



Development Management Planning Committee

Report of Head of Planning and Building Control on 20/08/2020

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Planning Committee

Report of Interim Head of Planning and Building Control on 20-Aug-2020

Plans List Item Number: 1.

Reason for bringing to committee: Major Development

Location: ASPRAY24, PARK ROAD, WILLENHALL, WALSALL, WV13 1BU

Proposal: CONSTRUCTION OF AN EXTENSION TO THE EXISTING WAREHOUSE WITH A NEW HIGH BAY WAREHOUSE, ASSOCIATED LOADING BAYS, INSTALLATION OF BOLLARD PROTECTION TO LOADING BAY DOORS AND ERECTION OF CANOPIES

Application Number: 20/0388

Applicant: Guardian Warehousing Limited

Agent: Max Plotnek

Application Type: Full Application: Major Use Class B8 (Storage or Distribution)

Case Officer: Mike Brereton

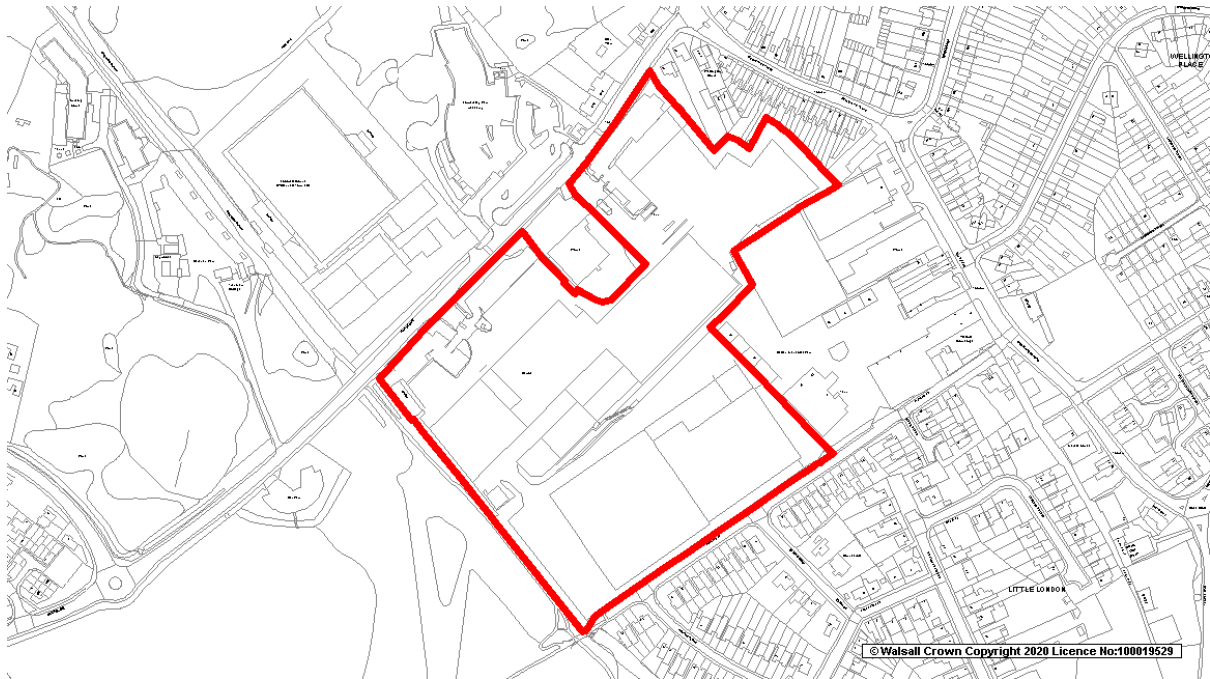
Ward: Willenhall South

Expired Date: 21-Jul-2020

Time Extension Expiry: 28-Aug-2020

Recommendation Summary: 1. Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to

- A satisfactory drainage scheme;
- Overcoming the outstanding objections raised by the Lead Local Flood Authority;
- No further comments from a statutory consultee raising material planning considerations not previously addressed; and
- The amendment and finalising of conditions.



Proposal

This application seeks the erection of a warehouse extension on the area of land immediately adjoining the existing warehouse to the south-west. It would be situated on an area of land previously given permission for a further warehouse with an internal gross floor space of 4,909m².

The proposed warehouse extension would measure:

- 5,842m² proposed Internal Gross Floor Space. This would take the total of both buildings to 10,902m² instead of the originally approved 9969.5m² (an increase of 933m²);
- 78m deep;
- 80m wide; and
- 20.4m high (to match Phase 1).

The proposed extension would provide 2 x goods doors to the north-west elevation along with a covered area for 4 x loading docks to the south-west elevation. The extension would be finished in colour coated cladding and profiled roof panels, with courses of facing brick work at lower level to closely match the existing warehouse.

The proposal is to accommodate the necessary warehousing, storage and distribution operations for the applicant 'Guardian Warehousing Limited' (formerly Aspray). Around 8 x additional jobs would be created above the current 36 staff.

Main vehicle access would remain off of Noose Lane, with access off Park Road to continue to be restricted to employees, pedestrian access and emergency access only.

Site and Surroundings

The application site fronts Park Road, Willenhall and currently comprises a large 5,039m² warehouse building which has been constructed under Phase 1 of planning permission in 2012, and as amended in 2014. Phase 2 of the original permission, relating to land immediately south-west of Phase 1, has not yet been constructed and is the area of land which is the subject of this current application.

The existing site is predominantly bordered by mature conifers at approximately 16m high to the Park Road frontage with the existing warehouse situated around 6.7m further back. A 3m high acoustic fence is also present along this boundary. A small gap is present between trees at the junction with Belinda Close and it appears that small replacement trees have been planted. The officer's report for the 2014 application refers to replacement trees having already been planted between the

gaps in this tree line and they are therefore likely to have been planted as part of the landscaping scheme for the original 2012 approval.

To the east of the site are other industrial premises of Reflex Industrial Park.

Opposite the site are residential properties (Park Road) and to the west is Willenhall Memorial Park. The residential properties, taking into account the road width and front gardens, are set approximately 17m away from the boundary of the application site.

Relevant Planning History

12/0063/FL - Demolition of existing derelict factory premises, roadway and ancillary buildings. Erection of new high bay warehouse with associated offices, fencing, landscaping, access roads and vehicle parking provisions. Grant Subject to Conditions 30th March 2012.

14/0024/FL - Amendment to planning permission 12/0063/FL - (Demolition of existing derelict factory premises, roadway and ancillary buildings. Erection of new high bay warehouse with associated offices, fencing, landscaping, access roads and vehicle parking provisions) - To add additional staff car parking and allow car access from Park Road. Grant Subject to Conditions 16th May 2014.

14/0995/FL - Demolition of existing unit. Change of use from timber pallet and case manufacturers to form an extension to the existing Logistics Facility, and provision of 7 new car parking spaces and 12 lorry/trailer spaces and erection of a new vehicular canopy. (Affects public right of way Willenhall 50). Grant Subject to Conditions 17th November 2014.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**

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

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP4: Place Making
- EMP1: Providing for Economic Growth

- EMP2: Actual and Potential Strategic High Quality Employment Areas
- EMP4: Maintaining a Supply of Readily Available Employment Land
- EMP5: Improving Access to the Labour Market
- TRAN2: Managing Transport Impacts of New Development
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality

Walsall Site Allocation Document 2019

RC1: The Regeneration Corridors

IND2: Potential High Quality Industry

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

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

Consultation Replies

Coal Authority:

- No objection and no conditions required following submission of additional evidence by the applicant demonstrating works have already been carried out to stabilise the land as part of the previous approvals (6th July 2020)
- Object due to insufficient information (17th June 2020)
- No objection subject to condition to secure remedial works to shallow mine working (13th May 2020)

Ecology – No objection subject to conditions to secure a Construction Ecological Management Plan, external lighting details and a pre-construction survey and method statement for Japanese Knotweed (3rd June 2020).

Fire Authority – General recommendations on provision of fire-fighting equipment and access (5th May 2020).

Lead Local Flood Authority - Object on grounds of unsatisfactory drainage scheme (23rd July 2020).

Pollution Control – No objection subject to conditions regarding noise mitigation measures, a Construction Management Plan and ground contamination and remediation (12th June 2020).

Natural England – No comments to make (7th May 2020).

Highways England – No objection (30th April 2020).

Local Highway Authority – No objection subject to conditions to restrict the use of the access off Park Road, to require submission of a Construction Methodology Statement and compliance with the submitted Travel Plan Statement (26th May 2020).

Local Access Forum – No objection (20th May 2020).

Strategic Planning Policy – Support the proposal which is a policy compliant scheme (19th May 2020).

Public Rights of Way – No objection, footpath 50 Willenhall adjacent to the site has been stopped up (11th May 2020).

Severn Trent Water – No objection and no drainage condition required, advise that a public sewer may be present within the site (30th April 2020).

Environmental Health – No comments received.

Community Safety Team – No comments received.

Police – No comments received.

Waste Management – No comments received.

Environment Agency - No comments received.

Representations

2 x objections have been received from neighbours on the following grounds (***Officer comments in italics***):

- Would result in harm to views and loss of light;
- Increased noise;
- Affect property value (***this is not a material planning consideration***);
- Site is closed and under administration (***this is not a material planning consideration***);
- Site currently poorly maintained;
- Removal of trees along Park Road and lack of screening; and
- Job creation likely to be short-term temporary / slave labour (***this is not a material planning consideration***).

1 x further comment was made by a neighbour querying the intended use of the Park Road access.

Determining Issues

- Principle of Development
- Design, Appearance and Layout
- Neighbours Amenity
- Highways
- Pollution and Land Stability
- Ecology

- Flooding and Drainage
- Other Matters

Assessment of the Proposal

Principle of Development

The principle of employment development at this site has been previously agreed in 2012 and 2014 through the grant of planning permission for a warehouse up to 9969.5m². It should be noted that the site is now allocated within the Council's adopted Site Allocation Document as a high quality / potential high quality employment site under site references IN70.1 and IN70.2 of Policy IND2 and the proposal is therefore in accordance with the Development Plan.

Whilst this current proposal seeks a slightly larger warehouse at 10,902m², it is considered that it would not result in harm to the operation of the wider employment site and would also make more effective use of previously developed land. This proposal is supported by the Council's Strategic Planning Policy Team.

It should be noted that the previous permission is extant, and could be implemented at any time. As such, it is considered that the assessment of this current application should be limited to considering any potential further impacts arising in relation to the additional 933m² floor space.

Furthermore, the government has placed increasing importance and weight on bringing forward economic development in national planning policy and guidance since the previous planning permissions, and this adds further weight in support of the proposal.

Overall, the principle of development is considered to be acceptable at this strategic employment site subject to other material planning considerations set out below. The proposal accords with Saved Policy ENV14 of the Unitary Development Plan, EMP1, EMP2 and EMP4 of the Black Country Core Strategy, IND2 of the Site Allocation Document and the National Planning Policy Framework.

Design, Appearance and Layout

The overall design and appearance would closely match that of the existing warehouse and this is considered would help to integrate the building into its setting within an existing strategic employment site. A condition would be included to secure the use of appropriate facing materials to ensure satisfactory appearance.

The proposal would be largely screened from nearby residents along Park Road due to existing mature conifer trees along this boundary. Whilst neighbours have objected to gaps in this tree line, it appears that new trees have been planted in this area which

will mature over time. Furthermore, given the location of the gap at the junction with Belinda Close, this allows some minor glimpses of the existing warehouse from limited vantage points and is unlikely to afford views of the proposed extension, It is therefore considered that this would not result in any additional harm to the visual amenity of these neighbours. This proposal would not result in the removal of any trees, and the building would be set back by around 6.7m from the trees. Overall, the trees are considered to continue to provide effective screening thus minimising harm to visual amenity and would be retained by condition.

Main vehicle access would remain off Noose Lane, with the access off Park Road to continue to be restricted to employees, pedestrian access and emergence access only. This addresses the related query raised by a neighbour.

Overall, the proposal is considered to be of an acceptable overall design and appearance and accords with Saved UDP Policies GP2 and ENV32, CSP4 and ENV3 of the Black Country Core Strategy, DW3, DW4 and DW5 of the Designing Walsall SPD and the National Planning Policy Framework.

Neighbours Amenity

The proposed warehouse would be situated 6.7m beyond a row of mature conifer trees along Park Road to match the existing warehouse. In combination with the plot orientation, it is considered the proposal would not result in any significant additional loss of light or outlook to nearest residential occupiers on the opposite side of Park Road (around 28m distance from the proposed warehouse and separated by a busy section of highway). This application is similar to a previously approved warehouse at this location and there are considered to be no significant additional impacts arising this regard.

In terms of potential noise impacts arising, the submitted Travel Statement explains that the additional floor space would result in around 2 x further vehicle trips during the peak hour and this is considered would be imperceptible over and above the existing vehicle movement and the vehicle trips which were previously found to be acceptable. Furthermore, an acoustic study has been submitted which demonstrates that no additional noise impacts would arise, and sets out a number of additional mitigation measures. Notwithstanding these recommended measures, some proposed measures would not meet the government's tests on planning conditions insofar as they could not be effectively monitored or enforced. Mitigation measures would therefore be secured in line with the recommendations of the Pollution Control team instead, which closely reflect measures secured previously at this site including the retention of the existing 3m high acoustic fence along the Park Road frontage, and a Construction Management Plan to minimise impacts during construction.

It should be noted that the previous approvals at this site do not include any restriction on the hours of operation, and it is considered that the inclusion of such a restriction for this current proposed extension would be unreasonable, and would not meet the governments tests on planning conditions insofar as it wouldn't be enforceable given it would only relate to the extended part of the existing warehouse in operation.

In addition, the proposed layout would position loading areas and goods access further into the site itself, and further away residential occupiers which is considered also helps to minimise amenity impacts.

Neighbours objections regarding noise, outlook and loss of light have been considered above and have been found to be acceptable in this instance for the reasons set out.

Overall, the proposal is considered acceptable subject to conditions and accords with Saved Policy GP2 of the Unitary Development Plan and the National Planning Policy Framework.

Highways

A total of 58 x car parking spaces, including 3 x disabled spaces and 6 x car share spaces are already provided on-site along with 38 x HGV / trailer storage spaces in the vicinity of the proposed building. This, in combination with the proposed updated travel plan measures is considered acceptable and would help to reduce reliance on the use of vehicles and would move towards a more sustainable approach. These measures would be secured by condition in line with the recommendations of the Local Highway Authority.

A Transport Statement has been submitted to support the application which demonstrates that the modest increase in warehouse floor space is unlikely to result in any significant additional predicted HGV trips over and above those already approved.

Whilst it is understood that some issues exist relating to conflict at certain times between commercial traffic to the site and school traffic on Noose Lane, any additional impacts over and above the extant permission are considered to be minimal and would not therefore warrant a refusal in this instance.

Conditions would be included to secure a Construction Management Plan, restricted use of the Park Road access and sustainable transport modes in line with the recommendations of the Local Highway Authority.

On balance, it is considered that the development would not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network over and above the extant permission and is acceptable subject to conditions as set out. The proposal accords with Saved Policies T7 and T13 of the Unitary

Development Plan, TRAN2 and TRAN5 of the Black Country Core Strategy and the National Planning Policy Framework.

Pollution and Land Stability

Conditions would be included regarding potential ground contamination along with any necessary remediation measures in line with the recommendations of the Council's Pollution Control Team.

In terms of potential land instability issues relating to former shallow mine workings, further information has been submitted by the applicant which demonstrates that some investigations and works have already been carried out in connection with the extant permission. This has enabled the Coal Authority to remove its objection and no further conditions have been requested.

Whilst policies and measures are contained within the Council's Development Plan, and guidance within the Air Quality SPD, to secure the use of Electric Vehicle Charging points, it is considered unreasonable to seek such measures in this instance which would be a retrofit to the parking areas already laid out in connection with the extant permission. Pollution Control have not objected to the proposal, and have not requested that this be secured.

Overall, the proposal is considered acceptable subject to the conditions as set out and accords with Saved Policy ENV10 of the Unitary Development Plan and the National Planning Policy Framework.

Ecology

An ecological survey has been submitted in support of this application which demonstrates that the proposal would not result in harm to protected or important species and sets out a range of mitigation and enhancement measures, which are broadly accepted, and expanded on, by the Council's Ecology specialist. These measures would be secured by condition in line with the Ecology comments, including a Construction Ecological Management Plan.

Overall, the proposal is considered acceptable and accords with Saved Policies ENV18 and ENV23 of the Unitary Development Plan, ENV1 of the Black Country Core Strategy, EN1 of the Site Allocation Document, NE1 – NE8 of the Natural Environment SPD and the National Planning Policy Framework.

Flooding and Drainage

The application site is located within Flood Zone 1, the lowest area of probable flooding from sea and rivers. As the overall site area exceeds 1 hectare, the Environment Agency have been consulted and no response has been received to date.

A revised surface water drainage scheme is required to be submitted by the applicant following an objection from the Lead Local Flood Authority on the initial submitted scheme. Further comments will therefore be sought upon receipt of an amended drainage scheme.

The recommendation set out in this report therefore seeks resolution from members to approve the proposal, subject to an acceptable drainage scheme, subject to resolving the Lead Local Flood Authority objection, subject to no new material considerations being raised by other statutory consultees, and to delegate the finalising and revision of planning conditions.

Overall, the proposal is considered acceptable subject to resolving the above matters in accordance with Policy ENV5 of the Black Country Core Strategy, EN3 of the Site Allocation Document and the National Planning Policy Framework.

Other Matters

Neighbours have objected on further grounds of reduced property value, that the site is closed and under administration, poor site maintenance and short-term job creation / slave labour. These are not considered to be material planning considerations and cannot therefore be given weight in the determination of this current planning application.

Conclusions and Reasons for Decision

It has been demonstrated that this proposed warehouse extension would not result in any significant additional impacts to neighbours amenity, the highway or the natural environment over and above the extant permission, and would be of an acceptable overall appearance. Furthermore, this proposal represents a significant investment at an allocated employment site and this is considered to weigh in favour of the application.

Overall, the proposal is considered acceptable subject to the conditions set out, and subject to the recommendation to address drainage matters.

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

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding land instability and drainage, amended plans and additional supporting information has been submitted which enables full support to be given to the

scheme, subject to addressing the Lead Local Flood Authority's objection.

Recommendation

Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to

- A satisfactory drainage scheme;
- Overcoming the outstanding objections raised by the Lead Local Flood Authority;
- No further comments from a statutory consultee raising material planning considerations not previously addressed; and
- The amendment and finalising of conditions.

Conditions and Reasons

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

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

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents, unless otherwise specified within other conditions attached to this permission:

- Design and Access Statement. Received 21st April 2020
- Planning Statement. Received 21st April 2020
- Block Plan. Received 21st April 2020
- Existing Location Plan 19-793/ExL A. Received 21st April 2020
- Phase 2 Location Plan 19-793/LC. Received 21st April 2020
- Proposed Site Plan 19-793/P02C. Received 21st April 2020
- Proposed Elevations 19-793/P04C. Received 21st April 2020
- Proposed Ground Floor Plans 19-793/P03C. Received 21st April 2020
- Proposed Sections Sheet 1 19-793/P05C. Received 21st April 2020
- Proposed Sections Sheet 2 19-793/P06C. Received 21st April 2020
- Contamination Remediation Statement J11065/03. Received 1st April 2020
- Ground Investigation Report J11065/01. Received 1st April 2020
- Reassessment of Contamination P20015/01. Received 1st April 2020
- Transport Statement (CEC dated March 2020 Issue 2). Received 1st April 2020
- Travel Plan (CEC dated March 2020 Issue 2). Received 1st April 2020
- Ecological Walkover Survey (Swift Ecology dated 26th February 2020). Received 1st April 2020

- Noise Impact Assessment KD1002203NR. Received 1st April 2020
- Flood Risk Assessment (Katherine Colby dated 29th May 2020). Received 11th June 2020
- Surface Water Management Plan (Katherine Colby dated 29th May 2020). Received 11th June 2020

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 development hereby permitted a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. A scheme for recycling/disposing of waste resulting from construction works
6. Temporary portacabins and welfare facilities for site operatives
7. Site security arrangements including hoardings
8. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
9. Measures to prevent flying debris
10. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
11. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
12. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

3b: The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan and the National Planning Policy Framework.

4a: Prior to commencement of the development hereby permitted a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement detailing actions to be taken and timescales for the taking of such action to prevent localised contamination shall be submitted in writing to and approved in writing by the Local Planning Authority.

4b: The development hereby permitted shall not be carried out otherwise than in accordance with the approved Method Statement.

4c: Following the removal of any demolition material but prior to any building or engineering operations a validation report shall be submitted in writing to the Local Planning Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building and to verify that the approved Method Statement has been carried out.

Reason: To prevent potential contamination of the ground due to any potentially hazardous materials associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan and the National Planning Policy Framework.

5a: Prior to commencement of the development hereby permitted a Construction Ecological Management Plan (CEcMP) shall be submitted to and approved in writing by the Local Planning Authority to include:

- Measures to avoid impacts to retained trees;
- Measures to avoid impact upon nesting birds;
- Measures to avoid impact on reptiles / amphibians; and
- Measures to avoid impact on other mammals.
-

5b: The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Ecological Management Plan and the approved Construction Ecological Management Plan shall be maintained throughout the construction period.

Reason: To safeguard important and protected species and to comply BCCS Policy ENV1, Site Allocation Document Policy EN1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD, and the National Planning Policy Framework.

6a: No commencement of the development hereby permitted shall take place until the site has been checked for the presence of Japanese Knotweed along with measures to be implemented for its containment, control and removal.

6b: The development hereby permitted shall not be occupied until the measures in 6a have been fully implemented.

Reason: To control the spread of a non-native invasive species and to comply with the Wildlife and Countryside Act 1981.

7a: Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, windows and doors shall be submitted in writing to and approved in writing by the Local Planning Authority.

7b: The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development, to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan and the National Planning Policy Framework.

8: Prior to the hereby permitted development first coming into use, the measures and incentives to promote the development's sustainability credentials and encourage non car borne travel modes shall be implemented in accordance with the submitted CEC Travel Plan statement dated March 2020.

Reason: To encourage sustainable travel modes, in accordance with Saved Policy T10 of the Unitary Development Plan, Policy TRAN2 of the Black Country Core Strategy and the National Planning Policy Framework.

9a: No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority.

9b: No external lighting shall be installed on the site otherwise than in accordance with the approved details.

Reason: To safeguard important and protected species and in the interests of the visual amenities of the area in accordance with Saved Policies GP2, ENV11, ENV23 and ENV32 of Walsall's Unitary Development Plan, ENV1 of the Black Country Core Strategy, EN1 of the Site Allocation Document and the National Planning Policy Framework.

10: The existing gated access onto Park Road shall not be used otherwise than for pedestrian, staff car parking and emergency vehicular access. No goods or other vehicles shall use the Park Road access at any time.

Reason: In the interest of highway safety and to ensure that the amenities of neighbouring residents or occupiers are not unduly inconvenienced by servicing of the site in accordance with Saved Policy GP2 of the Unitary Development Plan, TRAN2 of the Black Country Core Strategy and the National Planning Policy Framework.

11: All commercial vehicles using the site shall not use the audible 'beeping' reversing alarms. Alternative alarms should be sought such as the use of white noise, infrared, or visible alarm systems.

Reason: To ensure that the amenities of neighbouring residents or occupiers are not unduly inconvenienced by servicing of the site in accordance with Saved Policy GP2 of the Unitary Development Plan and the National Planning Policy Framework.

12: There shall be no outdoor storage of materials or delivery goods on the site.

Reason: To ensure that the amenities of neighbouring residents or occupiers are not unduly inconvenienced by servicing of the site and to ensure satisfactory functioning of the application site in accordance with Saved Policy GP2 of the Unitary Development Plan and the National Planning Policy Framework.

13: Vehicle horns shall not be sounded between the hours of 2300 to 0700 hours except for emergency purposes.

Reason: In the interests of the amenity of adjoining occupiers in accordance with Saved Policy GP2 of the Unitary Development Plan and the National Planning Policy Framework.

14: No public address facility shall be installed internally or externally within any part of the site or buildings.

Reason: In the interests of the amenity of adjoining occupiers in accordance with Saved Policy GP2 of the Unitary Development Plan and the National Planning Policy Framework.

15a: The continuous 3 metre high acoustic barrier along with the mature tree line as shown on Proposed Site Plan 19-793/P02C, received on 21st April 2020 shall be retained at all times on the Park Road frontage.

15b: In the event that any tree along the Park Road frontage, as shown on Proposed Site Plan 19-793/P02C (received on 21st April 2020), is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased another tree of the same species as that originally planted shall be planted at the same place and shall be a minimum height of 6 metres when planted.

Reason: In the interests of the amenity of adjoining occupiers in accordance with Saved Policies GP2, ENV17 and ENV33 of the Unitary Development Plan and the National Planning Policy Framework.

Notes for Applicant

Pollution Control:

CL2 - When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3 - Validation reports will need to contain details of the 'as installed' remediation or mitigation works agreed with the Local Planning Authority. For example, photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported 'clean cover' materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate, records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any

validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

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.

Severn Trent Water:

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

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Fire Authority:

Approved Document B Volume 2, 2019 edition

Section 15: Vehicle access

Buildings not fitted with fire mains 15.1 For small buildings (up to 2000m² , with a top occupied storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.

- a. 15% of the perimeter.
 - b. Within 45m of every point of the footprint of the building (see Diagram 15.1).
- 15.2

For all other buildings, provide vehicle access in accordance with Table 15.1. 15.3 Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m (e.g. a 150m elevation would need a minimum of two doors)

Design of access routes and hardstandings

15.7 Access routes and hardstandings should comply with the guidance in Table 15.2. Requirements can only apply to the site of the works. It may not be reasonable to upgrade the route across a site to a small building. The building control body, in consultation with the fire and rescue service, should consider options from doing no work to upgrading certain features, such as sharp bends.

15.8 Where access to an elevation is provided in accordance with Table 15.1, the following requirements should be met, depending on the building height.

a. Buildings up to 11m, excluding small buildings (paragraph 15.1): pump appliance access should be provided adjacent to the building for the specified percentage of the total perimeter.

b. Buildings over 11m: access routes should comply with the guidance in Diagram 15.2.

15.9 Where access is provided for high reach appliances in accordance with Table 15.1, overhead obstructions (such as cables and branches) should be avoided in the zone shown in Diagram 15.2.

15.10 Dead-end access routes longer than 20m require turning facilities, as in Diagram 15.3. Turning facilities should comply with the guidance in Table 15.2

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 2, Table 15.2)

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

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

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

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

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 8)

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

Rolling shutters in compartment walls 17.12 The fire and rescue service should be able to manually open and close rolling shutters without the use of a ladder.

Planning Committee

Report of Interim Head of Planning and Building Control on 20-Aug-2020

Plans List Item Number: 2.

Reason for bringing to committee: Major application

Location: BEECHDALE COMMUNITY HOUSING ASSOCIATION, CHILTON HOUSE, STEPHENSON AVENUE, WALSALL, WS2 7EU

Proposal: THE PROPOSAL CONSISTS OF THE DEMOLITION OF THE VACANT FORMER BEECHDALE COMMUNITY HOUSING ASSOCIATION BUILDING AND THE ERECTION OF 12 AFFORDABLE HOMES WITH ASSOCIATED PARKING AND REAR GARDENS.

Application Number: 20/0004

Applicant: Taylor French Developments Ltd and Keystone Developments (LG) Limited

Agent: rgp Ltd.

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

Case Officer: Devinder Matharu

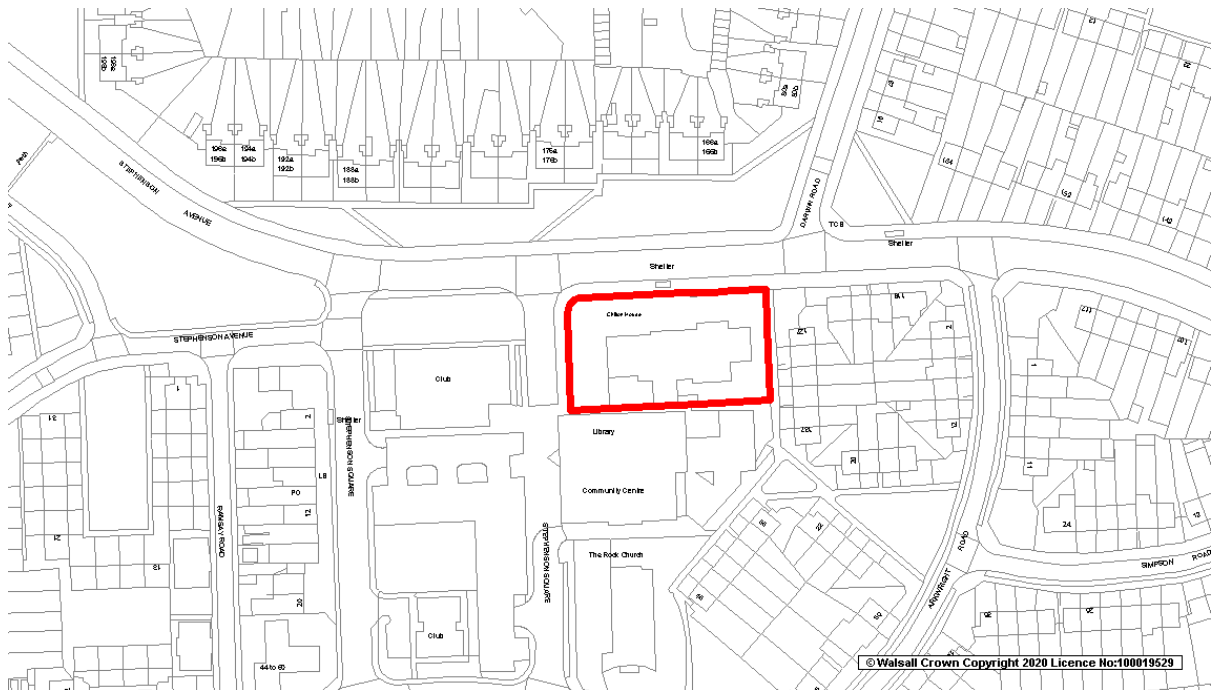
Ward: Birchills Leamore

Expired Date: 18-May-2020

Time Extension Expiry: 06-Jul-2020

Recommendation Summary: 1. Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a S106 Agreement to secure provision for open space and subject to

- Addressing the Flood Risk Officer's objection
- Seeking amended plans for amended boundary treatments.
- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;



Proposal

The proposal seeks demolition of the vacant Former Beechdale Community Housing Association building and the erection of 12 affordable homes with associated parking and rear gardens.

The proposed 12no terrace houses would be positioned 14.8m back into the site in four terraces of three with parking and landscaping to the north fronting Stephenson Avenue and landscaping to the east fronting the public footpath and opposite numbers 127 to 133 Stephenson Square. The proposed landscaping strip to the eastern part of the site would measure 23m in length by 4.3m wide. The houses would be set off the eastern boundary by 5.6m and off the western boundary of the site by 1.2m.

Each terrace of three dwellings would measure 13m by 9m, 5m to the eaves and 8m to the pitch.

The plots have rear garden lengths that vary from 8m to 7.8m in length in the case of plots 3, 4, 9 and 10 to accommodate a rear path to these houses. The overall amenity area varies from 44 square metres to 31 square metres, as set out below:

Plots 3 and 4 - 31 square metres

Plots 2, 5 and 11 – 32 square metres

Plots 9 and 10 - 33 square metres

Plot 8 – 34 square metres

Plots 6 and 7 – 37 square metres

Plot 12 – 40 square metres

Plot 1- 44 square metres

The following plans and documents have been submitted with the application:

- Ecological appraisal which recommends bat bricks to be included in the design of the development, to ensure any lighting does not impact upon bat, site works to be undertaken outside of nesting season and bird boxes also to be included.
- Environmental noise report and Environmental Report identifies glazing and ventilation and acoustic fencing to protect the amenities of occupiers from noise.
- Design and Access Statement, which addresses the proposal.
- Tree protection plan identifying protection areas.
- Tree constraints plan identifying tree constraints on site.
- Ground investigation report identifying potential contamination and the risks.
- Arboricultural impact assessment, which identifies trees on site and root protection areas.
- Drainage strategy identifies drainage on site.

- Remedial strategy and verification plan identifies and addresses potential contamination.
- Coal mining risk assessment, which identifies history mining on site.
- Boundary treatment plan which identifies a 3m high acoustic fence to the rear and side boundaries of the proposed development, a 1.8m high close board fence and gates to the rear gardens and rear access points, a 0.45m knee trip rail across the front and side boundaries.
- Material distribution plan which identifies Breedon Kings Court Facing Brick in Autumn Dragface and Rosewood and Russell Grampian roof tile in Cottage Red and Peat Brown.

Written confirmation has also been received that the applicant is willing to enter into a section 106 agreement for contributions towards public open space contributions. A total of 12 flats will a contribution towards public open space to be payable under Development Plan policies and the Urban Open Space SPD.

Site and Surroundings

The existing two storey building is set back within the site with a large forecourt, the building is similar in design and materials to the adjacent surrounding buildings. The site is enclosed by 1.8m high palisade fencing.

The area is mixed in nature with commercial uses, in the form of a library and community centre , a social club and residential properties in the vicinity.

There is a public footpath adjacent to the east of the site linking Stephenson Avenue to Edison Road.

The site is within Beechdale local centre.

Relevant Planning History

None

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

sustainable development”.

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- ENV10: Pollution

- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis
- 8.3 Urban Open Space
- LC1: Urban Open Spaces
- LC8: Local Community Facilities

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality
- DEL1: Infrastructure Provision

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

T4: The Highway Network

SLC1: Local Centres

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity

- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Open space, sport and recreation

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

Air Quality SPD

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

Consultation Replies

Archaeology – No objection

Arboricultural Officer – No objection

Highways – No objection subject to planning conditions relating to access, parking and construction management plan.

Ramblers Association – No objection but makes general comments about parking access, boundary treatments and keeping adjacent path clear for pedestrians.

Natural England – No objection

Strategic Policy- No objection.

Historic England – No objection

Sport England – No objection

Network Rail – No objection

Flood Risk Officer –Objection due to the lack of a drainage strategy.

Community Safety – No objection but makes general comments on the design of the scheme in regards to secure by design relation to fencing

Housing Standards – No objection

Police – No objection but makes comments on secure by design in particular lighting and shared accesses.

Fire Officer – No objection subject to compliance with Building Regulations.

Pollution Control – No objection subject to planning conditions relating to construction management plan, air quality, contaminated land and noise.

Representations

None

Determining Issues

- Principle of development
- Land Stability and contamination
- Design and character of the area
- Impact upon neighbouring residential and commercial occupiers
- Trees, Landscaping and Ecology
- Access and parking
- Planning obligations
- Local Finance Considerations

Assessment of the Proposal

Principle of development

The site lies in Beechdale Local Centre , SAD Policy SLC1 supports housing in local centres where centre uses such as offices are in decline. The proposal for residential development can also be supported by SAD policy HC2, and NPPF paragraphs 59, 117 and 118, as well as the policies in the BCCS, SAD and UDP referred to in the applicant's design and access statement. The principle of residential development is supported subject to more detailed criteria below.

Land Stability and contamination

The site is shown on the historic mapping as being within an area of shafts and colliery spoil heaps during the late 19th and early 20th century, before being developed with houses and other buildings in the mid-20th century.

The coal mining risk assessment confirms that coal mining legacy poses a risk to the proposed development and that remedial works to treat areas of shallow coal mine workings to ensure the safety and stability may be required to be undertaken prior to commencement of the development. The Coal Authority have no objection to the proposal subject to a planning condition to secure remedial work details.

The submitted ground investigation report identifies contamination on site, Pollution Control have no objection to the proposal subject to planning conditions to address contamination on site.

On balance, the proposed residential development should be supported to provide much needed housing in the area.

Design and character of the area

The design of the proposed development is considered acceptable and in keeping with the design of the existing surrounding two storey residential properties. The type of housing, terrace properties matches the terrace properties to the eastern part of the site.

The applicant has submitted details of facing materials and roofing materials, it is considered given the mixture of facing and roofing materials in the area the proposed materials are acceptable.

The proposed dwellings do fall short of the residential standards as set out in Annex D of Designing Walsall in respect of amenity space standards and rear garden lengths. In some cases the proposed amenity spaces are below half that required as set out in the guidance. On balance, it is considered whilst the proposal fails to comply with the residential standards in relation to amenity, the proposal provides much needed housing in the area. As such, the proposal is supported.

Given that the rear gardens are below requirement set out in the Residential Standards, a planning condition will be attached to remove permitted development rights for extension which would further reduce the level of amenity for these proposed occupiers.

The Community Safety Officer has made comments regarding the gable ends of the properties being vulnerable to anti-social behaviour and have suggested boundary treatments are at least 2.4m high. The boundary treatment plan shows 3m high

acoustic fencing to the sides and rear gardens of the proposed development. Whilst, the 3m high acoustic fencing would provide some mitigation measures from noise, from a visual point of view there are concerns that a 3m high fence on the sides would be visible from the public realm and as such would be visually intrusive. Furthermore, a 3m high fence would result in shading the majority of the rear gardens given that they are already fall short of the residential standards. As such, amended boundary treatment plans would be sought ensuring boundary fencing is no more than 2.5m high to the rear gardens and eastern boundary of plot 12 and the western boundary of plot 1. The Police Architectural Office has no objection to the proposal subject to secure by design.

There is a pedestrian path between plots 3 and 4 and plots 9 and 10 to allow access to the rear gardens of plots 2, 5, 8 and 11. Whilst, this is not normally supported as it introduces access points to neighbouring properties that could result in noise and general disturbance to the adjacent occupiers, this will be secured and is to allow residents separate access to the gardens for bin collection. On balance the layout is supported and will provide much needed housing in the area and can be supported.

The bin collection point is located towards the front of the site; it is considered that whilst bins could be placed there on bin day, the permanent placing of bins towards the front of the site which would be highly visible and visually detrimental would not be acceptable. .

On balance, the proposed design is acceptable and the residential development should be supported.

Impact upon neighbouring residential and commercial occupiers

The separation distance between the side gable wall of plot 12 and numbers 127 and 129 Stephenson Avenue is 12m, falling just 1m short of the Council's residential standards between habitable rooms and blank walls exceeding 3m high. On balance, it is considered that the proposed development would not unduly harm the amenities of these neighbouring residential occupiers in respect of loss of outlook or shading as this is only a minimal shortfall and there was an existing building on site. Furthermore, the proposed landscaping along the eastern part of the site would interrupt the views towards this plot minimising the impact. Any evening shading from plot 12 would fall on the adjacent footpath and front garden of the property, so as not to impact upon the amenities of these neighbouring occupiers.

Towards the rear of the site is the library and community centre and the separation between the rear of these buildings and the proposed dwellings falls 2m short of the 13m separation between blank walls and habitable rooms. This is considered not to be significant and is acceptable.

On balance, it is considered that the proposed residential development should be supported, as it would not unduly harm the amenities of neighbouring commercial and residential occupier in respect of loss of outlook, loss of privacy, overlooking or loss of light.

Trees, Landscaping and Ecology

The proposed site plan identifies trees to be retained and new planting within the site, no details of the proposed planting have been submitted; as such these details can be secured by way of a planning condition.

The Arboricultural Officer has no objection to the proposed development subject to a planning condition to safeguard trees on site.

Access and parking

The proposed residential development of 12 dwellings seeks to provide 12 parking spaces, a total of 100% .This level of parking is acceptable given the sustainable location of the site in a local centre.

The proposed two front parking courts provide access onto Stephenson Avenue whilst providing pedestrian and vehicle inter-visibility is provided.

The Highway Authority considers the development will not have unacceptable road safety or have severe transportation implications and is acceptable in accordance with NPPF 2018 para 109.

Planning obligations –Urban Open Space

The proposal for 12 residential units triggers the need to make provision for public open space. This equates to a commuted sum of £16,824.00 towards public open space to be payable under policies GP3 and LC1 of the UDP and the Public Open Space SPD.

The planning agent has confirmed their willingness to enter into a section 106 agreement to secure funding towards urban open space.

Local Finance Considerations

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

This application proposes 12 new homes.

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

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

Conclusions and Reasons for Decision

The principle of residential development and the design are considered acceptable.

Landscaping details, remedial measures and contaminated land details can be secured by planning condition.

The proposed residential development would not unduly harm the amenities of the neighbouring residential and commercial occupiers. The parking and access arrangement are considered acceptable.

The proposal complies with the policies as set out in the policy section of this report except in so far as referred to in the report.

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions s106 to secure and subject to

- Address Flood Risk Officer's objection
- Seek amended plans for amended boundary treatments.
- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;

- No further comments from a statutory consultee raising material planning considerations not previously addressed;

Conditions and Reasons

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

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

2. The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Site location plan drawing number 100-267/AR/015A submitted 17-02-2020
- Site plan drawing number 100-267/AR/010E submitted 26-06-2020
- Street Scene plan drawing number 100-267/AR/011B submitted 17-02-2020
- Plots 1 to 3 plans and elevation 100-267/AR/006C submitted 17-02-2020
- Plots 4 to 6 plans and elevation 100-267/AR/007B submitted 17-02-2020
- Plots 7 to 9 plans and elevations 100-267/AR/008C submitted 17-02-2020
- Plots 10 to 12 plans and elevation 100-267/AR/009D submitted 17-02-2020
- Existing and proposed site section drawing number 100/267/AR/01/B submitted 26-06-2020.
- Material distribution plan drawing number 100/267/AR/013D submitted 26-06-2020

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

3a. Prior to commencement of the development hereby permitted:

i. A detailed remediation scheme to protect the development from the effects of such land instability shall be submitted to and approved in writing by the Local Planning Authority

ii. Prior to the carrying out of building operations of the development hereby permitted the approved details of remedial works shall be carried out

iii. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

vi. Following implementation and completion of the approved remediation scheme and prior to the first occupation of any of the plots hereby approved, a verification report shall be submitted to and approved in writing by the Local Planning Authority

to confirm completion of the remediation scheme in accordance with approved details.

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

4a. Prior to the commencement of development hereby permitted drainage plans for the discharge of surface water and disposal of foul sewerage and all existing and proposed underground services and sewers shall be submitted in writing to and approved in writing by the Local Planning Authority.

4b. The development shall not be carried out otherwise than in accordance with the approved details and the approved drainage shall thereafter be retained as installed for the lifetime of the development.

4c. The development hereby permitted shall not be occupied until the approved drainage has been installed in accordance with the approved plans.

Reason: To ensure the development is provided with a satisfactory means of drainage and/or to reduce the risk of creating or exacerbating a flooding problem and/or to minimise the risk of pollution and/or to safeguard water quality from fuels, oils and other chemicals from the site in accordance with NPPF10, BCCS Policy ENV5 and saved Walsall's Unitary Development Plan policy GP2 and ENV40.

5a. Prior to the commencement of development hereby approved, a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. A scheme for recycling/disposing of waste resulting from construction works
6. Temporary portacabins and welfare facilities for site operatives
7. Site security arrangements including hoardings
8. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway

9. Measures to prevent flying debris
10. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
11. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

5b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

6i. Prior to built development commencing a Remediation Statement setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

6ii. The remedial measures as set out in the Remediation Statement required by part i) of this condition shall be implemented in accordance with the agreed timetable.

6iii. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part i) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

6iv. 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 in accordance with Policy ENV10 of the UDP.

7a. Prior to the commencement of development hereby approved, details of electric vehicle charging points including a plan showing the exact location of the electric charging points and the infrastructure for the electric charging points to be provided for the development shall be submitted in writing to and agreed in writing by the Local Planning Authority.

7b. Prior to first occupation of the development the approved electric vehicle charging points and infrastructure shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

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

8a. Prior to the commencement of development hereby approved, details of a vehicle footway crossing to align with the new access to be installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008, together with the reinstatement of the any redundant dropped kerbs including the redundant access on the Stephenson Square frontage which shall be reduced in size to retain a pedestrian dropped kerb element shall be submitted to and approved in writing by the local planning authority.

8b. The development hereby permitted shall not be carried out otherwise than in accordance with the details approved under part A of this condition and then retained for the lifetime of the development.

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

9a. Prior to commencement of the development hereby permitted details of landscaping including both hard and soft landscape works and earthworks shall be submitted in writing to and approved in writing by the Local Planning Authority.

9b. Prior to occupation of the development hereby permitted the approved landscaping details shall be carried out.

9c. If within a period of 5 years from the date of the planting of any trees shrubs or plants, that tree shrub or plant, or any tree shrub or plant planted in replacement for it, is removed, uprooted, destroyed or dies and or becomes seriously damaged or diseased in that period another tree shrub or plant of the same species and size as that originally planted shall be planted at the same place.

Reason: In the interests of the visual amenities of the area in accordance with saved policies ENV17 and ENV33 of Walsall's Unitary Development Plan.

10a. Notwithstanding the boundary treatment plan, drawing number 100-267AR/012E submitted 11-06-2020 and prior to the commencement of building operations above damp proof course of the development hereby permitted revised details of the proposed boundary treatment of the site reducing the 3m high acoustic fence to 2.4m, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and

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approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

10b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

10c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

11. The approved tree protection measures detailed in the Arboricultural Impact Assessment and Tree Protection Plan by Eden Arboriculture Professional Tree Consultancy dated March 2020 shall be fully implemented prior to the commencement of any works on site and shall be retained until the completion of the development. The area enclosed by the tree protection fencing shall be kept clear of all contractors materials and machinery at all times, as laid out in British Standard 5837: 2012 Trees in relation to design, demolition and construction – Recommendations.

Reason: To safeguard the trees on site and adjacent in accordance with policy ENV18 of the UDP and Conserving Walsall's Natural Environment SPD.

12a. Prior to the first occupation of any dwelling on the development, the access, parking and vehicle manoeuvring areas serving that dwelling shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain.

12b. These areas shall thereafter be retained and used for no other purpose.

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

13. No boilers shall be installed in any of the units hereby permitted, save for

- Gas and liquefied petroleum gas (LPG) boilers with maximum NO_x emissions no greater than 56 mg/kWh.
- Oil-fired boilers with maximum NO_x emissions no greater than 120 mg/kWh.

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

14a. Prior to occupation of the development hereby permitted brick bat boxes and wooden bird boxes shall be incorporated into the proposed first floor side elevation on plots 1 and 12 as shown on site plan drawing number 100-267/AR/010E submitted 26-06-2020 and shall thereafter be retained as such in accordance with section 6.2 and 6.3 of the preliminary ecological report assessment submitted 29-01-2020. The bat box shall be located at a point not lower than 2.5m from ground level and shall not be positioned directly above any doors or windows.

14b. The entrance to the brick bat boxes and wooden bird boxes shall be kept clear from obstructions at all times.

Reason: To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

15a. No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority in accordance with section 6.2 of the preliminary ecological report assessment submitted 29-01-2020.

15b. No external lighting shall be installed on the site otherwise than in accordance with the approved details.

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

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no side facing windows, doors, or other openings other than those shown on the approved plans, shall be installed in any part of this development.

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any Order revising, revoking or succeeding that Order with or without modification, no extensions or additions as defined by Schedule 2, Part 1 development within the curtilage of a dwelling house:

- Class A (enlargement, improvement or other alterations)
- Class B (additions to the roof)
- Class C (other alterations to the roof)
- Class E (building incidental to the enjoyment of a dwelling house)
- Class F (hard surfaces incidental to the enjoyment of a dwelling house) shall be installed in any part of this development.

Reason: To safeguard the amenities of the occupiers of adjoining premises and to comply with saved policies GP2 and ENV32 of the Walsall Unitary Development Plan.

19. The development hereby approved shall not be constructed otherwise than in accordance with the facing materials Breedon Kings Court Facing Brick in Autumn Dragface and Breedon Kings Court Facing Brick in Rosewood and Russell Grampian roof tile in Cottage Red and Russell Grampian roof tile Peat Brown as detailed in the Material distribution plan drawing number 100/267/AR/013D submitted 26-06-2020

Reason: In the visual amenities of the area in accordance with Policies GP2 and ENV32 of the UDP.

Note for applicant Ecology

Any clearance of vegetation and proposed construction works should be undertaken outside the nesting bird season (March to August inclusive), or be preceded by a check for nesting birds (within 24 hours prior to commencement of works) to avoid infringing legislation which protects all nesting birds. In the event, any breeding birds are found using any of the habitats on site, no works should be undertaken within 5m of the breeding bird nest and a 5m buffer shall be maintained until the young have fledged and the adult birds are no longer using the nests.

Note for applicant Highways

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

2. The applicant will be expected to 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 at Stephen.Pittaway@walsall.gov.uk

Note for applicant Severn Trent Water

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

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 0345 266 7930

Notes for Applicant – Contaminated Land

CL1

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

CL2

When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in

CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

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

CL4

The desk study and site reconnaissance shall have regard to previous unknown filled ground and materials used and processes carried on. A further detail on the matters to be addressed is available in 'Model Procedures for the Management of Contamination' (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.

Notes for Applicant – Air Quality SPD

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

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

Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded.

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

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

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

Notes for Applicant – Police

External LED lights with daylight sensors to the external front and rear walls of the houses.

This to provide security for residents particularly when entering and leaving. (SBD Homes 2016 page 51 33.1-2).

Shared gates to the front of the building line will provide residents security to their private amenity space.

Secondary gates then into individual gardens.

I would recommend security using the principles of Secured By Design.

Below is a link to secured by design guides, including Housing, police approved crime reduction information.

<https://www.securedbydesign.com/guidance/design-guides>

Secured By Design security standards are explained.

Please see: <https://www.securedbydesign.com/guidance/standards-explained>

Planning Committee

Report of Interim Head of Planning and Building Control on 20-Aug-2020

Plans List Item Number: 3.

Reason for bringing to committee: Application has been called in by the Councillor Hussain on the grounds that delicate judgement is required although it is not specified what that delicate judgement is

Location: ROTHER, HIGHGATE DRIVE, WALSALL, WS1 3JJ

Proposal: PROPOSED FAMILY ANNEX TO THE REAR OF 'ROTHER' HIGHGATE DRIVE, WALSALL.

Application Number: 20/0309

Applicant: Kasore Khan

Agent: Paul Spooner

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

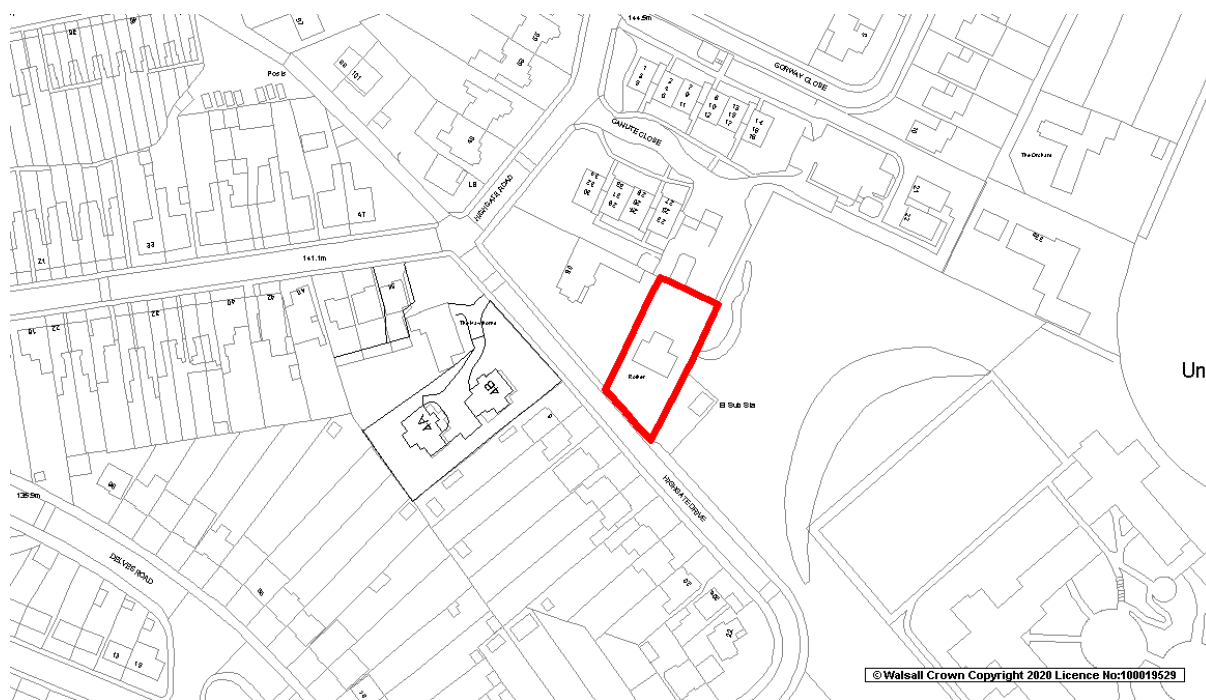
Case Officer: Jasmine Kaur

Ward: St Matthews

Expired Date: 11-May-2020

Time Extension Expiry:

Recommendation Summary: Refuse



Proposal

Proposed Annex to the rear of the dwelling with total floor area approximately 135 sqm. The building is an 'L' shape with accommodation provided over two floors and has a pitched roof with gable features and roof lights. Pitched roof would measure 4.4m high and the gable would be measuring 5.9m high (max level). The building is 11.3 m wide, 10.2m deep on the western boundary and 7.5m deep on the eastern boundary. Several window openings would be created on all elevations of the ground floor including wide bi-folding doors serving the lounge area and rooflights inserted at first floor level to provide natural light to the bedrooms. The accommodation includes the following:

Ground floor: Living/dining room, bathroom, bedroom, study and store

First Floor: Two bedrooms (one en-suite)

In relation to the main dwelling 'Rother', the proposed building be would situate at the rear of the garden and it would be set back by 7.2m. The proposed building would also have proximity to the neighbouring property No 58 on the western boundary and distance between the proposed and neighbouring property is 5.2m.

Site and Surroundings

The application site is located on the Highgate Drive which is predominately residential area. The application property known as Rother is a detached house that is generously set back from the road and benefits from wider frontage. The site boundary is concealed by number of large trees and shrubs. Other properties within the vicinity of the application site are typically of varying styles and set back. To the east of the site are open fields, to the western boundary is number 58 Highgate Road and to the north is car park and residential apartments situated on the Canute Close which is cul-de-sac. Application site benefits from provision of off-street parking and open wide frontage and main dwelling is set back from the highway.

Relevant Planning History

08/0895/FL: Two-Storey Rear Extension: Granted subject to conditions

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- NPPF 12 – Achieving well-designed places

On planning conditions the NPPF (para 55) says:

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- H10: Layout, Design and Dwelling Mix
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

DW3 Character

Appendix D

Consultation Replies

Highways: No objection

Severn Trent: No objection

Fire Services: No objection

Planning Policy: 'The Hawthorns' opposite the site is a locally listed building but the position of the proposal to the rear of the existing house means that it is unlikely to affect the setting of this building. The application site appears to contain a number of mature trees so advice should be sought from the council's ecology advisor about the possible impact on bats, as well as from the tree officer.

Representations

No letters of representation have been received.

Determining Issues

- Design and Character of Area
- Amenity of Nearby Residents

Design and Character of Area

The application proposal would introduce a detached annex positioned in the rear garden providing accommodation over two levels. The applicant has stated that planning permission is sought for family annex use associated with the main dwelling.

The scale of proposed annex is significantly large with three bedrooms, a kitchen and living area. The proposed annex would also have separate access and parking. The annex would introduce a significant building which would be situated at the rear of the original dwelling in tandem with it.

Although described as a family annexe, the building would be self-contained. To all intent and purposes the proposed building could be perceived from the public domain as separate new dwelling. The applicant has stated that annexe is required for an elderly parent to provide independent accommodation. Most commonly an annexe would form part of an extension to an existing building with shared facilities and a physical connection between the two elements. When the annexe is no longer required, the accommodation would be incorporated as part of the main dwelling and whole the building would be used as single dwelling. In this type of circumstance, planning conditions could be imposed to ensure that annex is used as part of the main house.

In this case the development would effectively comprise a separate dwelling. Whilst it is accepted applicant parents and relatives would reside in it in the first instance, that situation may change in the future. Notwithstanding, a condition could be imposed to control the use of the building which would only be limited to the family members and remain ancillary to the main dwelling it would be very difficult to enforce in the long term and would be not appropriate having regard to the adopted planning policies and government guidance.

Given applicant's personal circumstances, the case officer has tried to work proactively with them. The opportunity was given to reduce the size and scale of the annexe to provide accommodation for the parents which included one bedroom, kitchen, living area and WC facilities. Second option available to the applicant was to extend the main dwelling to facilitate the family members and their elderly parents.

The applicant has explained that the reason for the additional bedrooms is that the intended occupiers are elderly relatives and need the support of others at times when the applicant is not available to provide that support. It has been made clear that applicant is not available during the week to care for their elderly parents so effectively their requirements are for creation of separate planning unit and with independent parking to the rear with no connection to the main dwelling.

In this case the development would effectively comprise a new dwelling. The detached annexe would be considered more favourably were the scale and appearance in modest in proportion to the site and dependency with the main building is retained. Taking account of considerations regarding the physical detachment, size and free standing, self-contained, nature of the development, and having regard to the planning policies guidance, which should in effect, all practical terms of be considered, would be considered as development which is effectively the creation of new independent dwelling.

The distance between the annexe and the main dwellings is approximately 7.2m and structure will have close proximity to the western boundary with number 58 Highgate Road and to the north car park and residential apartments situated on Canute Close. The building will be apparent from the streetscape when viewed from the north boundary particularly due to the height; the structure would also afford view from the Highgate Drive due to the close proximity to the western boundary and overall height and scale. Due to the location the new building would appear cramped and contrived in nature with the structure abutting its northern and western boundary meaning that the structure would sit uncomfortably and uncharacteristically in this position; and therefore, resulting in visually obtrusive form of development.

Furthermore, it is noted that generally the existing house forms part of the more spacious setting where dwellings sit within generous plots. The proposed building would effectively be inserted to cover significant area of the rear garden along with independent parking facilities; hence it would result in cramped form of back land site development. Overall, the proposed building due to its height, size and scale within this prominent position would appear incongruous and as discordant feature contrary to planning policies with UDP policies GP2, ENV32, H10 and SPD 'Designing Walsall.'

Email was received from Cllr Hussain on the 14th July enquiring about property which was on sale on Little Gorway. The sales description for the property included two storey guest house which was not part of the main house. The applicant had forwarded this information to the Councillor in support of their application that precedent has already been sent in the local vicinity. Upon the receipt of this information the planning records were verified which revealed that 7a and number 7 are two separate properties. Both of these properties have street frontage and they are two separate planning units. Planning permission reference 06/1185/FLHI was for the granted side and rear extension to 7A Little Gorway. In these circumstances

this type of example could not be used to justify the applicants' case as each case is assessed on its own merits and there are material differences between the two cases.

Residential Amenity

The proposed building would have close proximity to the No 58 and residential apartments situated to the north of the site. Currently the site boundary is enclosed by number of trees and shrubs. However, in order to facilitate the proposed building, there is no indication that these trees would be retained, and it is likely that they would be lost. The building would be more prominent from the neighbouring properties. It is noted that there is slight drop in the ground level towards the rear of the property, but due to the height and size of the building; it would still be visible from the adjoining dwelling. A window in the eastern elevation to serve the ground floor bedroom and window in the front elevation in the study; it appears that these window could afford direct views into the garden of No 58 which would result in loss of privacy.

Also, the building would be sited at the rear of the main dwelling and sharing the same amenity space. This would result in 'Tandem' development, consisting of one house immediately behind another and sharing the same access is generally unsatisfactory because of the difficulties of access to the house at the back and the disturbance and lack of privacy suffered by the house in front.

The building would be independent dwelling with parking facilities to the rear and this would increase excessive comings and goings to the site which would intensify the use of site and would result in more noise disturbance to the adjoining neighbours once the building is occupied. The proposal would also reduce security to the neighbouring dwelling and rear garden which would be detrimental to residential amenities. The proposal would be contrary to UDP policies GP2, EN32, H3, H10 and SPD 'Designing Walsall'

Conclusions and Reasons for Decision

The applicant was given the opportunity to reduce the scale of development and create a Granny Annexe which would integral part of the main dwelling. The reduction in height and size of the building was suggested. The reduced scale of the building to the rear would still meet the requirement for providing the accommodation for the elderly parents. The personal circumstances of the applicant does not form part of material consideration in assessing this application; however balanced approach was taken in considering all the circumstances. The development fails to comply with the adopted planning policies and the development would be detrimental to the living conditions of the nearby occupiers. The development would therefore be contrary to Saved policies of Walsall's Unitary Development Plan, in particular policies GP2, ENV32 and H10, Black Country Core strategy ENV3 and 'Designing Walsall' supplementary planning document.

Positive and Proactive Working with the Applicant

The planning agent was contacted to reduce the scale of the development. Unfortunately, applicant was not able to comply with the request reducing size and scale of the development or reconsider other options for extending the main dwelling.

Recommendation: Refuse

1. The proposed building by reasons of its size, height and scale would result in cramped of development which would be out of keeping with general pattern of development in the area. The proposal would be contrary to UDP policies GP2, ENV32, H3, H10 and SPD 'Designing Walsall'
2. The development would be unsatisfactory tandem development and over intensify the use of the site which would increase excessive comings and goings would result in more noise disturbance to the adjoining neighbours once the building is occupied. The proposal would be detrimental to residential amenities and contrary to policies to UDP policies GP2, ENV32, H3, H10 and SPD 'Designing Walsall'

Planning Committee

Report of Interim Head of Planning and Building Control on 20-Aug-2020

Plans List Item Number: 4.

Reason for bringing to committee: Council Owned Land and a Petition against the Development

Location: WOODLANDS ACADEMY OF LEARNING, BLOXWICH ROAD NORTH, WILLENHALL, WV12 5PR

Proposal: INSTALLATION OF A MODULAR NURSERY CLASSROOM AND ACCESS RAMPS TO PROVIDE A DAY NURSERY FOR UP TO 26 ADDITIONAL CHILDREN AGED BETWEEN 2 AND 4 YEARS.

Application Number: 20/0395

Applicant: Walsall MBC

Agent: Paul Kerrigan

Application Type: Regulation 3: Minor Application (SI 1992/1492)

Case Officer: Mike Brereton

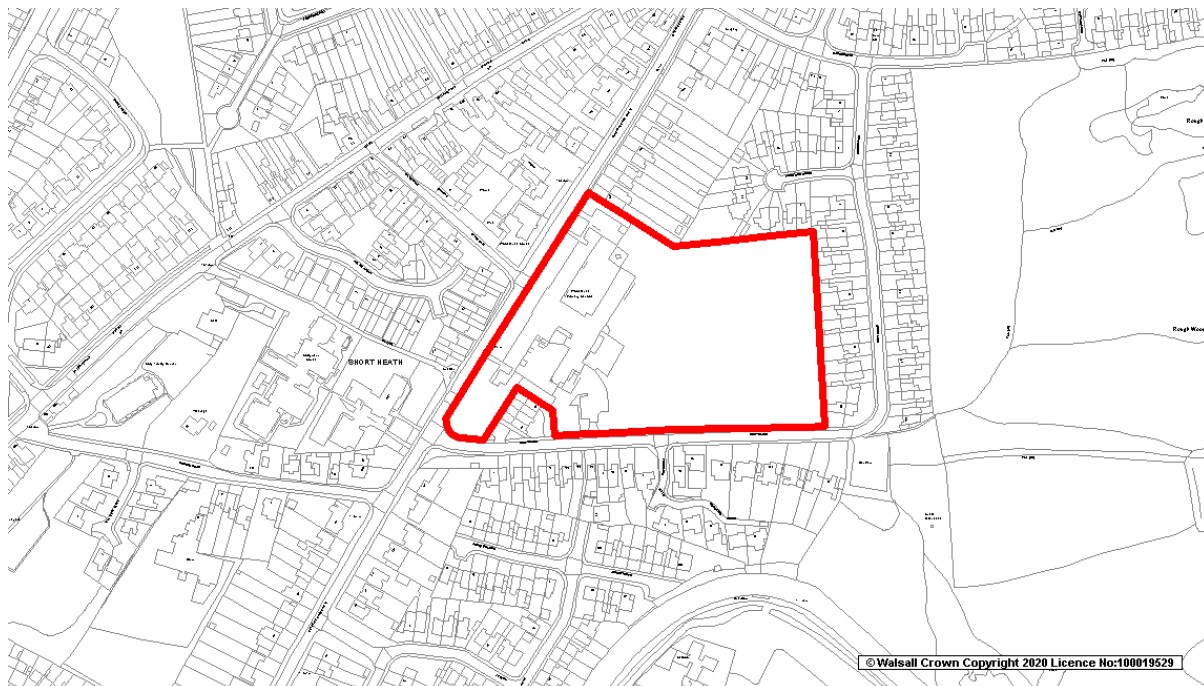
Ward: Short Heath

Expired Date: 24-Jun-2020

Time Extension Expiry: 16-Sep-2020

Recommendation Summary: 1. Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:

- No new material considerations being received by Clean and Green;
- No objection from Sports England as a statutory consultee; and
- The amendment and finalising of conditions.



Proposal

This application is for the erection of a new day nursery building to accommodate up to an additional 26 children aged between 2 and 4 years. The building would be located at rear of the existing school building on land currently forming part of the School's playing field.

The building would comprise a single open-plan classroom, kitchen, toilets and wet play area and is of an overall simple modern appearance with flat roof and ramps up to both doors with canopies above. The building would measure around:

- 100m² floor space;
- 12.2m wide;
- 9.15m deep; and
- 2.3m high.

The submitted application form explains that there would be no increase in the number of employees at the site which currently stands at 51 employees.

The proposed operating hours are 06:30am to 19:00pm Mondays to Fridays.

Site and Surroundings

The application site is Woodlands Academy, based off Bloxwich Road North with playing fields at rear and with residential properties predominantly surrounding the site, along with Short Heath Clinic and industrial uses on the opposite side of Bloxwich Road North. The site is also bounded by Hunts Lane to the south.

The school is registered as an Academy, but the submitted application form and certificate indicate that the land itself is still owned by Walsall Council.

The site is not in the Green Belt, and is not within an area of any other environmental designation but does include a small number of trees dotted around the periphery of the site (these trees do not appear to be protected).

Relevant Planning History

04/1602/FL/ W2	Proposed Two New Classroom Extensions	Grant Permission Subject to Conditions	16/09/2004
09/0084/FL	Remodelling of existing internal spaces to relocate nursery and reception class and facilities. Provide nursery main entrance extension and refurbish and extend infant/junior toilets.	Grant Permission	05/03/2009
14/0402/FL	Single storey office/meeting room extension and replacement tiled roof on adjacent corridor.	Grant Permission Subject to Conditions	06/05/2014

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

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

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- LC1: Urban Open Spaces
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP2: Development Outside the Growth Network
- CSP4: Place Making
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV8: Air Quality

Walsall Site Allocation Document 2019

OS1: Open Space, Sport and Recreation

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk

T4: The Highway Network

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW10 Well Designed Sustainable Buildings

Consultation Replies

Local Highway Authority: No objection and no conditions required (5th June 2020).

Designing Out Crime: Recommends lighting and alarm for security purposes (5th June 2020).

Coal Authority:

- No objection subject to a condition to secure an intrusive site investigation and any necessary remediation measures (18th June 2020).
- Objection maintained (20th May 2020).
- Object to lack of Coal Mining Risk Assessment (13th May 2020).

Fire Authority:

- Recommends a number of fire-fighting measures (19th May 2020).
- Recommends a number of fire-fighting measures (8th May 2020).

Canal and River Trust:

- No comments to make (21st May 2020).
- No comments to make (7th May 2020).

Public Health: No objection (18th May 2020).

Social Services (Children): No comments to make (6th May 2020).

Pollution Control: No objection (27th May 2020).

Community Safety Team: No comments received.

Drainage Team: No comments received.

Birmingham and Black Country Wildlife Trust: No comments received.

Sports England: No comments received.

Clean and Green: No comments received.

Severn Trent Water: No comments received.

Representations

Two petitions have been received which include 16 and 22 signatures respectively. The latter petition does not specify whether it is in support of, or against, the proposal and does not list any grounds on which the petition is made. There are duplications of signatories on both petitions. The first petition is made on the following grounds (***Officer comments in italics***):

- Clarity needed on whether it would serve additional children (***this is set out in the amended application description***);
- Need further information on additional parking provision (***the submitted application form indicates that no changes are proposed to parking provision***);
- Existing major parking issues in locality and resulting safety impacts for children and abuse from parents;
- Proposed kitchen, toilets and classroom likely to lead to larger future development (***these facilities are necessary to serve the proposed nursery use. Each application is judged on its own merits***); and
- Clarity required on pick-up and drop-off times.

3 x further letters of objection have been received from neighbours on the following grounds, two of which also signed the above petition:

- Difficult to contact Planning department during the Covid-19 lock-down (***the Planning Service is continuously reviewing its internal processes in light of government guidance on Covid-19. Contact has been possible via email and via the case officer's work mobile***);
- Request application be delayed to allow face-to-face meeting with residents (***the Local Planning Authority has fulfilled its statutory duty to notify neighbours of this application and has followed Government advice on consultations during Covid-19***);
- Letter did not clearly set out amendments made to the proposal (***the letter of 21st May sent to neighbours clearly explained the amendment related to a revised description of development following requests from neighbours to clarify the proposal***);
- No provision made for additional parking;
- Existing issues of inconsiderate parking; and
- Opening school up for extended opening hours would lead to additional impacts.

Determining Issues

- Principle of Development
- Design and Appearance
- Neighbours Amenity
- Highways
- Land Instability, Flooding and Drainage
- Ecology
- Other Matters

Assessment of the Proposal

Principle of Development

The principle of an additional classroom building at this existing school site is considered acceptable. Whilst it would slightly reduce the existing school playing field, it is considered that the modest scale of the proposal at around 100m² would not harm the overall provision of open space serving the school which would remain at around 1.5 hectares.

Comments have been sought from Sports England and Clean and Green on this minor loss of playing field provision, and the recommendation set out in this report seeks the resolution of members to delegate approval of this development subject to conditions and subject to no objections being received from these consultees.

Neighbours object on the grounds that the proposed kitchen, toilets and classroom are likely to lead to larger future development. It is considered that these facilities are necessary to serve the proposed nursery use. Each application is judged on its own merits and a refusal is not warranted on these grounds.

Overall, the principle is considered acceptable and would meet the aims of Saved Policy LC1 of the Unitary Development, ENV6 of the Black Country Core Strategy, OS1 of the Site Allocation Document and the National Planning Policy Framework.

Design and Appearance

The overall simple modern appearance is considered acceptable and reflects the existing school buildings and is appropriate for its intended use as a day nursery. A condition would be included to secure the use of appropriate external materials to ensure satisfactory appearance in accordance with Saved Policies GP2 and ENV32 of the Unitary Development Plan, CSP4, ENV2 and ENV3 of the Black Country Core Strategy, DW3 of the Designing Walsall SPD and the National Planning Policy Framework.

Security measures for external lighting and provision of an alarm would be secured by condition in line with the recommendations of the Designing Out Crime Officer.

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Neighbours Amenity

The proposed building would be situated at the rear of the existing school, and would be over 48m away from nearest residential occupiers along Hunts Lane to the south and to the south-west. This distance, along with the presence of mature trees along this section of the boundary is considered sufficient to minimise any additional noise or disturbance to neighbours.

The modest proposed increase of 26 additional children at this school is considered would not result in any significant additional impacts to nearest residents over and above any levels of noise and disturbance already experienced at the site in connection with its current use as a school.

Neighbours object to the proposed operating hours. Whilst it is noted that there may be some increased activity outside of usual school times, any associated noise and disturbance is considered likely to be minimal given the modest number of children that would be in attendance at the nursery. These hours may also coincide with extracurricular activities or events which already take place at the school during these hours.

A condition would be included to restrict the operating hours of this day nursery to reflect those proposed in this application of between 06:30am and 19:00pm Mondays to Fridays to safeguard neighbours amenity.

Overall, the proposal is considered acceptable subject to the conditions set out and in accordance with Saved Policy GP2 of the Unitary Development Plan and the National Planning Policy Framework.

Highways

The Council's adopted parking standards under Saved UDP Policy T13 would require the provision of an additional 2 x parking spaces per classroom relating to a school, but it does not make any specific provision for a nursery and parking consideration for a nursery is therefore on a case-by-case basis.

As would be expected with a nursery use, any additional parking provision would likely be limited to the creation of further staff spaces given that children would usually be dropped off and picked up thus not requiring a parking space. It should be noted that whilst this proposal would lead to an increase of up to 26 additional children at this site, there is no proposed increase in the number of staff and it is not therefore considered necessary to seek the provision of any further parking spaces in this instance.

Whilst it is understood that the additional pupils will attract further vehicle trips and parking demand in the streets around the school, the Local Highway Authority has confirmed that discussions with the Council's Road Safety team have identified that there are no known major road safety issues in the locality. Furthermore, it has been confirmed that the school works pro-actively with the Council's Road Safety Team as part of the A-Stars initiative which promotes road safety and sustainable travel to reduce vehicle trips which will continue to help minimise reliance on traditional vehicle trips.

Neighbours queried the pick-up and drop-off times of children, and this is likely to be mostly around the opening and closing times of 06:30am and 19:00pm Mondays to Fridays, although it may vary between these operating hours to suit individual family needs. Given the modest scale of this proposal, any additional vehicle movement is unlikely to be significant and is considered would not result in any significant additional harm to the safety or operation of the local highway network. It is considered unnecessary or reasonable to secure a formal Travel Plan in this instance due to the small-scale nature of the proposal.

Neighbours objections regarding highways safety and lack of parking provision are noted, and these matters have been considered above and found to be acceptable in this instance for the reasons set out.

On balance, and taking account of the need to accommodate additional children to serve the locality, it is considered that the proposal is acceptable in this instance and would not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with Saved Policies T7 and T13 of the Unitary Development Plan, Policy TRAN2 of the Black Country Core Strategy, and the National Planning Policy Framework.

Land Instability, Flooding and Drainage

Following submission of a Coal Mining Risk Assessment, it can now be demonstrated that the development can be carried out safely, subject to conditions to secure further ground investigations along with any necessary remediation measures in line with the Coal Authority's recommendation.

The application site falls within Flood Zone 1, the lowest area of probable flooding from sea and rivers and the proposed modest scale of development at around 100m² is considered would not result in any significant additional impacts on localised flooding or displacement of surface water. No conditions are considered necessary in this instance regarding flooding. Comments are being sought from Severn Trent Water and any necessary drainage conditions requested by this consultee would be included on any approval.

Overall, the proposal is considered acceptable in accordance with Policy ENV5 of the Black Country Core Strategy, EN3 of the Site Allocation Document and the National Planning Policy Framework.

Ecology

Given the built up urban nature of the surrounding locality, and absence of any trees or shrubs in the immediate vicinity of the area to be built on, and the proposed siting of the nursery building close to an existing car park and hard-surfaced areas, it is considered unlikely that the proposal would result in any harm to protected or important species or their habitat. The proposal is considered to be in accordance with Saved Policy ENV23 of the Unitary Development Plan, ENV1 of the Black Country Core Strategy, EN1 of the Site Allocation Document and the National Planning Policy Framework.

Other Matters

The recommendations of the Fire Authority relating to fire-fighting equipment and access would be added as a note to applicant.

Neighbours made further objections regarding clarity of the proposal, lack of contact with the Planning Team and the need to delay determination of this application. The proposal is considered to be clearly set out within the submitted application documents, and as set out in correspondence with the neighbours. Contact has been made with neighbours via telephone and letters during the assessment of this application, and the Local Planning Authority is contactable via email and via the planning officer's work mobile phone. The statutory duty to consult has been carried out in line with the relevant legislation and government guidance and it is not considered necessary to delay the determination of this application which would directly conflict with the government advice to Local Planning Authority's not to delay decision-making on planning applications.

Whilst neighbours objections regarding abuse from parents and existing inconsiderate parking are noted, these are not material to the determination of this current planning application which cannot secure solutions to pre-existing issues. Impacts on highways safety and operation and neighbours amenity have been fully assessed above.

Conclusions and Reasons for Decision

This proposal is considered to be of an acceptable scale, design and nature which relates to an existing school site and would help to accommodate additional nursery age children within the Borough. Any approval would be subject to the conditions as set out.

It has been demonstrated that the proposal would not result in any significant additional harm to neighbours amenity (subject to conditions as set out), to highways

safety or operation of the highway, and any necessary stabilisation of the land can be secured if necessary through any appropriate remediation measures to be secured by condition as set out.

Furthermore, the retention of around 1.5 hectares of the existing school playing field is considered acceptable, subject to no objection being received from Sports England and subject to no new material considerations being raised by the Council's Clean and Green Team.

Overall, the proposal is considered to accord with the Council's adopted Development Plan and local and national planning guidance as set out.

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

1. Planning Committee resolve to Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to:

- No new material considerations being received by Clean and Green;
- No objection from Sports England as a statutory consultee; and
- The amendment and finalising of conditions.

Conditions and Reasons

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

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

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents, unless otherwise specified within other conditions attached to this permission:

Location Plan 037 20 100 Rev S-1. Received 30th April 2020

- Site Plan 037 20 101 Rev S-1. Received 30th April 2020
- Proposed Plans and Elevations 037 20 01 Rev S-2. Received 20th April 2020
- Design and Access Statement. Received 6th April 2020
- Mining Stability Report and Coal Mining Risk Assessment (JWH Ross dated June 2020). Received 8th June 2020

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

3a: Prior to commencement of the development hereby permitted:

1. Details of intrusive site investigations for past coal mining activity shall be submitted in writing to and approved in writing by the Local Planning Authority
2. the approved details of intrusive site investigations shall be undertaken and a report of findings arising from the intrusive site investigations including the results of any monitoring shall be submitted in writing to the Local Planning Authority
3. details of remedial works shall be submitted to and approved in writing by the Local Planning Authority

3b: Prior to the carrying out of building operations of the development hereby permitted the approved details of remedial works shall be carried out

3c: The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

Reason: To ensure the safety and stability of the development, to safeguard the amenities of occupants and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

4a: Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, windows and doors shall be submitted in writing to and approved in writing by the Local Planning Authority.

4b: The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development, to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan and the National Planning Policy Framework.

5: The development shall be constructed to meet the following minimum security measures and thereafter retained for the life of the development:

- External LED lights with daylight sensors to the external wall of the building (in particular near entrances).
- Installation of alarm to the building.

Reason: To ensure the safety and security of the development itself and the safety and security of patients, visitors and employees in accordance with Saved Policy GP2 of the Unitary Development Plan, DW2 of the Designing Walsall SPD and the National Planning Policy Framework.

6: The development hereby permitted shall not be open otherwise than between the hours of 06:30am to 19:00pm Mondays to Fridays.

Reason: To protect the amenities of nearby residential occupiers in accordance with saved UDP policies GP2 and ENV32.

7a: No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority.

7b: No external lighting shall be installed on the site otherwise than in accordance with the approved details.

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

Notes for Applicant

Police:

- Alarm and cctv installers should be approved by NSI, SSAIB or both.
See <https://www.nsi.org.uk/> and <https://ssaib.org/>
- <https://www.securedbydesign.com/guidance/design-guides>
- The applicant may find aspects of the Secured by Design New Schools 2014 guide of use. Please see:
https://www.securedbydesign.com/images/downloads/New_Schools_2014.pdf
- Secured by design commercial, police approved crime reduction information guidance:
https://www.securedbydesign.com/images/downloads/SBD_Commercial_2015_V2.pdf
- Secured By Design security standards are explained:
<https://www.securedbydesign.com/guidance/standards-explained>

Fire Authority:

Approved Document B Vol. 2

Section 15: Vehicle access

Buildings not fitted with fire mains

15.1 For small buildings (up to 2000m², with a top occupied storey that is a maximum of 11m above ground level), vehicle access for a pump appliance should be provided to whichever is the less onerous of the following.

- 15% of the perimeter.
- Within 45m of every point of the footprint of the building (see Diagram 15.1).

15.2 For all other buildings, provide vehicle access in accordance with Table 15.1.

15.3 Every elevation to which vehicle access is provided should have a door, a minimum of 750mm wide, to give access into the building. The maximum distance between doors, or between a door and the end of the elevation, is 60m (e.g. a 150m elevation would need a minimum of two doors)

Design of access routes and hard-standings

15.7 Access routes and hard-standings should comply with the guidance in Table 15.2. Requirements can only apply to the site of the works. It may not be reasonable to upgrade the route across a site to a small building. The building control body, in consultation with the fire and rescue service, should consider options from doing no work to upgrading certain features, such as sharp bends.

15.8 Where access to an elevation is provided in accordance with Table 15.1, the following requirements should be met, depending on the building height. a. Buildings up to 11m, excluding small buildings (paragraph 15.1): pump appliance access should be provided adjacent to the building for the specified percentage of the total perimeter. b. Buildings over 11m: access routes should comply with the guidance in Diagram 15.2.

15.9 Where access is provided for high reach appliances in accordance with Table 15.1, overhead obstructions (such as cables and branches) should be avoided in the

zone shown in Diagram 15.2. 15.10 Dead-end access routes longer than 20m require turning facilities, as in Diagram 15.3. Turning facilities should comply with the guidance in Table 15.2.

Overall

Access routes should have a minimum width of 3.7m between kerbs, noting that WMFS appliances require a minimum height clearance of 4.1m and a minimum carrying capacity of 15 tonnes (ADB Vol 2, Table 15.2)

Section 16: Fire mains and hydrants

Provision of private hydrants

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

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

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

- a. For buildings provided with fire mains – within 90m of dry fire main inlets.

- b. For buildings not provided with fire mains – hydrants should be both of the following.

- i. Within 90m of an entrance to the building.
 - ii. A maximum of 90m apart.

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

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

Water

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

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

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

Sprinklers – Schools

There is no reference to sprinkler provision BB100 should be used for the design of schools -

Building Bulletin 100: design for fire safety in schools (BB100))

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

Early liaison should be held with this Authority in relation to fixed firefighting facilities, early fire suppression and access (ADB Vol 2, Section 8)

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

Planning Committee

Report of Interim Head of Planning and Building Control on 20-Aug-2020

Plans List Item Number: 5.

Reason for bringing to committee: Significant community interest

Location: 34, NEW ROAD, BROWNHILLS, WALSALL, WS8 6AT

Proposal: OUTLINE APPLICATION: CONSTRUCTION OF 2NO DWELLINGS TO REAR OF 34 NEW ROAD WITH ALL MATTERS RESERVED

Application Number: 19/1566

Applicant: MISS M HOWELLS

Agent: MR ROGER PALMER

Application Type: Outline Permission: Minor Application

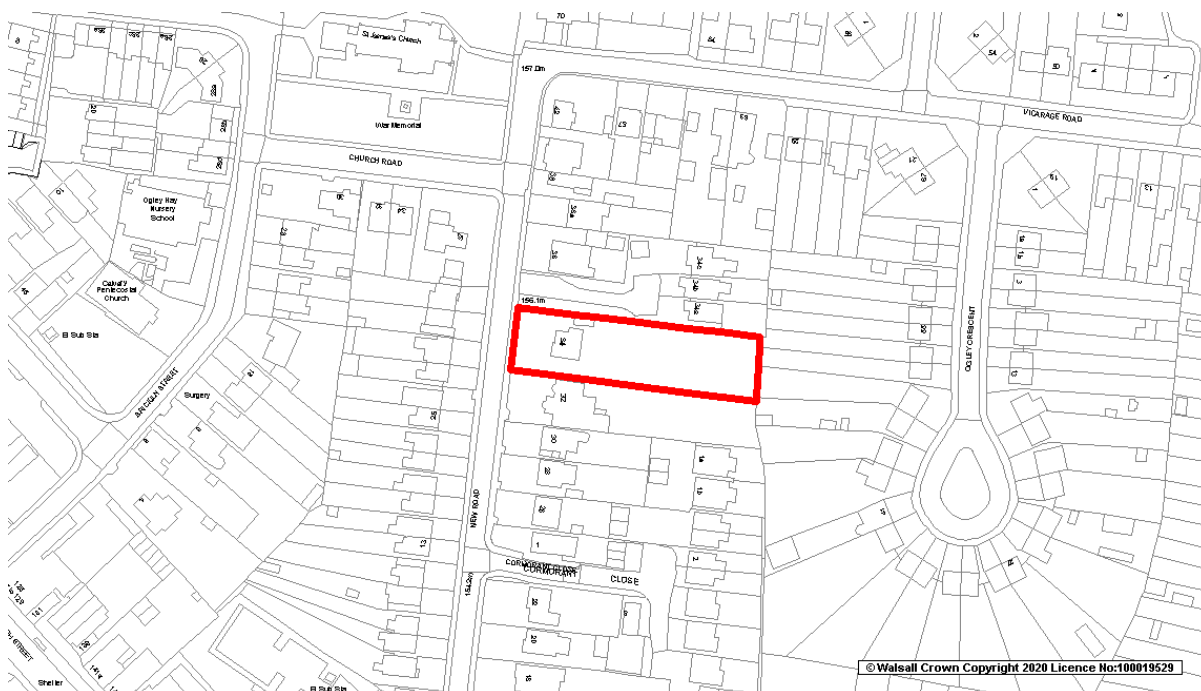
Case Officer: Devinder Matharu

Ward: Brownhills

Expired Date: 04-Mar-2020

Time Extension Expiry: 30-Aug-2020

Recommendation Summary: 1. Delegate to the Interim Head of Planning & Building Control to Grant Planning Permission Subject to the amendment and finalising of conditions



Current Status

The application was reported to planning committee on 25 June 2020 where the following was resolved:

“That planning application 19/1566 be deferred to enable Officers to negotiate for a single bungalow and subject to a Grampian condition for access via 34A/B/C rather than New Road and then return to Planning Committee”

The planning agent has confirmed that his client wants the application to proceed as submitted without negotiating a bungalow or dormer bungalow.

The Grampian planning condition regarding the access has been included in the recommended conditions list below.

The officer recommendation as set out still remains.

Proposal

The application is an outline application seeking the construction of 2no dwellings to rear of 34 New Road, with all matters reserved.

The proposal seeks the principle of residential development on the land to the rear of number 34 New Road.

Site and Surroundings

Number 34 New Road is a two storey detached dwelling located on the eastern side of New Road. The property has a side and front gable roof, chimneys, rear pitched roof dormer with double fronted bay windows. The side elevation facing number 32 has secondary habitable room windows with main windows facing the front and rear of the site.

The property has a front garden measuring approximately 11m in length with a driveway and garage to the northern boundary of the site. The rear garden measures some 56m in length and is relatively flat. The front garden is enclosed with low boundary hedges. There is a lamppost in front of the property adjacent the driveway.

There are a number of trees in the rear part of the garden. The boundary treatments with neighbouring properties is a 2m high close board fence.

To the north of the site is a cul de sac serving three detached two storey dwellings positioned towards the rear of 36 New Road, numbers 34a, 34b and 34c. Adjacent the driveway to these dwellings is number 36 New Road, a detached bungalow.

To the south of the site is number 32 New Road, a detached bungalow with rear conservatory extensions with the conservatory being located closest to number 30. The rear elevation of the bungalow has patio doors serving a habitable room.

To the rear of numbers 18 to 32 New Road is a cul de sac, Cormorant Close serving eleven dwellings. The design of these dwellings vary from two and three storey modern detached and semi detached dwellings to dormer bungalows located behind number 32 New Road.

Towards the rear of the site is Ogley Crescent with number 45 and 47 sitting to the rear of the application site. Both of these dwellings are positioned at an angle on the plot.

On the opposite side of New Road are a fairly uniform pattern of semi detached two storey dwellings, set back with front gardens and low boundary treatments of walls and hedges.

The site is located 120m outside of a bat buffer zone and 415m away from the edge of the Wyrley and Essington Canal. Bat surveys have been undertaken within 260m of the application site.

Relevant Planning History

36 New Road

05/1466/FL/E3, Erection of 2 houses refused 2005. Allowed on appeal 06-12-2006.

Land r/o 18-24 New Road

05/0677/FL/E4, Erection of 7 dwellings. Grant subject to conditions 2005.

05/2394/FL/E3, Demolition of No. 24 New Road and erection of 8 residential dwellings and new access. Grant subject to conditions 2006.

06/2163/FL/E9, Substitution of house type on Plots 2 and 3 on previous planning approval 05/2394/FL/E3, to provide rear conservatories. Grant subject to conditions 2006.

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*".

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

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

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

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV32: Design and Development Proposals
- ENV33: Landscape Design

- ENV40: Conservation, Protection and Use of Water Resources
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

HOU2: Housing Density, Type and Accessibility

- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality
- CSP2: Development outside the growth network

Walsall Site Allocation Document 2019

T4: The Highway Network

HC2: Development of Other Land for Housing

Supplementary Planning Documents

Designing Walsall

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

Air Quality SPD

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

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Consultation Replies

Severn Trent Water – No objection subject to note for applicant regarding drainage.

Transportation- No objection to the principle of development, no access details to be agreed at this stage.

Archaeology – No objection.

Strategic Policy – No objection

Arboricultural Officer – No objection

Pollution Control –comments to be updated

Representations

Nine letters from eight residents have been received objecting to the proposal on the following grounds:

- Number 34 set at a higher level than 32 New Road
- Design issues including: proposed plots too wide, dominating effect, position of proposed garages overbearing and visually intrusive, should consider integral garages
- Impact upon neighbouring occupiers including: loss of privacy, deriving happiness, peace and security, access road in close proximity to neighbouring habitable rooms, overlooking into neighbouring habitable rooms from access road, blocking views, noise and general disturbance during building works,
- Layout issues including: position of garages would be in view of neighbouring properties, garages block view,
- Loss of light and overshadowing
- Impact upon trees including: impact upon tree roots, trees protected, loss of trees, trees in neighbouring garden 34a protected

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- Access and parking issues including: access drive cause parking and visibility issues, two cul de sacs already added previously, road used as a short cut for speeding vehicles and cars and vans, enough vehicles already, proposed access road very narrow, existing boundary wall will restrict vehicle visibility from access, access not afford fire appliance access, access road too close to neighbouring properties, existing on street parking issues

Determining Issues

- Principle of development
- Impact upon neighbouring residential occupiers
- Impact upon trees and ecology
- Access and parking
- Local Finance Considerations

Assessment of the Proposal

Principle of development

Planning policy CSP2 of the BCCS supports housing development outside of the growth network with Policy HC2 of the SAD supporting other land for housing development.

Along the eastern side of New Street, the principle of dwellings set to the rear of existing dwellings along New Road has already been established through earlier developments. Cormorant Close is a cul de sac that serves eleven dwellings to the rear of numbers 18 to 30 New Road and there are three dwellings served off an access driveway at the rear of number 36 New Road.

The proposal to erect dwellings at the rear of number 34 New Road would be in keeping with the existing pattern of development along this part of New Road.

The application is an outline application with all matters reserved, seeking to establish the principle of residential development only.

Whilst, number 32 is set at a slightly higher level than number 34 New Road, existing and proposed floor levels and cross sections can be sought at reserved matters stage to fully assess the impact the proposal would have upon existing occupiers and to assess the relationship between the existing and proposed dwellings.

, A number of residents have raised concerns over the design of the proposed dwellings and the positioning of the proposed garages. The design and layout details of both dwellings and garages will be considered at the reserved matters stage when the details of appearance, scale and layout are submitted. The visual

impact and the impact the proposal would have upon the character of the area would also be assessed at that time along with details of boundary treatments .

Neighbouring residents have stated that integral garages should be considered rather than detached garages standing further forward in the plots but this detailed design would be considered at reserved matters stage.

The Archaeology Officer has advised that the site is just outside the area of the mid-19th century Brownhills settlement, a completely new settlement based on the coal mining industry and the coming of the railway. It is unlikely, that there is archaeology here that pre-dates this period, or would give us additional information on the foundation or subsequent development of the settlement itself.

Impact upon neighbouring residential occupiers

The neighbouring occupier number 32 New Road has a close side boundary with the site so were any new vehicular access be proposed here alongside the boundary it could potentially unduly harm the amenities of this neighbouring occupier from the use of the proposed driveway with comings and goings at all times of the day and night,. As such, it is considered that the proposed dwellings should be accessed from the existing cul de sac, Cormorant Close. A planning condition is recommended to preclude any new driveway adjacent number 32 New Road.

Neighbouring residents have raised a number of objections regarding loss of light, over shadowing, loss of privacy, overlooking, loss of peace and security and the proposed garages would block neighbouring views. Until the design details of the proposed dwellings have been submitted at the reserved matters stage, the issues regarding the impact the proposed dwellings would have upon the amenities of neighbouring occupiers cannot be fully assessed at this stage. It is likely that a satisfactory layout and design could be achieved to address such concerns at reserved matters stage.

Any issues regarding noise and general disturbance from construction works can be dealt with under Environmental Health legislation should it become an issue during construction works. This would assist in protecting the amenities of neighbouring residential occupiers.

Impact upon trees and ecology

Whilst a number of concerns regarding the loss of trees on site and the impact the proposal will have upon protected trees in neighbouring rear gardens, the Arboricultural Officer has no objection to the proposal.

The site has no significant trees or prominent trees that would merit protection or retention. Outside the north boundary of the site is a number of mature TPO Sycamore trees (title no. 07/2004), however, the development of the site as proposed is unlikely to have any long term detrimental effect on their health and stability. A number of the trees on site fell over due to the storms in February.

Any issues regarding root protection measures and the impact upon neighbouring protected trees can be assessed at reserved matters stage when the design details are submitted.

The site is within 415m of the Wyrley and Essington Canal and within 260m of sites where bat surveys have been undertaken. Given there are trees on the site and in neighbouring gardens, it is considered a condition requiring bat bricks to be included in the construction of the proposed dwellings would provide habitats to any bats foraging in the vicinity. A lighting condition will also be attached to ensure any lighting erected within the rear of the site does not affect foraging bats.

Access and Parking

The proposal does not seek approval of any access into the site, as this is an outline scheme with all matters reserved and as such; the Highway Officer has no objection to the principle of residential development on the site.

Neighbouring residential occupiers have raised a number of concerns regarding the access being narrow and creating a pinch point, visibility, and accessibility for fire appliances. They also point out New Road is used as short cut by commercial and domestic vehicles and there are existing on street issues. The LPA has already advised the planning agent that a new driveway at the side of 34 New Road adjacent number 32 New Road would not be supported on the grounds of loss of amenity to the occupier of 32 New Road and that an alternative access will need to be considered. When the reserved matters application is submitted the access details will be assessed at that time. There is no evidence any new housing on the application site will exacerbate any existing on street parking issues along New Road. Any issues regarding speeding vehicles is a matter for the Police to enforce, and the installation of raised table beds to slow traffic along New Road is a matter for the Highways department to consider.

Local Finance Considerations

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

This application proposes two new homes.

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

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

Conclusions and Reasons for Decision

The principle of residential development on the site is supported. The design, scale, appearance, layout, access and landscaping will be considered at reserved matters stage. The impact upon neighbouring residential occupiers will be considered at reserved matters stage when further details are submitted but it is likely that a satisfactory layout can be achieved that protects residential amenity.

The proposal complies with the policies as set out in the policy section of this report.

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

Positive and Proactive Working with the Applicant

Approve

Officers have confirmed to the applicant's agent that the submitted details are acceptable and no further changes have been requested.

Recommendation

1. Delegate to the Interim Head of Planning & Building Control to grant Planning Permission Subject to the amendment and finalisation of conditions.

Conditions and Reasons

1. Prior to the commencement of development hereby permitted approval of the details of the following reserved matters shall be obtained from the Local Planning Authority in writing before any development is commenced:

1. Access
2. Appearance

3. Landscaping
4. Layout
5. Scale

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

2a. Application for the approval of reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

2b. The development hereby permitted shall be begun not later than the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

3. The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Location and Block plan drawing number PD536/01/B submitted 09-01-2020

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).

4a. Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

4b. The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

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

5a. Prior to the commencement of development, a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management

Statement shall include:

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

5b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

6a. Prior to the commencement of development hereby permitted details of the proposed finished floor levels, existing and proposed ground levels and cross sections shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties.

6b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details.

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

7a. Prior to the commencement of development hereby permitted details of a new access via the private drive serving numbers 34A, 34B and 34C New Road shall be submitted to and approved in writing by the local planning authority.

7b. No development shall commence until the approved access has been implemented, hard surfaced and drained.

7c. The development shall not be carried out otherwise than in accordance with the approved access and the approved access shall thereafter be retained for the lifetime of the development.

7d. No access to the site from New Road otherwise than that approved under part a of this condition.

Reason: To protect the amenities of the occupiers of 32 New Road from the noise and associated disturbance relating to the construction and use of the new access road in accordance with Policies GP2 and ENV32 of the UDP.

8a. Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

8b. The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

8c. The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

9a. Prior to occupation of the development hereby permitted a brick bat box shall be incorporated into the proposed southern elevation of both dwellings and shall thereafter be retained as such. The bat box shall be located at a point not lower than 2.5m from ground level and shall not be positioned directly above any doors or windows.

9b. The entrance to the brick bat box shall be kept clear from obstructions at all times.

Reason: To conserve local bat populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

10a. No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority.

10b. No external lighting shall be installed on the site otherwise than in accordance with the approved details.

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

Notes for Applicant: Severn Trent Water

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

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

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

Report of Interim Head of Planning and Building Control on 20-Aug-2020

Plans List Item Number: 6.

Reason for bringing to committee: Called in by Cllr. Johal stating the application requires delicate judgement as surrounding properties have similar schemes.

Location: 195B, FOLEY ROAD WEST, STREETLY, SUTTON COLDFIELD, B74 3NX

Proposal: NEW FRONT BOUNDARY WALL (1.153 METRES HIGH) WITH RAILING (650MM HIGH) ON TOP OF THE WALL, PLUS 1.989 METRE HIGH VEHICULAR GATE.

Application Number: 19/0319

Applicant: Harnak Singh

Agent:

Application Type: Full Application:
Householder

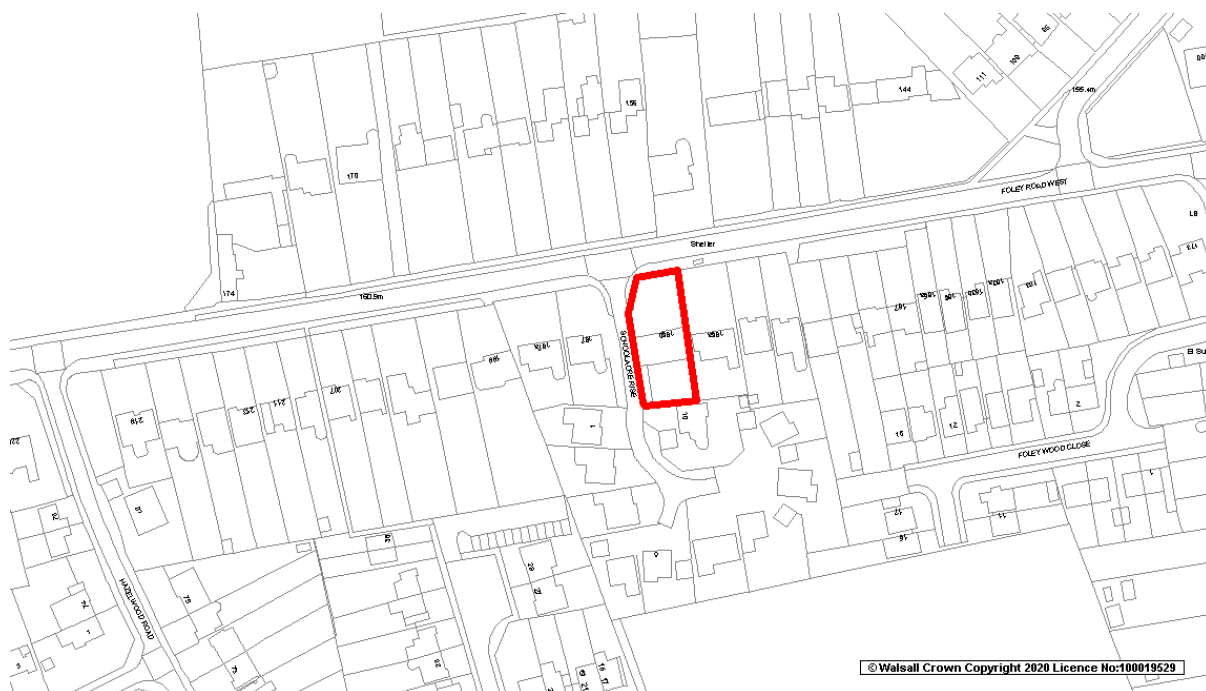
Case Officer: Rebecca Rowley

Ward: Streetly

Expired Date: 31-May-2019

Time Extension Expiry: 21-Jul-2019

Recommendation Summary: 1. Delegate to the Interim Head of Planning & Building Control to Grant permission subject to the amendment and finalisation of conditions and subject to resolving highways objections and retention of the hedge



Proposal

A report was originally published for Planning Committee on 23 July 2020 but the consideration of the application was withdrawn from that committee meeting to allow the applicant to amend details of the application.

The original proposal for this application was to erect a 1.153m high wall with metal railings to a total height of 1.82m on the boundary with the public footpath. Following advice from officers, amended plans were submitted.

The next revision proposed a 1m high wall, with 1.15m pillars and railings on top to a height of 1.6m in total on the boundary with the public footpath. This could still not be supported on account of concerns regarding highway safety and harm to the open plan nature of the street scene. Further amendments were requested by officers.

The latest revisions to this proposal is now for the erection of a 1m high boundary wall, with 1.15m pillars, with open design metal railings on top, to a height of 1.6m and 3m wide manually operated sliding vehicular access gate. The wall/railings and gate are positioned around the front garden boundary of a detached dwelling located on a corner plot. The wall would span the north front boundary on Foley Road West and the east and west side boundaries of the application site. The wall returns along the west side boundary facing Schoolacre Rise, the wall on the east side is the shared boundary with no. 195a Foley Road West.

The wall would be set back 4.3m from Foley Road West highway kerb and 2.3m from Schoolacre Rise highway kerb with the wall and fence to be erected 0.5m back from the shared boundary between the applicants land and the back of the public footpath.

The vehicular gate would be set back 2.4m from the boundary with the public footpath and 6.3m back from the kerb with the highway. The wall and railings would be graduated back from their siting 0.5m in from the footpath to the location of the 3m wide gate within the 3.4m visibility splay on either side. The gate itself is set 2.8m in from the east side boundary with neighbouring no.195a Foley Road West.

Height of wall: 1m

Height of pillars: 1.15m

Height of railings: 0.6m

Dimensions of gate: 3m width x 1.6m height

The colour of the railings has not been provided with the applicant stating it would be agreed with the LPA. The gate would be constructed from metal railings of a consistent design. The original plans demonstrated that existing foliage would be

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retained behind the proposed wall and railings. The revised plans have removed this hedge.

Site and Surroundings

Foley Road West is a district distributor between Walsall to the west and Sutton Coldfield to the east. There is a speed camera including road markings just beyond Schoolacre Rise.

The application site is a 1980's style detached house located on a corner plot between Foley Road West and Schoolacre Rise, part of a group of similar age and design houses, in a wider residential area of mixed housing styles, age and design. The front driveway is hard surfaced in an L shape providing access from both Foley Road West and Schoolacre Rise. There is a patch of grass in the north west corner of the site, with an existing 2 metre high hedge which is set back 2 metres from the back of the pavement on the corner and approximately 1.0 metre back from the edge of the site in Schoolacre Rise and 1.0 metre from the back of the pavement in front of the site. The plans show that this hedge is to be removed. There is a strip of grass along the side boundary between nos 195b and 195a to the east. There are no other boundary treatments in situ.

Given the wider mix of housing designs, for the determination of the planning application, the character to be considered is, 195a, 195b, 197 and 197a Foley Road West part of the 1980's development. This frontage character is open, with no solid boundary treatments whilst benefitting from planting on the boundaries. In the wider area it is noted there are some walls and/or fences, mainly low level and/or are set back from the back of the pavement, however, where these are, the character of those parts of the road are different to the current application site.

Relevant Planning History

BC18734P – Residential Development of 14 No. detached houses and access road – granted permission – 24/07/1987 – subject to removal of PD rights for side facing windows and doors, gates, fences, walls, etc. and extensions.

05/0545/FL/E3 Demolition of existing bungalow and erection of 2 new detached houses with garages – granted permission STC 09/05/2005

07/1555/FL/H4 Two storey side and single storey front extension – Granted permission STC 30/08/2007

07/2325/FL/H4 Proposed garage and boundary wall with gated drive access – Refused – 09/01/2008 – on grounds that the siting, design and height of the

boundary fence would be an unduly dominant and incongruous feature in the street scene, contrary to the open plan character of the locality.

08/0269/FL Single Garage – Refused permission – 08/04/2008 – on grounds that the siting, design and height of the boundary fence would be an unduly dominant and incongruous feature in the street scene, contrary to the open plan character of the locality. – Granted permission by appeal – 16/01/2009

18/0557 – Proposed 1m high gates and 1m high boundary wall to property perimeter, gates set back 5m from the kerb – Granted Permission STC – 28/09/2018

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**
- **NPPF 9 – Promoting Sustainable Transport**
- **NPPF 12 – Achieving well-designed places**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

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

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

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

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals

Black Country Core Strategy

- CSP4: Place Making
- ENV2: Historic Character and Local Distinctiveness

Supplementary Planning Document

Designing Walsall

- DW3 Character

Consultation Replies

Local Highway Authority;

06/08/19 - Object to the proposed scheme on the grounds of potential harm to highway safety. The proposed increase in the solid wall element of the boundary treatment over and above the 1000mm wall height accepted under application 18/0557 within 2.4m x 3.4m pedestrian visibility splays at the access point and the neighbouring access point are contrary to highway safety. (*This objection was to the original proposal*)

25/06/2020 – request for the solid wall element of the wall and railings to be reduced back to 1000mm as previously accepted within a 2.4m x 3.4m pedestrian visibility splay and the pillars changed to posts (it should really be 600mm but compromised on that previously as 1000mm is the permitted development height).

Alternatively they could keep the wall and railings as currently proposed but design it so the whole thing falls outside the splay, in other words indented gates, as a lot of properties have done, such as the example below further up the road.

There is an issue with the opening of the gates due to gradient difference from the highway which needs to be resolved. Latest comments awaited and will be updated in the supplementary paper.

07/08/2020 – The existing and proposed front elevation does not reflect what is actually there on site. There is quite a gradient on the driveway, and a further gradient on the adopted footpath and property frontage. If you compare the actual physical alignments at the site to the previous and amended drawing it would not be possible for the gate arrangement to work.

We believe that it is possible to overcome the issues, but this will require a revised front elevation taking into account and incorporating the actual gradients, a sectional drawing to show the gate operation, and position in open and closed position to clearly assess any intervisibility issues, and a revised proposed elevation drawing.

Representations

Two representations were received from neighbouring occupants, raising the following [\(All objections were received in response to the original proposal\)](#):

objecting to the impact of the wall, railings and gate on the appearance of the area and highway safety:

- Foley Road, is a lovely green area... gradually being eroded by the erection of walls, gates and railings.
- do not wish the area to have the appearance of an industrial estate and be degraded in this way.
- concerned that gates erected on a bus route would lead to traffic being backed up at busy times, whilst the car is waiting in the road for the gate to be opened, which this road is not big enough to cope with.
- Altering the size of proposed walls and railings
- Streetly is a lovely green area and do not wish to see greenery replaced by walls and railings.
- This is a narrow road on a bus route which is busy and installing gates will cause the applicant's car to sit in the road whilst the gates are being opened; therefore causing obstruction.

Cllr. Johal stating the application requires delicate judgement as surrounding properties have similar schemes.

Determining Issues

- Design of Extension and Character of Area
- Residential Amenity
- Highway safety

Design of Extension and Character of Area

The original proposed wall would have been built against the edge of the footway fronting the highway and would have been clearly visible within the street scene. The locality is characterised by an open plan layout with houses consistently set back from the highway with deep landscaped front gardens, allowing long sight lines along the road, providing a green and open character to the street scene. Where boundary walls are in place in the wider area, these are low in height and considered to not impact significantly on the open nature of the locality. Many of the other boundaries are marked with hedges or trees which also helps soften the street scene. The applicant has gone some way to address original concerns about the impact of the wall and railings on the open plan nature of the street scene by setting the wall and railings back 0.5m from the boundary with the back of public footpath

Given the size of the proposal and for the purposes of this assessment, local character is considered to the 1980's housing 195a, 195b, 197 and 197a Foley Road West. These houses were built at the same time, with a similar design and consequently contribute to this part of Foley Road West local character, with open front gardens with planting. The local planning authority has previously approved a one metre high boundary treatment at the current application property. Whilst it is considered that the erection of a higher boundary wall with metal railings and gates at this location could cause some erosion to the local character, especially on this corner plot, it is also acknowledged that the solid brick wall element of this proposal at a height of 1m could have been built lawfully using permitted development rights. Therefore, this assessment considers the further impact of the proposed railings for a height of 0.6m above the wall and the gate which would be set back from the highway by 6.3m. Whilst it would not be the preferred boundary treatment for this location in accordance with the requirements of BCCS CSP4 and ENV4 and saved UDP policy ENV32, it is considered that the open design of the proposed railings would not cause significant further harm than the proposed 1m high wall, sufficient to warrant refusal of this scheme. The original plans show that the existing 2 metre high hedge which is set back 2 metres from the highway in the north west corner of the application site would remain in situ. The revised plans have removed this hedge. It is considered that retention of the hedge is an important feature in the area and it is recommended that an amended plan is sought and a condition imposed to secure the maintenance of this hedge in accordance with saved UDP policy ENV18.

Residential Amenity

Neighbouring objections received regarding the visual impact of the proposed wall and railings were considered. These objections were to the original proposal for a 1.153m high wall with metal railings to a total height of 1.82m. No further objections have been received in response to revised plans. It is considered that the revised proposed boundary treatment would not cause significant detrimental harm to local residents' visual amenity. The 1m high wall could have been lawfully built by permitted development rights, the railings on top allow visibility through them so it is considered that the amended proposals would not cause significant harm sufficient to warrant refusal of this proposal.

Highway and Pedestrian Safety

Foley Road West is a classified road (B4151) and carries relatively high volumes of local and through traffic. The site is close to an existing bus stop where there is likely to be increased pedestrian footfall. The retention of satisfactory pedestrian inter-visibility is therefore important to allow drivers emerging from the vehicular access and the neighbouring vehicular access to see pedestrians and vice-versa.

The Local Highway Authority had already compromised on the previous application 18/0557 by accepting the wall element to be retained at 1000mm not the usual 600mm. The first revised proposal for this application was still unacceptable to the Local Highway Authority, being contrary to Highway Safety and the requirements of NPPF 9, paragraph 110, consequently, required the wall to be retained at no more than 1000mm (measured above the natural ground level of the public footway) especially within 2.4m x 3.4m visibility splays at the access point and the neighbouring access point. In addition, taking into account the local planning authorities' 18/0557 additional conditions, required the gates to be set back into the site by 5 metres and no gates to be opened out over the public highway for highway safety reasons. The issue in relation to the opening of the gates given the gradient from the footway still needs to be resolved hence delegation is sought for officers to resolve this matter.

Notwithstanding Councillor Johal's stating the application requires delicate judgement as surrounding properties have similar schemes, given the local highway authorities objection to the higher fence/wall, it is considered highway safety cannot be weighed in the balance as requiring delicate judgement. A proposal is either safe or not safe.

The applicant has tried to overcome these concerns by setting the 3m wide gate element of the proposal back 2.4m from the back of the footpath, which would be 6.3m back from the kerb with the highway.

The Local Highways Authority have concerns about the ability to open the gates given the gradient from the footway but there is a solution and officers seek delegation to officers to resolve.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and responses from consultees and representations, it is considered that the proposed front boundary wall, railings and gate, according to the plans submitted, this proposal does not contradict the aims and objectives of the National Planning Policy Framework, policies ENV2 and ENV3 of the Black Country Core Strategy, saved policies GP2, 3.6, and ENV32 of the Walsall Unitary Development Plan and policies DW3 and DW9 of Supplementary Planning Document Designing Walsall, sufficient to warrant refusal of the scheme.

Subject to resolving highways concerns the height and position of the wall and gated access is considered acceptable in accordance with saved UDP policies GP2, ENV32 and NPPF 9 paragraph 110.

The use of safeguarding conditions in respect of the approved materials and plans and retention of the hedge will ensure that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

Taking into account the above factors it is considered that the application should be recommended for approval subject to conditions and subject to resolving any Highways issues.

Positive and Proactive Working with the Applicant

Following amendments to the original plans which reduced the height of the wall with railings to 1.6m in total, and further amendments to set the wall back from the footpath and set the gates back within the visibility splay, officers have confirmed with the agent that the proposal is acceptable, subject to receipt of an existing front elevation drawing and proposed elevation drawing, taking into account the actual gradients of the ground level and a sectional drawing to show the gate in operation and its position when open and closed in order to resolve any outstanding Highways issues.

Recommendation

Delegate to the Interim Head of Planning & Building Control to Grant permission subject to the amendment and finalisation of conditions and subject to resolving highways objections and retention of the hedge.

Conditions

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

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

2: The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Location Plan, submitted 05/04/2019
- Proposed Boundary Wall Layout Plan, drawing no. A-05-06, submitted 22/07/2020
- Proposed Front Elevation, drawing no. A-05-02 Rev C, submitted 22/07/2020 [to be amended]
- Proposed Side Elevation from 195a Foley Road West, drawing no. A-05-05 Rev B, submitted 24/06/2020 [to be amended]
- Proposed Side Elevation from Schoolacre Rise, drawing no. A-05-03 Rev B, submitted 24/06/2020 [to be amended]
- [Amended plans to be included upon receipt]

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

3: The bricks for the wall shall match, in size, colour and texture as those which are used in the existing building and shall be retained as such after completion of the extension.

Reason: To ensure the satisfactory appearance of the development and to comply with saved UDP policies ENV32.

4. Notwithstanding the submitted plans, the railings shall be simple bar and rail design with points/swirls/balls or fleur de leys along the top of the railings and powder coated black

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Reason: To ensure the satisfactory appearance of the development and to comply with saved UDP policies ENV32.

5. Notwithstanding the submitted plans, the hedge in the north west corner of the application site shall be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved UDP policies ENV18 and ENV32.