of private amenity will be retained for No 37 Field Maple Road and the proposal would continue the residential street frontage of Field Maple Road.

The principle of an additional residential property fronting the street is considered appropriate in this location.

Design and Character of the Area

The design reflects neighbouring houses with similar characteristics including roof design, forward gable projection and similar scale and proportion. The proposed house design is considered to integrate with the existing houses on Field Maple Road having without impact on the character of the area.

To ensure the satisfactory appearance of the development is retained, permitted development rights for Householders under class D for porch extensions can be removed.

Neighbouring Amenity

The house would be on land lower than number 37 by approximately 500mm and the street scene plan illustrates a step between the proposed house and number 37. The application proposes to retain the existing slope and tree(s) to the side of the proposed house near to the rear boundaries of the Fordwater Road houses. The site visit confirmed that at the location of the proposed house there is only a slight slope in ground level with a more significant drop to the side of the proposed house as illustrated on the plan. The relationship between the proposed house and those on Hundred Acre Road would not be dissimilar to the existing relationship between number 37 and houses on this road.

There would be a 30 metre gap between the proposed house and those on Fordwater Road houses which exceeds the minimum distance as required by Designing Walsall SPD. For these reasons taking account of the level difference the proposal would not have a significant overbearing impact on these houses to the rear or result in unacceptable levels of overlooking any more than already existing between number 37 and these houses.

Although an objector has suggested that work should not be carried out between the hours of 8.00 am and 4.00 pm. It is considered more reasonable to apply a restrictive condition that reflects a normal working day, limiting construction hours to 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays. This reflects what the Council has previously considered acceptable in a residential area and to allow developer sufficient opportunity to progress a development.

The objection regarding the increase in traffic would disrupt children social time is noted. It is considered that as the houses on this estate have secure private amenity space and in the context of the very limited increase in traffic as a result of a single house, there would be little impact on the amenities of younger occupiers of the existing houses.

To ensure the satisfactory amenity of neighbouring occupiers is retained and in the interests of the ground gas protections measures permitted development rights for Householders under class A for extensions, D for porches and E for outbuildings can be removed.

Drainage

Concerns have been raised about drainage. Severn Trent has no objections to the proposal which is considered acceptable in this respect subject to safeguarding conditions to provide details of surface water and foul sewage drainage.

Access and parking

Parking for 3 vehicles is provided at the new dwelling in the form of garage and driveway parking. The proposal accords with the Council's parking standards. An objector has raised concern about on-street parking, whether 3 spaces can be achieved and about the available turning space. Highway Officers have no objections regarding the proposal, subject to a condition for a dropped kerb to be installed prior to the use commencing which can be attached to planning permission if granted.

Ground Gas

It is vital that any development on the former Rawlins Tip site now known as the Poets Wood Estate is constructed to incorporate the same standard of ground gas ingress protection as that included in the original development. Measures included into structures included a complete gas proof membrane installed in the floor slab and carried across the cavity of any walls. All service penetrations are sealed to the membrane or enter externally above the gas protection membrane. The foundations are raft construction and have arrangements incorporated to ventilate any gas from underneath the slab.

The drawing provided by the applicant Floor Plans and Street Scene Sept 2015 9484.PL.02B Rev 15.01.2016 provides sufficient detail to indicate that suitable ground gas protection measures are to be incorporated into the structure. These measures can be conditioned and a further condition to verify the works can also be attached if planning permission is granted.

In addition to the requirements for gas protection there is also a need to ensure that future development including adaptations and alterations to the proposed building or indeed changes to the garden areas are similarly protected and do not compromise any existing measures. To this end permitted development rights can be removed if permission is granted, as detailed in the Neighbouring Amenity section of this report.

The Poets Wood development is subject to the provisions of a Section 106 Agreement that provides for maintenance of the general gas protection measures in the area and ensures that all development is covered by planning approval. Pollution Control and Legal Services Officers agree that a suitable condition can be attached to permission if granted to ensure that this development accords with and is supervised by the management company set up as part of the agreement applicable to the primary development.

Trees

The design has been reversed to minimise any loss of light from the existing boundary trees. The nearest habitable room window to the trees would serve a bedroom which is likely to be occupied during hours of darkness. The tree officer considers on balance that this layout combined with some tree management, which can be conditioned, would ensure that any future owner or occupier would have reasonable enjoyment of the property and the private amenity space, and the potential for the Council to be placed under pressure to remove or significantly prune the trees would be minimised. For these reasons the proposal would not significantly impact on the existing protected trees and is acceptable.

Security

In the interests of security as recommended by the Police Architectural Liaison Officer and in accordance with UDP policy ENV32 the development can be conditioned to meet secure by design which can include;

Windows, doors, defensible space for front ground floor windows, new boundary fencing, access gates, materials, garage and intruder alarm.

Other issues raised through consultation:

Objections raised regarding, house values, damage to private driveway and conditions requiring private works and maintenance to the driveway which are all private matters outside of the scope of this planning application.

Concern raised that noise and mess during construction would be contrary to UK Human Rights Protocol 1 Article 1/Right to peaceful enjoyment of property.

Article 8 and Article 1 of the first protocol to the Convention on Human Rights state that a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedom of others. In this case it is recognised there are likely to be some disturbance during construction, however the temporary nature of the construction period and the small scale of the proposal would be insufficient to warrant refusal and a safeguarding condition controlling the hours of construction for the house to 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays, in the interests of amenity.

With respect to the potential increase in emissions from other vehicles coming into neighbouring houses, Pollution Control Officers have considered the proposal and have no objections on this basis.

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 and massing, 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:

- Location plan and site layout (9494.PL.01C) received 05/01/16
- Proposed Elevations (9484.PL.03A) received 05/01/16
- Proposed Floor Plans and Streetscene (9484.PL.02B) received 18/01/16
- Tree Shading Diagram (9484.PL.08) received 05/01/16
- Tree Location and Constraints (Q814TCP01) received 26/10/15
- Tree Protection Plan (Q814TCP01) received 26/10/15
- Vent Location Plans received 08/02/16
- Letter from CP Bigwood received 08/02/16
- Summary of Geotechnical Issues 2 received 08/02/16
- Design and Access Statement received 26/10/15

Reason: To define the permission.

3) Prior to the commencement of development:

- (i) The land owner shall obtain in principal approval of the Management Company which was set up pursuant to an Agreement under section 106 of the Town and Country Planning Act 1990 as amended and dated 9th September 2002 ("the Agreement") and which Management Company is responsible for the monitoring of ground gas levels of the application site and other land in accordance with the provisions of Schedule 3 to that Agreement and to ensure that the Management Company undertakes appropriate ground gas level monitoring of the application site in accordance with the details agreed in writing under this planning permission ref [15/1586]; and
- (ii) to submit details to be approved in writing of the above agreement including details of the arrangements for the proposed monitoring of ground gas levels on the site by the Management Company in accordance this planning permission; and
- (iii) to lodge with the Management Company a copy of this planning permission ref [15/1586]
- (iv) to seek prior in principle approval from the Management Company any engineering and/ or building works within the curtilage of the dwelling.

Reason: To ensure the safety of occupants and neighbouring occupiers and to comply with UDP policy ENV10

4) Prior to the commencement of development ground gas protection measures shall be incorporated into the structure of the proposed development as detailed in the drawing 'Floor Plans and Street Scene Sept 2015 9484.PL.02B Rev 15.01.2016' submitted by the applicant. These protection measures must incorporate arrangements for ensuring that all service entry points are sealed to prevent ground gas entry.

Reason: To ensure the safety of occupants and neighbouring occupiers and to comply with UDP policy ENV10

5a) Prior to construction of the development 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.

5b) The approved details shall be fully implemented prior to first occupation of the house and thereafter retained

NB. Please refer to "Note For Applicant" for further information.

Reason: To ensure the safety of future occupants. The details are required prior to any further works because the window openings at ground floor level are already present and the windows are part of the Secure By Design specification.

6a) Following the completion of any arboricultural works but before any equipment, materials or machinery are brought onto the site in connection with the development, protective fencing and ground protection such as geomembrane or scaffold boards shall be installed around the protected trees on the south-east side of the site in accordance with the Tree Protection Plan by Rob Keyzor dated 20.10.2015. Such protection shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition nor shall any fires be started, no tipping, refuelling, disposal of solvents or cement mixing carried out and ground levels within those areas shall not be altered, nor shall any excavation or vehicular access be made, without the written consent of the Borough Council

6b) Prior to the commencement of any building works on site and after the installation of the tree protection the Council's arboricultural officer shall be notified to allow a full inspection of the protection measures.

Reason: To ensure that protected trees are retained and to comply with UDP policy ENV18

7a) Prior to commencement drainage plans shall be submitted for the disposal of surface water and foul sewage and approved by the Local Planning Authority

7b) 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.

8a) 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.

8b) 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.

9a) 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.

9b) 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.

10) Prior to the new dwelling first coming into use a validation report confirming that appropriate and suitable ground gas protection measures have been successfully installed in accordance with the details submitted and manufactures instructions shall be provided to and accepted in writing by the Local Planning Authority.

Reason: To ensure the safety of occupants and neighbouring occupiers and to comply with UDP policy ENV10

11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking , re-enacting or modifying that Order), no development within Classes A, E , D of Part 1 Schedule 2 of the said Order shall be carried out to the dwelling hereby approved.

Reason: To protect the character and amenities of the area, in the interests of ground gas protection and to comply with policies GP2, ENV10and ENV32 of Walsall's Unitary Development Plan.

12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification no alterations shall be carried out to the garage which would prevent its use to park a motor vehicle

Reason: To ensure the satisfactory provision of off-street parking, and in accordance with policies T7 and T13 of Walsall's Unitary Development Plan.

13) No tree shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped without the written approval of the local planning authority. Any topping or lopping shall be carried out in accordance with British Standard 3998:2010 (tree work) and in accordance with any agreement with the Council's Tree Officers.

Reason: To ensure that protected trees are retained and to comply with UDP policy ENV18

14) If any tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place within one planting season and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Borough Council.

Reason: To ensure that protected trees are retained and to comply with UDP policy ENV18

15) 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 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. New 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

Ground Gas Notes for Applicant:

A validation report must contain details of the materials used and confirmation of their suitability for the project. Photographic and documentary evidence to demonstrate that the gas membrane has been installed in accordance with the specifications provided and as detailed by the manufacturer. Any variation from the specification and justification for changes should be included.

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

Report of Head of Planning, Engineering and Transportation on 28-Apr-2016

Plans List Item Number: 6.

Reason for bringing to committee: Called in by Councillor Wilson because he considers that delicate consideration of the application is required

Location: 9, ORCHARD GROVE, ALDRIDGE, WALSALL, WS9 0HD

Proposal: PROPOSED FIRST FLOOR EXTENSION OVER GARAGE TO FORM EXTENSION TO BEDROOM 3.

Application Number: 15/1858

Applicant: Mr & Mrs Fellows

Agent: Mr John Sharpe

Application Type: Full Application

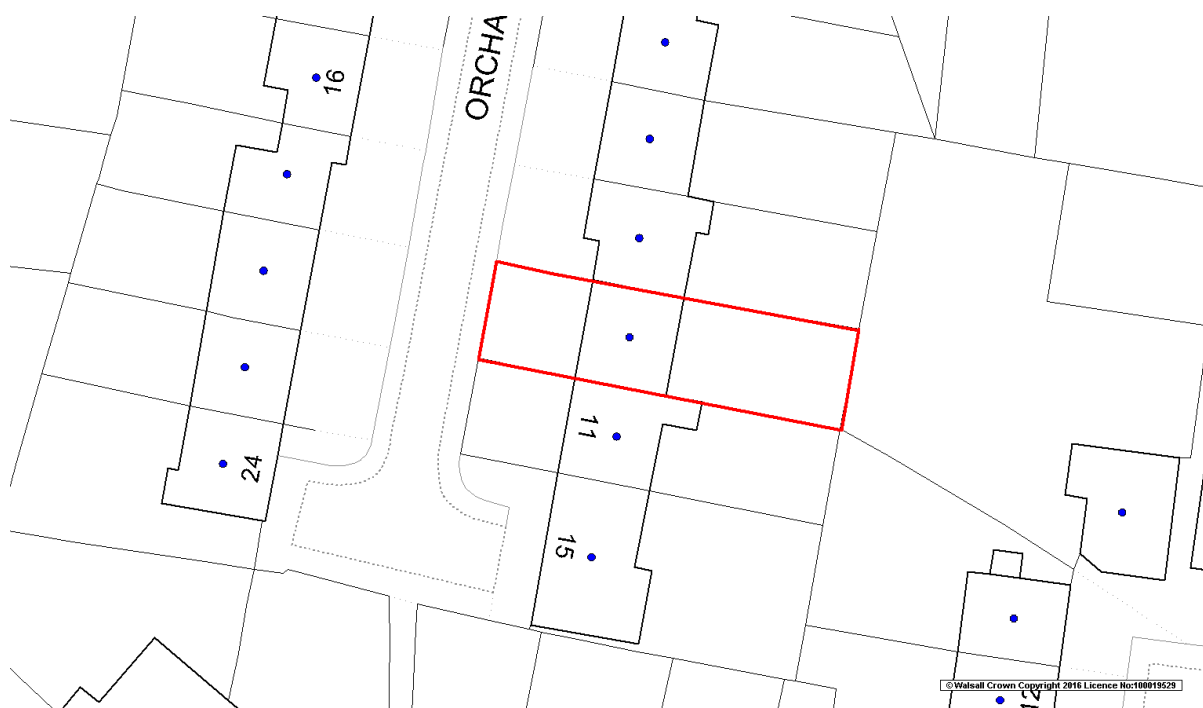
Recommendation Summary: Refuse

Case Officer: Jenny Townsend

Ward: Aldridge Central And South

Expired Date: 29-Feb-2016

Time Extension Expiry:



This application is for a first floor extension to the side of a semi detached house that would enlarge the existing third bedroom.

The site is in a cul-de-sac of 7 pairs of semi-detached houses and one detached house. Some of the pairs of houses have hipped roofs and some have gables. There is a regular pattern to the gaps between the houses apart from between number 5 and number 7 as number 7 has added a first floor side extension.

The proposed extension would be in line with the front of the existing house, 2.5 metres wide and 4.5 metres long. A gable roof is proposed that would be 1.4 metres lower at the ridge than the main roof.

Windows to the bedroom are proposed on the front and rear elevations of the extension. The one at the rear would be 3.5 metres from the rear of the house and the rear of number 11, the house to the south.

Number 11 is in line with the application house at both the front and rear and has a landing window at first floor level in the side elevation facing towards the side of the application house.

The whole of the frontage of the house is paved and would provide 2 parking spaces.

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

- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

- Development with the potential to affect species, habitats or earth heritage features
 - NE1
 - NE2
 - NE3
- Survey standards
 - NE4

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 and Conserving Walsall's Natural Environment SPD's are consistent with the NPPF.

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

Relevant Planning History

11 Orchard Grove

15/1897 - Proposed first floor extension over garage to form extension to bedroom 3 – also on this committee agenda for consideration.

7 Orchard Grove

10/0973/FL – First floor extension to side, front porch and conversion of garage to day room – GSC 14/09/10.

Consultation Replies

Ecology Officer – No requirement for a bat survey.

Representations

None.

Determining Issues

- Design of Extension and Character of Area
- Amenity of Nearby Residents
- Protected Species
- Parking

Observations

Design of Extension and Character of Area

The roof shape of the extension is compatible with the existing house and the proposal is identical to the extension that has been added at number 7 Orchard Grove, the other half of the pair. Number 7 is the only house in the road that has added a first floor side extension.

However the extension does not comply with the Council's policy to avoid creating a terracing effect as it is not set back 1.0 metre from the front of the existing two storey part of the house, or set in 0.9 metres at the side or proposes a hipped roof shape to maximise space to the neighbouring house.

It is acknowledged that the proposal would reflect the extension added at number 7 and balance the pair of houses but when taking into account that number 11, the house on the right has applied for exactly the same extension, the two developments combined would result in terracing as the gap between the houses would be completely closed. The extension at number 7 was considered acceptable as there would remain space above the garage at number 5 which would prevent terracing and preserve the character of the area. This would not be the case if both applications at number 9 and 11 were approved.

Officers have been in negotiations with the agent and owners of both houses for a scheme that would be in keeping with the character of the area and still provide a reasonable and practical extension to the houses. The applicants were originally requested to amend the plans to show the front of the extensions set back 1.5 metres from the front of the existing houses but this has since be reviewed and reduced to a 1.0 metre set back at the front.

The applicants have requested that this is further reduced to 0.6 metres. Officers consider that there has already been a generous compromise and that anything less than 1.0 metre (which is a policy requirement) in this instance and context would not prevent creating a terracing effect.

Officers were requested to consider the applications together as the owners of both houses (number 9 and number 11) were hoping to have a joint build to keep costs down. The applicant has since asked for his application to be considered separately as he believes that his proposal would have been supported if it hadn't been included with the application for number 11. Nevertheless as the applications are being considered at the same time the proposals for number 11 are a material consideration in the determination of the proposals at number 9 and for the reasons stated are unacceptable and contrary to policy.

The combined proposals would result in closing the gap between the two dwellings creating a terracing effect which is contrary to Council policy and detrimental to the visual amenities of the street scene.

Amenity of Nearby Residents

The proposed extension would not project beyond the front or rear of the existing house or number 11, the house on the right.

The extension would be to the north of number 11 which is considered would not result in any loss of light or shading to number 11.

The first floor side window at number 11 is a landing window which is a non habitable part of the house and as such it is considered that the proposed extension would not have a detrimental impact on the outlook of this window.

The rear facing window to the extended bedroom would be 3.5 metres forward from the rear of number 11 which is considered would minimise any potential for overlooking to the rear of number 11 from this window.

The proposal has no significant impact on the amenity of neighbours in respect of outlook or privacy.

Protected Species

With the exception of scattered mature trees in nearby rear gardens, the green infrastructure in the neighbourhood is limited, fragmented by roads and lacks any great maturity. In addition the development will cause minimum disruption to a short section of the existing gable where it abuts and the gables are solid anyway. The Council's ecology officer considers that a survey is not required.

Parking

The number of bedrooms would remain at three. The whole of the frontage of the house is paved and provides two parking spaces that would accord with UDP policy for a house with three bedrooms.

Positive and Proactive working with the applicant

Officers have discussed the proposals with the applicant's and their agent and in this instance have been unable to agree on amendments which could be supported.

Recommendation Refuse

The proposed extension would create a terracing effect due to the lack of any first floor set back or set in from the boundary with number 11 Orchard Grove for which an identical proposal is being considered and is a material consideration in the determination of the proposals for number 9 Orchard Grove. Terracing would occur as the gap between numbers 9 and 11 Orchard Grove would be completely closed which would be out of keeping with the character of Orchard Grove. As such the proposal is contrary to Walsall's Saved Unitary Development Plan policies, in particular GP2, ENV32 and the Supplementary Planning Document "Designing Walsall".

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

Report of Head of Planning, Engineering and Transportation on 28-Apr-2016

Plans List Item Number: 7.

Reason for bringing to committee: Called in by Councillor Wilson because he considers that delicate consideration of the application is required

Location: 11, ORCHARD GROVE, ALDRIDGE, WALSALL, WS9 0HD

Proposal: PROPOSED FIRST FLOOR EXTENSION OVER GARAGE TO FORM EXTENSION TO BEDROOM 3.

Application Number: 15/1897

Applicant: Mr & Mrs Wallis

Agent: Mr John Sharpe

Application Type: Full Application

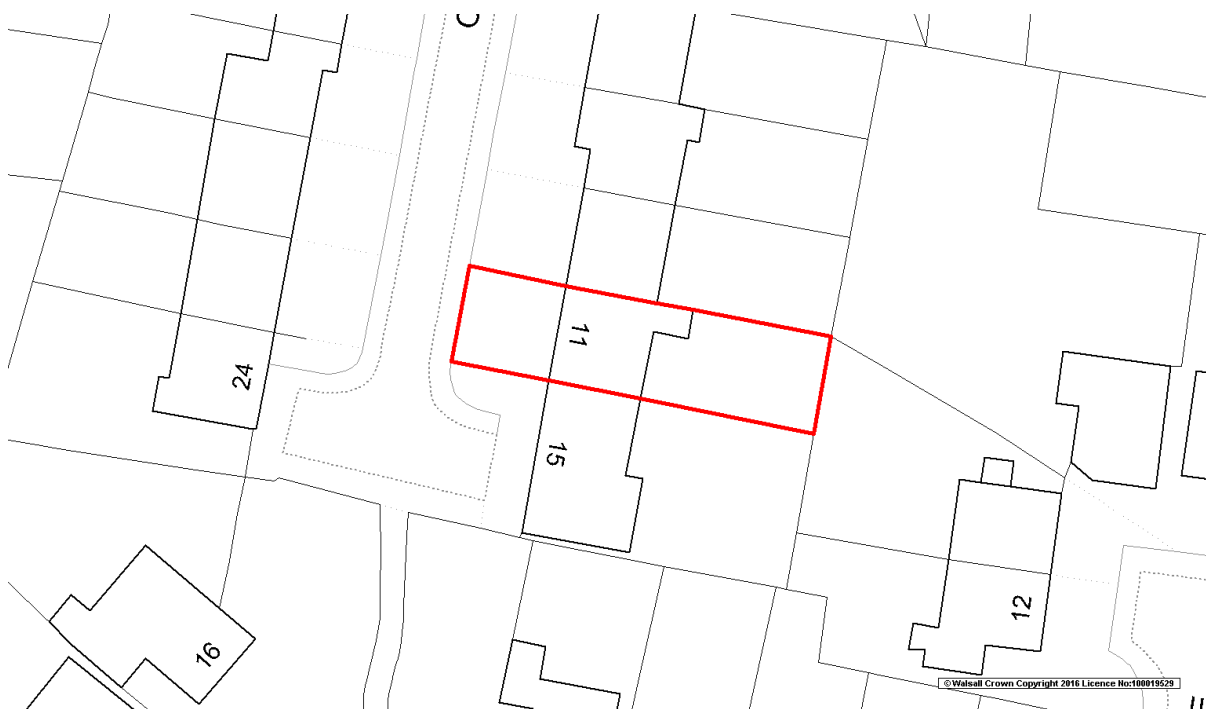
Recommendation Summary: Refuse

Case Officer: Jenny Townsend

Ward: Aldridge Central And South

Expired Date: 13-Mar-2016

Time Extension Expiry:



This application is for a first floor extension to the side of a semi detached house that would enlarge the existing third bedroom.

The site is in a cul-de-sac of 7 pairs of semi-detached houses and one detached house. Some of the pairs of houses have hipped roofs and some have gables. There is a regular pattern to the gaps between the houses apart from between number 5 and number 7 as number 7 has added a first floor side extension.

The proposed extension would be in line with the front of the existing house, 2.5 metres wide and 4.5 metres long. A gable roof is proposed that would be 1.4 metres lower at the ridge than the main roof.

Windows to the bedroom are proposed on the front and rear elevations of the extension. The one at the rear would be 3.5 metres from the rear of the house.

Number 9 is to the north and in line with the application house at both the front and rear with a landing window at first floor level in the side elevation facing towards the side of the application house.

The garage and driveway in front together provide 2 parking spaces.

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

- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

- Development with the potential to affect species, habitats or earth heritage features
 - NE1
 - NE2
 - NE3
- Survey standards
 - NE4

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 and Conserving Walsall's Natural Environment SPD's are consistent with the NPPF.

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

Relevant Planning History

9 Orchard Grove

15/1858 - Proposed first floor extension over garage to form extension to bedroom 3 - also on this committee agenda for consideration.

7 Orchard Grove

10/0973/FL – First floor extension to side, front porch and conversion of garage to day room – GSC 14/09/10.

Consultation Replies

None.

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 roof shape of the extension is compatible with the existing house and the proposal is identical to the extension that has been added at number 7 Orchard Grove the only house in the road that has added a first floor side extension.

However the extension does not comply with the Council's policy to avoid creating a terracing effect as it is not set back 1.0 metre from the front of the existing two storey part of the house, or set in 0.9 metres at the side or proposes a hipped roof shape to maximise space to the neighbouring house.

It is acknowledged that the proposal would be the same as the extension added at number 7. Number 9, the neighbouring house has applied for exactly the same extension and the two developments combined would result in terracing as the gap between the houses would be completely closed. The extension at number 7 was considered acceptable as there would remain space above the garage at number 5 which would prevent terracing and preserve the character of the area. This would not be the case if both applications at number 11 and 9 were approved.

Officers have been in negotiations with the agent and owners of both houses for a scheme that would be in keeping with the character of the area and still provide a reasonable and practical extension to the houses. The applicants were originally requested to amend the plans to show the front of the extensions set back 1.5 metres from the front of the existing houses but this has since be reviewed and reduced to a 1.0 metre set back at the front.

The applicants have requested that this is further reduced to 0.6 metres. Officers consider that there has already been a generous compromise and that anything less than 1.0 metre (which is a policy requirement) in this instance and context would not prevent creating a terracing effect.

Officers were requested to consider the applications together as the owners of both houses (number 9 and number 11) were hoping to have a joint build to keep costs down. The applicant has submitted photographs of houses in Weston Crescent (numbers 6, 8, 10 and 12), three of which have added first floor extensions and one is under construction. The houses are the same layout as those in Orchard Grove and the applicant asks why these have been allowed to go ahead and theirs is being recommended for refusal.

The extensions at numbers 8, 10 and 12 Weston Crescent are longstanding approvals, the latest granted in 2000. The current Unitary Development Plan was adopted in 2005 and the Supplementary Planning Document 'Designing Walsall' in 2008 so the current policies did not apply at the time these applications were approved.

The extension at number 6 Weston Crescent was approved in June 2015 on the basis that there were 8 other examples of first floor extensions nearby and that the addition of a first floor side extension is an emerging characteristic of the area. Also space would remain to the side of the extension above the garage of the neighbouring house number 4 Weston Crescent. This would not be the case for the current application as the neighbour property number 9 Orchard Grove is also seeking permission for a first floor side extension and if they are both approved then the gap would be completely closed.

Weston Crescent has 64 houses with at least 8 other first floor side extensions whilst Orchard Grove has 15 houses with only one first floor side extension. It is considered that in this instance the character of Weston Crescent would not be a material consideration in determining the character of Orchard Grove or determining both current applications in Orchard Grove. .

The current proposals for 9 Orchard Grove are a material consideration in determining the proposals for 11 Orchard Grove. The combined proposals for number 9 and 11 Orchard Grove would result in closing the gap between the two dwellings creating a terracing effect which is contrary to Council policy and detrimental to the visual amenities of the street scene.

Amenity of Nearby Residents

The proposed extension would not project beyond the front or rear of the existing house or number 9, the house on the left.

Whilst the extension would be to the south of number 9, it would lie against the outline of the existing house and as the first floor side window at number 9 is a landing window (which is a non habitable part of the house), it is considered that the extension would not unduly impact on the living conditions of the occupiers of number 9.

The rear facing window to the extended bedroom would be 3.5 metres forward from the rear of number 9 which is considered would minimise any potential for overlooking to the rear of number 9 from this window.

The proposal has no significant impact on the amenity of neighbours in respect of outlook or privacy.

Parking

The number of bedrooms would remain at three and the plans do not show any changes to the existing parking provision (garage and driveway) that provide two parking spaces to accord with UDP policy for a house with three bedrooms.

Positive and Proactive working with the applicant

Officers have discussed the proposals with the applicant's and their agent and in this instance have been unable to agree on amendments which could be supported.

Recommendation Refuse

The proposed extension would create a terracing effect due to the lack of any first floor set back or set in from the boundary with number 9 Orchard Grove for which an identical proposal is being considered and is a material consideration in determination of the proposals for number 11 Orchard Grove. Terracing would occur as the gap between number s 9 and 11 Orchard Grove would be completely closed which would be out of keeping with the character of Orchard Grove. As such the proposal is contrary to Walsall's Saved Unitary Development Plan policies, in particular GP2, ENV32 and the Supplementary Planning Document "Designing Walsall".

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

Report of Head of Planning, Engineering and Transportation on 28-Apr-2016

Plans List Item Number: 8.

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

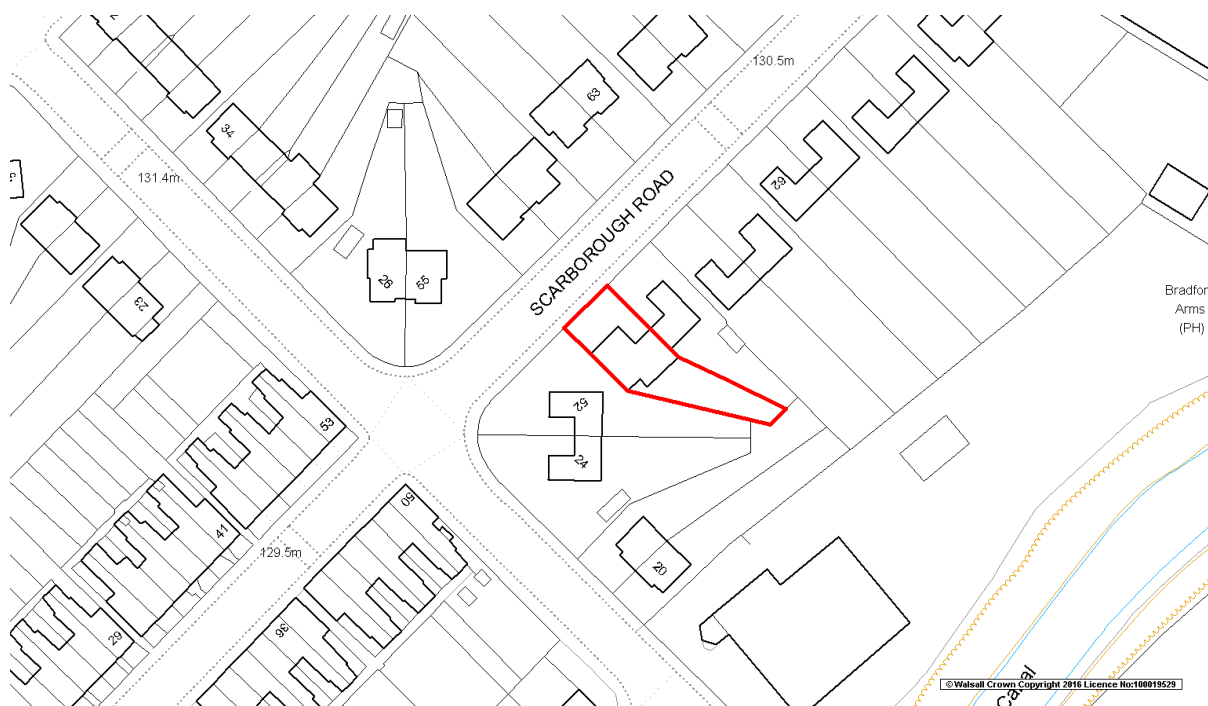
Recommendation Summary: Refuse

Case Officer: Helen Smith

Ward: Pleck

Expired Date: 10-Mar-2016

Time Extension Expiry:



Councillor Hussain has 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.

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.

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 neighbours 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 and 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 and the additional space the extensions would create for the applicant 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. 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.