



PLANNING COMMITTEE

Thursday 9 September, 2021 at 5.30 p.m.

In the Council Chamber at Walsall Council House

Public access to meeting via: <https://www.youtube.com/user/WalsallCouncil>

MEMBERSHIP:

Councillor Bird (Chairman)
Councillor Perry (Vice Chairman)
Councillor Ali
Councillor Allen
Councillor P. Bott
Councillor Cooper
Councillor Craddock
Councillor Creaney
Councillor Harris
Councillor Hicken
Councillor Murray
Councillor Nawaz
Councillor M. Nazir
Councillor Rasab
Councillor Robertson
Councillor Samra
Councillor M. Statham
Councillor Underhill
Councillor Waters
(vacancy)

QUORUM:

Seven Members

A G E N D A

PART I - PUBLIC SESSION

1. Apologies.
2. Declarations of Interest.
3. Minutes of the previous meeting – 5 August 2021
4. Deputations and Petitions.
5. **Local Government (Access to Information) Act, 1985 (as amended):**

To agree that, where applicable, the public be excluded from the private session during consideration of the agenda items indicated for the reasons shown on the agenda.
6. Application List for Permission to Develop:
 - a) Items subject to Public Speaking;
 - b) Items 'Called-in' by Members
 - c) Items not subject to 'Call-in'

The Relevant Authorities (Discloseable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
 - (a) Constitutes a trades secret;
 - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
 - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

PLANNING COMMITTEE

Thursday 5th August, 2021 at 5.30pm

Meeting held at Council Chamber, Town Hall, Walsall.

Present:

Councillor Bird (Chair)
Councillor Ali
Councillor Cooper
Councillor Craddock
Councillor Hicken
Councillor Murray
Councillor Nawaz
Councillor Rasab
Councillor Samra
Councillor M. Statham
Councillor Underhill
Councillor Waters

Officers:

Alison Ives – Head of Planning & Building Control
Michael Brereton – Group Manager – Planning
Randip Ark – Senior Pollution Control Officer
Phillippa Venables – Director (Regeneration and Economy)
Nicola Alcock – Solicitor (Planning/Environment/Highways)
Kevin Gannon – Highways Development Control and Public Rights of Way
Nikki Gough – Democratic Services Officer

Welcome

At this point in the meeting, the Chair welcomed everyone and explained the rules of procedure and legal context in which the meeting was being held. He also directed members of the public viewing the meeting to the papers, which could be found on the Council's Committee Management Information system (CMIS) webpage.

Members and officers in attendance confirmed they could both see and hear the proceedings.

126/21 Apologies

Apologies for absence were submitted on behalf of Councillors Allen, Perry and Robertson.

127/21 Minutes of previous meeting held on 15th July, 2021

The Chair **moved** and it was duly **seconded** by Councillor Nawaz that the minutes of the meeting held on 15th July, 2021, a copy having been previously circulated to each Member of the Committee, be approved and signed as a true record, subject to the deletion of 'Part 2' of the resolution of minute 114/21.

Resolved (unanimous)

That the minutes of the meeting held on 15th July, 2021, be approved and signed as a true record subject to the deletion of 'Part 2' of the resolution of minute 114/21.

128/21 Declarations of Interest.

There were no declarations of interest for the duration of the meeting.

129/21 Deputations and Petitions

There were no deputations introduced or petitions submitted.

130/21 Local Government (Access to Information) Act, 1985 (as amended)

There were no items for consideration in private session.

131/21 Application List for Permission to Develop

The application list for permission to develop was submitted, together with supplementary papers and information for items already on the plans list.

(see annexed)

The Committee agreed to deal with the items on the agenda where members of the public had previously indicated that they wished to address the Committee and the Chair.

132/21 Plans List Item No. 1 – 20/1568 - Land former Deeleys Trading estate, Leamore Lane, Walsall, WS2 7BP

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information and revised recommendation as set out within the supplementary paper.

The Committee then welcomed the first speaker on this item, Mr Nigel Pugsley, who wished to speak in support of the application. Mr Pugsley stated that the proposals had been well summarised by the Planning Officer and invited questions from Members. Committee Members did not have any questions of the Council Officers.

Following consideration of the application, Councillor Craddock **moved** and it was duly **seconded** by Councillor Nawaz and the motion was put to the vote.

Resolved (Unanimous):

That application 20/1568 be delegated to the Head of Planning and Building Control to grant planning permission subject to conditions and a section 106 agreement to define the permission, and subject to:

- a) No new material considerations being received within the consultation period;
- b) The amendment and finalising of conditions; and
- c) No further comments from a statutory consultee raising material planning considerations not previously addressed.

133/21 Plans List Item No. 3 – 21/0397 – The Frying Pan, Bilston Street, Darlaston, Wednesbury, WS10 8EY

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out within the supplementary paper.

It was highlighted that there had been significant community interest, due to the loss of the public house and highways issues. It was noted that there had been a separate petition on an external website, however this had not been formally submitted to the Planning Authority. It had been included in the report for Members information.

The Committee then welcomed Mr Lee Mitchell, to speak in support of the item. He thanked the Planning Officer for his presentation and stated he was happy to answer questions.

Members noted that the Public House was closed and no longer in use as a community facility and suggested redundant sites were not desirable for local residents.

A Member questioned if 'electric vehicle' charging points could be included in the planning application. It was suggested that this should be a standard request on planning applications, Officers confirmed that this was the case on erection of new dwellings/commercial premises. The agent confirmed that this would be possible. Kevin Gannon highlighted that this should be a live working charge point for the benefit of people using the facility.

Following consideration of the application, Councillor Craddock **moved** and it was duly **seconded** by the Chair and the motion was put to the vote.

Resolved (Unanimous):

That application 21/0397 be delegated to the head of planning & building control to grant planning permission subject to conditions and subject to:

- a. The amendment and finalising of conditions.
- b. A condition to be included to include an appropriate number of charging points for vehicles.

134/21 Plans List Item No. 2 – 21/0700 – Land adjacent Cedar House, Anglican Road, Walsall, WS9 8EP

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out within the supplementary paper.

A Member asked if the facility would be insured for injury caused by the dogs using the private dog walking field. It was confirmed that this was the case, and detail about liability insurance was included in the report.

Following consideration of the application, Councillor Samra **moved** and it was duly **seconded** by Councillor Nawaz and the motion was put to the vote.

Resolved (Unanimous):

That application 21/0700 be delegated to the head of planning & building control to grant planning permission subject to conditions and subject to the amendment and finalising of conditions.

135/21 Plans List item No 6. – 20/1222 – Land to the rear of 105, 107 and 109 Lichfield Road, Walsall, WS3 3LU

The Chair advised the Committee that this application was deferred for consideration at a future meeting.

136/21 Plans List Item No 4 – 20/1426 – Castle Business and Enterprise College, Odell Road, Walsall.

The report of the Head of Planning and Building Control was submitted

(see annexed)

Following consideration of the application, the Chair **moved** and it was duly **seconded** by Councillor Harris and the motion was put to the vote.

Resolved (Unanimous):

That application 20/1426 be delegated to the head of planning & building control to grant planning permission subject to conditions and subject to the amendment and finalising of conditions.

137/21 Plans List Item 5. – 19/0245 - Former Metafin Site, Green Lane, Walsall.

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out within the supplementary paper.

Officers informed the Committee of detail relating to discussions with WHG in relation to the purchase of the site and the impact on Section 106 monies. The Committee were asked to consider three associated options contained within the report. Members stated that there were no guarantee that a social landlord would complete the purchase of this site, as a result the trigger should be retained.

Following consideration of the application, the Chair **moved** and it was duly **seconded** by Councillor Nawaz and the motion was put to the vote.

Resolved (Unanimous):

That application 19/0245- be delegated to the head of planning & building control to grant planning permission subject to conditions and a Section 111 agreement to require a section 106 agreement to secure contributions towards the provision of affordable housing and urban open space and to maintain the requirement for a viability review.

138/21 Plans List No 7. – 20/1320 - 2 Coalpool Lane, Walsall, WS3 1QJ

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out within the supplementary paper.

Following consideration of the application, the Chair **moved** and it was duly **seconded** by Councillor Nawaz and the motion was put to the vote.

Resolved (Unanimous)

That application 20/1320 - be delegated to the head of planning & building control to grant planning permission subject to conditions and a section 106 agreement to secure commuted sums regarding the provision of 6 replacement trees on the adjacent open space and subject to:

- a. The amendment and finalising of conditions;
- b. Submission of bat emergence surveys and inclusion of recommended mitigation measures and methods in condition/s and note/s to applicant.

139/21 Plans List Item No 8. – 20/1274 – 262, Walsall Wood Road, Aldridge, Walsall, WS9 8HB

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out within the supplementary paper.

A Member questioned if this development encroached on neighbouring land, Officers confirmed that according to the plans submitted this was not the case. A Member also asked if this development blocked light of neighbouring properties and Officers confirmed that this was not significant.

Following consideration of the application, Councillor Rasab **moved** and it was duly **seconded** by Councillor Bird and the motion was put to the vote.

Resolved (Unanimous)

That application 20/1274 be delegated to the head of planning & building control to grant planning permission subject to conditions, and subject to the amendment and finalising of conditions.

140/21 **Plans List Item No 9. – 20/1367 – 260 Walsall Wood Road, Aldridge, Walsall, WS9 8HB**

The report of the Head of Planning and Building Control was submitted

(see annexed)

The Presenting Officer advised Committee of the background to the report and highlighted the salient points therein. In addition, the Presenting Officer drew the Committee's attention to the additional information as set out within the supplementary paper.

A Member questioned if this development encroached on neighbouring land, Officers confirmed that according to the plans submitted this was not the case. A Member also asked if this development blocked light of neighbouring properties and Officers confirmed that this was not significant.

Following consideration of the application, Councillor Statham **moved** and it was duly **seconded** by Councillor Samra and the motion was put to the vote.

Resolved (Unanimous)

That application 20/1274 be delegated to the head of planning & building control to grant planning permission subject to conditions, and subject to the amendment and finalising of conditions.

141/21 The Chair paid tribute to Councillor H. Sarohi, who had been a Planning Committee Member for many years. The Planning Committee expressed their thanks for his commitment to the Planning Committee during his time as a Councillor.

142/21 **Termination of meeting**

There being no further business, the meeting terminated at 6.40 pm

Chair

Date



Development Management Planning Committee

Report of Head of Planning and Building Control on 09th September 2021

CONTENTS

Item	Planning Application Number	Planning Application Site Address	Planning Application Proposal	Officer Recommendation
1	21/0626	IBSTOCK BRICK LTD, ATLAS FACTORY, STUBBERS GREEN ROAD, ALDRIDGE, WALSALL, WS9 8BL	EXTENSION TO THE EXISTING BRICK FACTORY BUILDING, EXTENSION TO THE BRICK STOCKYARD, A NEW EXHAUST STACK AND SCRUBBER, A NEW BOX FEEDER BUILDING AND OVERHEAD CONVEYOR, EXTENSION AND REARRANGEMENT OF EMPLOYEE AND VISITOR CAR PARK, REALIGNMENT AND WIDENING OF THE SITE ACCESS AND LANDSCAPING WORKS, ADJOINING PUBLIC RIGHT OF WAY ALD17.	PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING & BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO: SECURING A TRAVEL PLAN VIA PLANNING CONDITION OR A SECTION 106 AGREEMENT AS NECESSARY; NO NEW MATERIAL CONSIDERATIONS BEING RECEIVED; THE AMENDMENT AND FINALISING OF CONDITIONS; NO OBJECTION FROM THE LEAD LOCAL FLOOD AUTHORITY; AND NO FURTHER COMMENTS FROM A STATUTORY CONSULTEE RAISING MATERIAL PLANNING CONSIDERATIONS NOT PREVIOUSLY ADDRESSED.

2	21/0236	LAND ADJACENT 346 SOUTH OF, HARDEN ROAD, BLOXWICH	RESIDENTIAL DEVELOPMENT (UP TO 150NO. DWELLINGS) AND ASSOCIATED ACCESS AND WORKS.	REFUSE
3	21/0327 AND 21/0329	CORAL, 12 BRADFORD STREET, WALSALL, WS1 1PB	PROPOSED CHANGE OF USE FROM VACANT BETTING SHOP (SUI GENERIS) TO ADULT GAMING CENTRE (SUI GENERIS).	<p>1.PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING AND BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO;</p> <p>NO FURTHER COMMENTS BY A STATUTORY CONSULTEE RAISING MATERIAL PLANNING CONSIDERATIONS NOT PREVIOUSLY ADDRESSED;</p> <p>AND</p> <p>THE AMENDMENT AND FINALISING OF CONDITIONS.</p> <p>2.GRANT ADVERTISEMENT CONSENT SUBJECT TO CONDITIONS.</p>
4	20/1608	13 BUCHANAN ROAD, WALSALL, WS4 2EW	DEMOLITION OF NO. 13 BUCHANAN ROAD AND ERECTION OF 2 DETACHED DWELLINGS FRONTING BUCHANAN ROAD	<p>PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING & BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO:</p> <p>NO NEW MATERIAL CONSIDERATIONS</p>

				BEING RECEIVED; AND THE AMENDMENT AND FINALISING OF CONDITIONS.
5	21/0189	99, BIRMINGHAM ROAD, ALDRIDGE, WALSALL, WS9 0AJ	FULL APPLICATION FOR PROPOSED CONSTRUCTION OF ADDITIONAL 3 BEDROOM BUNGALOW WITH ASSOCIATED PARKING AND LANDSCAPING	REFUSE
6	21/0246	185 SUTTON ROAD WALSALL, WS5 3AW	PROPOSED SINGLE STOREY FRONT EXTENSION, WITH FIRST FLOOR FRONT BEDROOM BAY WINDOW EXTENSION. FIRST FLOOR SIDE EXTENSION AND PART SINGLE, PART DOUBLE STOREY REAR EXTENSION. WITH PITCHED ROOF EXTENSION AT REAR TO ACCOMMODATE LARGER HABITABLE SPACE AT SECOND FLOOR LEVEL.	PLANNING COMMITTEE RESOLVE TO DELEGATE TO THE HEAD OF PLANNING & BUILDING CONTROL TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO THE AMENDMENT AND FINALISING OF CONDITIONS.

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

Report of Head of Planning and Building Control on 09 September 2021

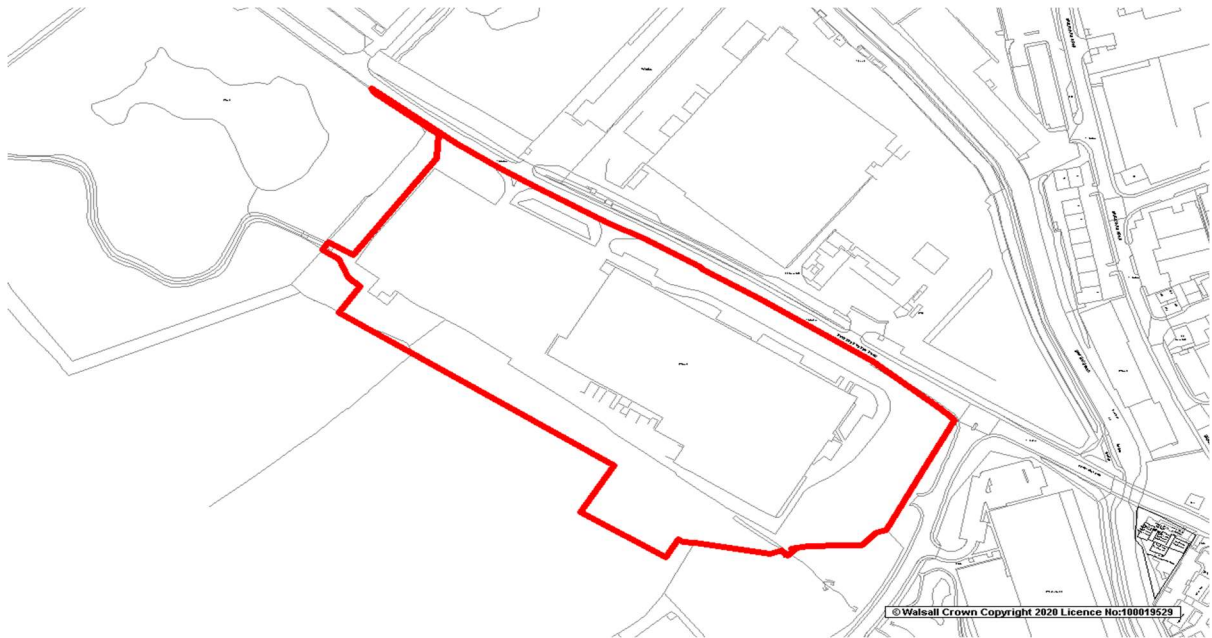
Plans List Item Number: 1**Reason for bringing to committee**

Major application

Application Details**Location:** IBSTOCK BRICK LTD, ATLAS FACTORY, STUBBERS GREEN ROAD, ALDRIDGE, WALSALL, WS9 8BL**Proposal:** EXTENSION TO THE EXISTING BRICK FACTORY BUILDING, EXTENSION TO THE BRICK STOCKYARD, A NEW EXHAUST STACK AND SCRUBBER, A NEW BOX FEEDER BUILDING AND OVERHEAD CONVEYOR, EXTENSION AND REARRANGEMENT OF EMPLOYEE AND VISITOR CAR PARK, REALIGNMENT AND WIDENING OF THE SITE ACCESS AND LANDSCAPING WORKS, ADJOINING PUBLIC RIGHT OF WAY ALD17.**Application Number:** 21/0626**Case Officer:** Gemma Meaton**Applicant:** IBSTOCK BRICK LIMITED**Ward:** Rushall-Shelfield**Agent:** AECOM LIMITED**Expired Date:** 19-Aug-2021**Application Type:** County Matters: Minerals Application**Time Extension Expiry:** 17-Sep-2021**Recommendation**

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

- Securing a Travel Plan via planning condition or a Section 106 Agreement as necessary;
- No new material considerations being received;
- The amendment and finalising of conditions;
- No objection from the Lead Local Flood Authority; and
- No further comments from a statutory consultee raising material planning considerations not previously addressed.



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Proposal

The application proposes an extension to the existing Brick Factory building, extension to the brick stockyard, a new exhaust stack and scrubber, a new box feeder building and overhead conveyor, extension and rearrangement of employee and visitor car park, and realignment and widening of the site access and landscaping works, adjoining Public Right of Way Ald17.

The proposal will allow an increase in the maximum output of bricks from the existing 40 million bricks per annum to a maximum of 105 million bricks per annum.

The application proposal includes:

- Extensions to the existing Brick Factory to accommodate new plant and offices; The proposed extension to the clay preparation area will have a floorspace of approximately 555m². In order to accommodate the overhead conveyor from the box feeder, an area of the roof of the existing clay preparation area covering approximately 1,230m² will be raised by approximately 4.5 metres. At its highest point the roof will be 11.8m above ground level.

The Brick Factory will also be extended to the west. The additional floorspace will cover an area of approximately 1,820 m². The external materials and colours will be designed to generally match the existing Brick Factory building. The height of the extension will be approximately 9.5m in line with the existing Brick Factory building. As well as an extension to the manufacturing this area will house some additional workshop space on the ground floor and additional offices and new welfare facilities on the first floor. The facilities on the first floor will comprise male toilets and locker rooms, female toilets and locker room, a breakout area, 5 smaller office spaces, 1 meeting room and 1 larger open plan office.

- A new exhaust stack and scrubber. The new scrubber and kiln exhaust stack will be located to the west of the proposed extension to the Brick Factory building. The stack will be 30m high and will be constructed from steel. The height of the stack has been designed having regard to the results of air dispersion modelling carried out as part of the Air Quality Impact Assessment.
- Works to the existing Anchor Brook culvert in order to ensure that the culvert is able to withstand the necessary loads to accommodate the extension and operation of the brickworks. This includes temporarily damming the Brook with a downstream pumped discharge point as close to the culvert exit as possible, an assessment of the ground and if required a suitable ground improvement method will be adopted to provide an acceptable ground bearing pressure to withstand the applied loads. A suitable sub-base will be laid in layers and compacted to allow the installation of the precast culvert section in a size to match the existing. The culvert will then be overlaid with a suitable subbase ready to accept the stockyard extension concrete slab.
- An extension to the existing brick stockyard. The brick stockyard area is used for the storage of packaged bricks prior to transportation off-site by HGVs. The brick stockyard area will be extended by approximately 3,700m² to the south-west of the existing stockyard, with an additional minor extended area along the north-eastern edge bordering Stubbers Green Road of approximately 610m². The extended brick stockyard will provide a capacity of around 27 million bricks. To maintain an

adequate stock level at the site, bricks will be stored on the yard to the height of 6 packs high equating to around 6 metres total storage height from ground level.

- A New box feeder building and overhead conveyor. The proposed box feeder building will house the feed hoppers and the conveyor from the hoppers into the Brick Factory. The box feeder building will have a floorspace of approximately 450m². An additional area of concrete hardstanding will be constructed to enable ramped access to the box feeder building, this will cover an area of approximately 1,005m². At its highest point the roof will be approximately 11.8m above ground level. The transportation of the clay from the clay stock area via the box feeder building and the overhead conveyor into the Brick Factory thereby removing the requirement for vehicles utilising the clay stock area to track back and forth across the Site vehicle circulation route.
- Rearrangement of employee and visitor car parks. To the south of the Brick Factory the additional hardstanding created by the car park extension will cover an area of approximately 200m². Re-arrangement of the car parks in the north and east will create a nett increase of 12 parking spaces with a total provision of 61 spaces, 8 of which with electric vehicle charging points and 7 disabled spaces, and 4 prioritised for car-sharing. The Site will also provide secure cycle storage for up to 10 cycles located in a secure cycle shelter to the west of the Brick Factory building adjacent to the employee welfare facilities.
- Widening and improvement of the existing site accesses. Vehicular access will be retained on Stubbers Green Road via an improved two-way priority junction and a reinstated egress-only priority junction to the east. In order to accommodate the extension to the Brick Factory the southern (ingress) access will be realigned approximately 12m to the north-west and widened by approximately 2.2m.
- New planting and landscaping works around the Brick Factory periphery. The area to the east of the Brick Factory and existing car park currently comprises poor semi-improved grassland with a boundary of broadleaved woodland to the east and species poor hedgerow to the north, along the boundary with Stubbers Green Road. The Landscape Masterplan, shows additional tree planting in the north-eastern corner of this area to strengthen the boundary and provide compensatory tree planting for trees removed from the brick stockyard periphery. The remainder of the area will be landscaped and planted to provide areas of wildflower meadow interspersed with individual trees to create a more diverse habitat mix and to enhance the overall biodiversity offering of the Site. The area immediately around the existing ponds will be enhanced using a range of log sizes from the trees removed from the brick stockyard periphery to create log piles to provide suitable hibernation areas and habitat for different species.

The application is accompanied by the following documents:

A Planning Statement, which describes the proposal in relation to perceived material planning considerations and highlights the proposal's compliance with development plan policies.

A Design and Access Statement, which explains the design principles and concepts that have been applied to the development in fulfilling the operational requirements, the site context, incorporated policy, sustainability, provision to ensure access and consultation.

An **Arboricultural Impact Assessment**, which highlights that the proposed development will require the removal of three individual trees, four groups and four partial groups. This includes two trees and two partial groups classed as moderate quality (Category B) and one tree, four groups and two partial groups classified as low quality (Category C). It concludes that tree loss will be mitigated with a scheme of new tree planting as detailed in the Landscape Masterplan which will increase the quality, impact, diversity and resilience of the local tree stock – delivering a net positive benefit. The report recommends measures to protect retained trees.

An **Ecological Impact Assessment** which concludes that development has been sensitively designed and positioned with reference to the existing baseline conditions and potential pathways for impact. A gain for biodiversity will be achieved through the enhancement measures proposed, which include the proposed planting and landscaping included with the proposal including 1,530m² of wildflower meadow, installation of bat and bird boxes, and the retention of larger logs from the proposed tree felling to construct habitat piles within the retained areas of woodland. A Great Crested Newt survey did not find any evidence of the species, concluding that it is likely to be absent from the site.

A **Flood Risk Assessment** which considers all potential sources of flooding to the Site, including tidal, fluvial, groundwater, land drainage, overland flow, artificial sources, and sewer drainage arrangements, including Climate change impact of an increase the peak rainfall intensity by up to 40% and increase peak river flows by up to 20% over the lifetime of the development. It finds that The Site lies in Flood Zone 1, and as such is at low risk of fluvial flooding. Small localised areas of high risk of surface water flooding are located along the south end of the Site and stockyard, surface flood risk will not worsen as a result of the development provided that surface water management procedures are implemented as outlined in the drainage strategy report. The risk of flooding from artificial sources and sewers is considered low. The risk of flooding from groundwater is medium as indicated on the EA's Groundwater Vulnerability Map. The majority of the Site will be covered in an impermeable hardstanding surface, reducing the natural infiltration potential, and preventing it from reaching the surface. The Drainage Design Statement and Site Drainage Layout outlines how potential increases in surface water runoff can be managed on Site. Wherever possible, the developer will use SuDS to manage surface water runoff.

A **Geo-environmental and Geotechnical Report** which states that Based on the site history, much of the area has been worked as part of the quarry operations the area will mainly comprise of Made or Infilled Ground. The risks associated with the development in terms of contaminants, to controlled waters, for workers and off-site receptors to development infrastructure, and ground stability are assessed to be low or very low. The area is in a Coal Mining Development High Risk Area, due to the depth at which the historic workings have taken place, it is considered the risk of ground instability from underground mining is negligible. The report recommends further investigation in the form of a phase 2 ground investigation of the site.

A **Landscape and Visual Appraisal** which concludes that Effects on landscape character within the Study Area during Construction and Operation would be negligible on the Site and the landscape. The development proposals, when compared to the baseline condition and seen in the context of the long established minerals and industrial development of the immediate study area, constitute few changes in the view as determined by the analysis of representative viewpoints.

A **Lighting Assessment** which highlights that the development requires the continued use of lighting for safe site use and access. New lighting as part of the redevelopment will improve the lit condition of the Site and overall obtrusive light performance in relation to the local area. The lighting design incorporates the following mitigation strategies: careful aiming and positioning of all luminaires; strategic column placement and use of the lowest column height possible to achieve required light levels, whilst minimising tilt; limiting building mount heights to as low as possible to achieve required light levels, whilst minimising tilt; using appropriate optics for the task area and location of the luminaire; using shields, hoods, snoods, as necessary to control light distribution in sensitive areas, where needed; excluding illumination of built facades to reduce the potential for glare or increases to light spill; and using the lowest output required to achieve required lighting for areas within the site, with a matching colour temperature throughout. Based on these approaches which are incorporated into the indicative lighting strategy, the effects created by new lighting as part of the proposed development will be minimal.

A **Noise Assessment** which concludes that no adverse impact was predicted during the demolition construction phase with regards noise generated by proposed on site activities or noise generated by changes in traffic flows on existing roads. Noise generated during the operational phase was also assessed in accordance with the methodology detailed in BS4142. The assessment indicates a potential adverse impact, however there are baseline levels (and the BS4142 criteria derived from them) were quantified in the absence of the existing Brick Factory operations (during national lockdown in January 2021) - the baseline levels would have been higher if the Brick Factory had been operational during the monitoring period. Noise generated by onsite activities is predicted to comply with the criteria included in Condition 17 of permission 04/1603/MI/M1.

An **Outline Travel Plan** which provides mode-share targets and objectives for the development, including a 10% reduction in single-occupancy car trips over 5 years, with corresponding increases in car sharing, walking, cycling and bus modes. The Plan proposes a travel-plan coordinator, travel information packs for all staff, a travel notice board on site, the use of TravelWise (which provides information and discounts for sustainable travel), the implementation of car share measures, electric vehicles and charging points, cycling and walking measures including discounts, footways, cycle shelters, and cycle-to-work scheme.

A **Transport Assessment** that finds that the proposed development at the Site is forecast to result in a small net decrease in staff trips and a small net increase in HGV trips during the morning and evening peak hours of site operation. A junction impact assessment has been undertaken of the Site access junctions, with the results showing that the junctions are expected to operate within capacity in the With Development 2024 future year scenario and that the negligible increase in vehicle trip generation will not impact on the operation of the local highway network.

A **Water Framework Screening Assessment** which assesses the proposed works to the culverted section of Anchor Brook and considers that works to temporarily divert the ordinary watercourse and replace the existing culvert are considered to be low risk activities which are unlikely to result in a change of status in any elements of the Water Framework Directive. The proposals are therefore screened out of further Water Framework Directive assessment. It is recommended, if drainage design deems it necessary and feasible, that the development opportunity is used to implement a higher grade of drainage treatment than exists at present.

Site and Surroundings

The Atlas Brick Factory Site is located on the south side of Stubbers Green Road in Aldridge, Walsall. The Site, which includes the existing Brick Factory, offices, and brick storage areas, is bounded by Stubbers Green Road to the north, with Atlas Quarry lying to the immediate south and west of the Brick Factory. Access to the existing Brick Factory and Quarry is from Stubbers Green Road.

Land use within the Site comprises the Brick Factory building incorporating offices, clay preparation, brick production, brick despatch, scrubber and stack; brick stockyard area, general yard area, bunkers and outbuildings. There is parking for staff and visitors as well as periphery landscaped areas with tree and shrub planting. Anchor Brook (culverted) also runs through the site.

The land use to the immediate south of the Site is the associated Atlas Quarry and clay stock area, with areas of currently unworked land to the north-west. To the east, there are commercial business premises located along Wharf Approach. To the north of Stubbers Green Road, there are other large commercial and industrial premises made up of industrial buildings, car parking and stockyards. Wienerberger Sandown Brickworks and Quarry is located to the north of Stubbers Green Road.

The closest residential properties are located approximately 295 metres to the north-west on Stubbers Green Road and along Sherwood Walk, Rufford Way, Barns Lane and Pool View, approximately 430 metres to the south-west.

The site is relatively flat. Stubbers Green SINC is adjacent to the site along the western boundary. The boundary of the Green Belt runs through the site. The Brick Factory building, a proportion of the surrounds and the existing car park are not located within the Green Belt. The majority of the existing brick stockyard and land to the immediate south and west of the Brick Factory (clay stock area and Quarry) is within the Green Belt.

Relevant Planning History

20/1589- Environmental Impact Assessment (EIA) Screening Opinion for widening of site access, rearrangement of employee and visitor car park, extensions to the existing Brickworks building to accommodate new plant and offices, new exhaust stack, an extension to the existing brick stockyard, new box feeder building and overhead conveyor, investigation of and works to the existing anchor culvert if necessary and new planting and landscaping works. EIA Not Required, 2021-03-02

20/0184 - Environmental Impact Assessment Scoping Opinion for an extension to the existing clay preparation building, new box feeder and enclosed overhead conveyor, new exhaust stack and scrubber for the production building, extension to the production building, widening of the existing stockyard access from Stubbers Green Road for exit and egress, extension to the quarry clay stack, extension to the existing brick stocking area, amendments to existing consented quarry phasing area and revised restoration scheme, new surface water drainage scheme. Scoping Opinion Response Issued - 2020-03-31

13/1380/SCOP - Environmental Impact Assessment Scoping Opinion for extension to Atlas Quarry, export brick making clays and creation of compensatory habitat for loss of Stubbers Green Site of Importance for Nature Conservation (SINC). Scoping Opinion Response Issued - 2014-02-11

BC54933P - Provision of concrete yard slab for the storage of bricks/materials, including access ramp. GSC 15-12-1998

BC27424P - reserved matters to BC24328P for Siting, Design and External Appearance for Brickworks, Offices (in part) Stockyard, Ancillary Works and Landscaping. Granted 18-08-1989.

BC24328P - the erection of brickworks, ancillary offices and stockyard, extraction of Etruria Marl and restoration by infill to open space and or woodland at Dumblederry Farm, Stubbers Green Road, Aldridge, Walsall. GSC 27-07-1989

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 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**
- **NPPF 17 – Facilitating the sustainable use of minerals**

On **planning conditions** the NPPF (para 56) 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 in the process and can speed up decision making. 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
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV1: The Boundary of the Green Belt
- 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
- ENV24: Wildlife Corridors
- ENV25: Archaeology
- ENV26: Industrial Archaeology
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T1 - Helping People to Get Around
- T2 - Bus Services
- T3 - The Rail and Metro Network
- T4 - The Highway Network
- T5 - Highway Improvements
- T6 - Traffic Calming
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

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

- CSP4: Place Making
- CSP5: Transport Strategy
- DEL1: Infrastructure Provision
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV6: Open Space, Sport and Recreation
- ENV7: Renewable Energy
- ENV8: Air Quality
- WM5: Resource Management and New Development

Walsall Site Allocation Document 2019

IND1: Existing High Quality Industry

GB1: Green Belt Boundary and Control of Development in the Green Belt

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk

M1: Safeguarding of Mineral Resources

M2: Safeguarding of Minerals Infrastructure

M6: Brickworks- Future Supply Requirements

M7: Brick Clay Extraction- Stubbers Green

T2: Bus Services

T3: The Rail Network

T4: The Highway Network

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Air Quality SPD

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

Consultation Replies

Canal and River Trust

No comment

Coal Authority

No objection

Environment Agency

No objection subject to land contamination condition

Inland waterways Association

No objection

Local Highway Authority

Supports the application, subject to conditions relating to implementation of the proposed access amendments and parking areas, the proposed cycle shelter, measures to promote sustainable travel, and a construction environmental management plan.

Local Access Forum

No objection

Pollution Control

No objection. Planning conditions are required to ensure the location of the extension is suitable from a contaminated land, ground gas, and stabilisation perspective. Existing planning noise constraints be continued to include the extension/new

application. A construction management plan be agreed and implemented to control local impacts during engineering and construction activities.

Severn Trent Water

No objection subject to the imposition of a drainage condition

West Midlands Fire Service

No objection subject to compliance with part B of Building Regulations. Note provided to applicant.

Tree Officer – No comments received.

Strategic Planning Policy – No comments received.

Wildlife Trust – No comments received.

Natural England – No comments received.

Rights of Way Officer – No comments received.

Ramblers Association – No comments received.

Lead Local Flood Authority – To be updated in supplementary paper.

Representations

No comments received.

Determining Issues

- Principle of Development and Green Belt
- Design, Layout and Character
- Noise
- Air Quality
- Ecology Trees and Landscape
- Flood Risk / Drainage
- Ground Conditions and Environment
- Highways
- Planning Obligations

Assessment of the Proposal

Principle of Development and Green Belt

The site is within an area identified as existing high quality industry by the Walsall Site Allocation Document as part of IN10.1 Wharf Approach and Atlas Works, Aldridge in terms of policy IND1.

Policy M6 and M7 of the SAD specifically concern brickworks and their future supply requirements. Atlas Brickworks is covered by MB2 which states that the expansion of the adjacent Atlas Quarry would be supported in order to maintain the brickworks' 25 year clay supply.

The factory is close to but not within the area identified as Green Belt, however the proposed stockyard extension would be on green belt land, as is a portion of the proposed box feeder building. Condition 6 of permission 04/1603MI/M1 and Condition 6 of permission 14/0619/CM, the land upon which the stockyard and box feeder building is proposed is required to be restored no later than three years after the cessation of mineral extraction, the proposed development is not therefore considered to be permanent and as such the land can be restored to that which accords with Green Belt policy. The extension of an existing building is an exception to inappropriate development where the extensions are not disproportionate, as is development for mineral extraction, where the development does not impact on openness.

The proposal would not significantly alter the character of the area and the impact on openness would only be a limited increase of non-permanent development including hard surfaced areas. The development would be against the backdrop of the existing quarry to the rear. It is considered that the proposal would be in line with Green Belt Policy.

Given the existing designation as high quality industrial land and commitment to support mineral extraction and brickworks within the policies of the SAD, coupled with the compliance with green belt policy the principle of the development is considered acceptable.

A condition would be attached to ensure the proposed offices remain ancillary to the main use to define the permission and avoid an unacceptable open office use in this out of centre location.

Design, Layout and Character

The proposed development is designed to be functional and to allow the operational requirements of the brickworks to be fulfilled. The size of the final factory building has been determined by the size and length of the plant and processes that form part of the brick making 'production line', and the addition of the overhead conveyer necessitating the maximum height of 11.8m. The 30m height of the exhaust stack has been designed having regard, inter alia, to the results of air dispersion modelling carried out as part of the Air Quality Impact Assessment.

The size of the stockyard has been determined by the requirement for a minimum of 25% of the total annual output of the factory to be able to be held in stock at any one time onsite, which given the increase in annual output to 105million bricks created by the factory extension means the stockyard capacity increase to 27million bricks or an extension of 3,700m² at a height of 6m.

The layout has been designed to ensure that operational traffic circulation around the site is as efficient as possible, including a one-way system of HGVs, while deliveries staff and visitors can be routed along the northern and eastern side of the factory. The built extensions would be faced in a mix of red brick and blue profile metal cladding which is in line with the existing building and reflects the product of the factory. It is recommended that a condition to secure the use of these materials is applied to the decision notice to ensure continuity of design across the site.

The functional industrial character of the site has been established for some time through the continued operation of the brickworks and quarry to the rear. While the higher exhaust stack would represent a new feature within the site it would not

significantly depart from the existing character. The visual impact of the extensions would be negligible when viewed from the public realm as they would be screened by the existing development. On balance the proposed layout is considered practical and functional and in accordance with the established character of the site.

Noise

The Noise Assessment includes a background noise survey, which has been undertaken while the factory was not working and under 'Lockdown Conditions' i.e. the noise levels may not be typical compared to when Lockdown has been lifted and the factory and possibly others in the area are fully operational again.

The Assessment identifies that there may be a slight increase in noise levels compared to background noise levels when the factory becomes fully operational again. However, the noise levels generated by the proposed extensions on the factory compared to the noise levels from the existing factory, will be comparable i.e. no significant changes.

Pollution Control agrees with the report and the Consultants' findings.

It is recommended that the existing noise planning constraints be continued to include the proposed extension, in line with the latest British Standard.

Air Quality

The submitted Air Quality Impact Assessment identifies that provided the kiln stack height is at least 30 metres high, then the company will continue to comply with the requirements of their existing Environmental Permit.

Pollution Control do not have any issues with this report and would agree that at the proposed location and stack height, compliance with legal limits should be achieved. The proposed kiln stack height demonstrates that at the proposed height any remaining pollutants, after the abatement process, will adequately disperse.

Furthermore, the Applicant is aware that an A2 Environmental Permit regulates the site and its discharges and emissions, which will be subject to a separate application for variation.

The proposal includes the installation of photo-voltaic panels to the roof of the existing factory building, which would create renewable energy and decrease the development's environmental footprint. It is anticipated that the PV panels would produce 10% of the brick production electricity requirements.

In order to comply with the requirements of the Black Country Air Quality SPD the proposal has included 8 electric vehicle charging points. It is recommended that a condition be included to ensure that the charging points are installed.

Ecology Trees and Landscaping

An Environmental Impact Assessment Screening Opinion (20/1589) was submitted in late 2020 which concluded on 02-03-2021 that an Environmental Impact Assessment would not be required for the proposal.

While the development would increase the footprint and intensity of the brickworks, the development would remain contained within the existing envelope except for the expansion of the stockyard which would require the removal of some trees.

The submitted Ecological Impact Assessment concludes that development has been sensitively designed and positioned with reference to the existing baseline conditions and potential pathways for impact. Several mitigation and enhancement measures are proposed. Proposed measures include ensuring that vegetation clearance is undertaken outside bird nesting season, the installation of bat and bird boxes, and the implementation of a comprehensive Landscape Plan.

The proposed Landscape Plan includes compensatory planting to mitigate for tree losses which would be strategically located in order to extend existing stands of retained woodland and improve their connectivity. The Landscape plan also includes the planting of 1,530m² of wildflower meadow and the retention of larger logs from the proposed tree felling to construct habitat piles within the retained areas of woodland.

On balance it is considered that the proposed mitigation is sufficient to compensate for the loss of trees as proposed and would allow for a net biodiversity gain. In order to ensure that the mitigation takes place it is recommended that conditions to secure them, as well as the landscape plan are added to the decision notice.

Flood Risk / Drainage

The submitted Flood Risk Assessment has concluded that the proposal has a low risk of flooding. The property is within Flood Risk Zone 1.

The Drainage Design Statement and Site Drainage Layout outlines how potential increases in surface water runoff can be managed on Site.

The existing factory roofs are drained via guttering and downpipes to underground pipework which discharges directly into an existing surface water culvert running along the south west boundary of the site. Where the building footprint is to be extended the underground pipework will be adjusted to run around the extended area and connect back to the existing discharge point into the culvert. Although the building extension does increase the existing roof area this represents a small percentage increase and is constructed over paved areas which currently drain to the same culvert. There is, therefore, no net increase in surface water flows in the culvert.

Existing hard paved surfaces around the factory buildings consist of car parking, access roads, lay-down areas and brick stockyard. These areas currently drain to the north-west corner of the site where they pass through an oil interceptor before being discharged into the same surface water culvert. Part of the existing stockyard will become covered by the building extension and 3700m² of new stockyard area is proposed, forming additional run-off area. In order to avoid increasing peak discharge flows into the surface water culvert, the additional area will be attenuated within the site and discharged at a restricted rate through the use of a hydro-brake or similar flow control system.

It is intended that the marginal net increase in stockyard area combined with the run-off attenuation and discharge control, will allow the existing oil interceptor to be retained.

Existing foul drainage runs along the north-east side of the factory discharging into public drainage below Stubbers Green Road. The scheme involves the connection of new foul branch drains serving nominal staff and office facilities within the factory extension. All new connections will be made to existing private drains within the factory curtilage. The additional foul flows will be minor and no alteration to the existing foul drainage is envisaged.

The transportation of the clay from the clay stock area via the box feeder building and the overhead conveyor into the Brick Factory building will mean that there will no longer be any requirement for vehicles utilising the clay stock area to track back and forth across the Site vehicle circulation route. This will greatly improve the condition of the internal vehicle circulation route, reducing track out of clay into other areas of the Site and the public highway and also reduce the levels of sediment entering the Site drainage system.

The proposal also includes the recycling of water used in the brick making process and harvesting of rainwater from the roof of the factory for use in the brick making process, which would decrease water usage on the site and mitigate runoff from the buildings.

The developer has committed to using Sustainable Drainage Systems wherever possible to manage surface water runoff. Severn Trent Water have supported the proposal subject to the imposition of a condition to ensure that a drainage scheme is submitted and approved. On balance, the proposal can be supported from a drainage perspective, subject to no objection from the Lead Local Flood Authority as set out in the recommendation.

Ground Conditions and Environment

The Phase 1 Geo-environmental and Geotechnical Desk Study Report provides desktop information on the potential contamination of the land where the extension is to be constructed, and recommends that intrusive site investigations would be necessary prior to construction.

The previous use of the proposed development site presents a potential risk of

contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon Secondary 'A' aquifers and surface waters run close to and through the proposed development site.

The Phase 1 Geo-environmental and Geotechnical Desk Study Report demonstrates that it will be possible to manage the risks posed to controlled waters created by the proposed development, if further detailed information is obtained prior to construction.

Both the Environment Agency and Pollution Control have agreed with the findings of the Phase 1 Geo-environmental and Geotechnical Desk Study Report and supported the development subject to the imposition of a condition to require intrusive investigations and a potential remediation strategy. It is therefore recommended that a suitable condition is attached to ensure this investigation is carried out.

Highways

Vehicular access to the site will continue to be provided by the existing access on Stubbers Green Road. However, the junction layout will be revised so it can accommodate the swept path of a 10m Tipper construction vehicle. This main site access junction will provide for all vehicles accessing the site including staff, visitors and deliveries. The Local Highway Authority has recommended a condition that the proposed junction upgrades should be completed prior to the operation of the extensions.

Under pre-COVID19 operating conditions on a typical weekday there were up to 38 employees present at the site on a regular basis (16 employees who work in the office, 22 employees who work the factory day shift (22 on and 22 off). During the night shift the factory was manned by 5 employees. At the weekend the factory shifts would continue. The development proposals are looking to increase staff by 30 additional employees.

Parking is to be increased by 12 spaces from 49 spaces to 61 spaces across the site, inclusive of disabled and electric charging spaces. The B2 use UDP T13 parking policy for the additional GFA of around 2,475sqm (555 +1,820sqm) equates to a maximum of 25 additional spaces. The proposal looks to provide only half of the UDP maximum additional requirement. Cycle shelters are also proposed, a condition is recommended to provide detail of these prior to the development coming into use. Taking into account the staff operate over shift patterns and a Travel Plan is to be introduced to encourage sustainable travel modes, the Highway Authority considers the proposed level of parking adequate to meet its operational needs and any increased demand as a result of the development. Over-spill parking onto the public highway is considered unlikely. The Local Highway Authority has recommended a condition that the proposed amendments to the parking be fully implemented prior to the operation of the extended factory.

In terms of employee trips, it is predicted that there will be a net reduction in car borne trips compared to Pre-Covid.

It is estimated that there will be 60 HGV arrivals and 60 HGV departures between the hours of 05:00 –20:00hrs (equivalent to four arrivals and four departures per hour). This trip generation equates to a net increase of approximately 84 HGV trips per weekday compared to the 'normal' operation of the site. It is anticipated that HGVs will arrive and depart the site throughout the day. Based on the operational hours of brick

despatch between 05:00 to 20:00hrs, the forecast weekday HGV trip generation for the standard AM and PM network peak hours is 8 two-way trips.

On balance, it is considered that the development will 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 the NPPF paragraph 111.

Planning Obligations

Discussions are underway with the Council's Planning Solicitor to determine whether the necessary Travel Plan can be secured by planning condition, or whether it needs to be secured within a Section 106 Agreement. The recommendation in this report requests delegation back to the Head of Planning and Building Control to conclude this matter, and any update on this point will be set out in the supplementary paper.

Conclusions and Reasons for Decision

The proposal would allow for the expansion of the Ibstock Atlas Brick factory from a production of 40 million bricks to 105 million bricks annually, and create employment for an additional 30 people.

The principle of development is supported as the development is recognised as high quality industry as part of IN10.1 Wharf Approach and Atlas Works, Aldridge in terms of Site Allocation Document Policy IND1. The proposal would not have an impact on the openness of the Green Belt, in line with SAD Policy GB1 and NPPF Paragraphs 149 and 150.

On balance the proposed layout is considered practical and functional and in accordance with the established character of the site, in line with Black Country Core strategy ENV2 and ENV3, saved UDP Policies GP2 and ENV32 and the Designing Walsall SPD.

The slight increase in noise levels compared to background noise levels generated by the proposed extensions on the factory compared to the noise levels from the existing factory, will be comparable, and within the constraints placed on the site by existing conditions and is acceptable in terms of Saved UDP Policy ENV10 and NPPF Paragraph 185.

The submitted Air Quality Impact Assessment identifies that provided the kiln stack height is at least 30 metres high, then the company will continue to comply with the requirements of their existing Environmental Permit. In order to comply with the requirements of the Black Country Core Strategy Policy ENV8, Black Country Air Quality SPD 8 electric vehicle charging points are provided. Photo-voltaic Panels would produce 10% of the required electricity of the operation of the development in line with Policy ENV7 and WM5 of the BCCS.

On balance it is considered that the proposed environmental mitigation is sufficient to compensate for the loss of trees and vegetation as proposed and would allow for a net biodiversity gain, and accord with BCCS Policy ENV1, SAD Policy EN1, Saved UDP Policies ENV 18, ENV23, ENV24, ENV33, and the Conserving Walsall's Natural Environment SPD.

The proposed amendments to the culvert of Anchor Brook have been sensitively designed and the proposal is not considered to create increased risk of flooding, and accords with Black Country Core Strategy Policy ENV5, and SAD Policy EN3.

The findings of the Phase 1 Geo-environmental and Geotechnical Desk Study Report support the development subject to the imposition of a condition to require intrusive investigations, in line with NPPF paragraph 183.

The proposed parking arrangements are acceptable to cater for the development. Amendments to the access would be appropriate for the proposal and create a safe and efficient traffic circulation pattern within the site. The proposal would not have an undue impact on the surrounding road network, in accordance with NPPF Paragraph 111, saved UDP Policies T7-T13, Black Country core Strategy Policy TRAN4 and TRAN5, and SAD Policy T4.

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

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

- Securing a Travel Plan via planning condition or a Section 106 Agreement as necessary;
- No new material considerations being received;
- The amendment and finalising of conditions;
- No objection from the Lead Local Flood Authority; and
- 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:

- Location Plan, P-00 Rev / submitted 15-05-2021
- Existing site Layout, P-01 Rev / submitted 15-05-2021
- Proposed Site Layout, P-02 Rev / submitted 15-05-2021
- Proposed Site Layout with Solar Panels, P-03 Rev / submitted 15-05-2021
- Indicative Construction Layout, P-04 Rev / submitted 15-05-2021
- Existing Floor Plan, P-05 Rev / submitted 15-05-2021
- Proposed Floor Plan, P-06 Rev. / submitted 15-05-2021
- Existing Elevations, P-07 Rev / submitted 15-05-2021
- Proposed Elevations (Sheet 1), P-08 Rev / submitted 15-05-2021
- Proposed Elevations (Sheet 2), P-09 Rev / submitted 15-05-2021
- Site Sections, P-10 Rev / submitted 15-05-2021
- Site Drainage Layout, P-11 Rev / submitted 15-05-2021
- Air Quality Assessment prepared by Aecom ref 60616590 submitted 05-05-21
- Arboricultural Impact Assessment prepared by Aecom ref 60616590 submitted 05-05-21
- Design and Access Statement prepared by Aecom submitted 05-05-21
- Ecological Impact Assessment prepared by Aecom ref 60616590 submitted 05-05-21
- Flood Risk Assessment prepared by Aecom ref 60616590 submitted 05-05-2021
- Geotechnical Report Phase 1 Desk Study prepared by Aecom ref 60616590 submitted 05-05-21
- Landscape and Visual Appraisal prepared by Aecom ref 60616590 submitted 05-05-21
- Lighting Assessment prepared by Aecom ref 60616590 submitted 05-05-21
- Noise Assessment prepared by Aecom ref 60616590 submitted 05-05-21
- Outline Travel Plan prepared by Aecom ref 60616590 submitted 05-05-21
- Planning Statement prepared by Aecom submitted 05-05-21
- Transport Assessment prepared by Aecom ref 60616590 submitted 05-05-21
- Water Framework Screening Assessment prepared by Aecom ref 60616590 submitted 05-05-21

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. a. Prior to commencement of the development hereby permitted, a scheme showing the proposed location and specification including materials method of erection, heights and dimensions of Bird Boxes, Bat Boxes and habitat piles shall be submitted in writing to and approved in writing by the Local Planning Authority
- b. The development shall not be carried out otherwise than in accordance with the approved details.

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

4. a. 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.
- b. 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.
- c. 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 to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution, 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.

5. a. Prior to occupation of the development hereby permitted the approved landscaping details shown on the Landscape Matter Plan Drawing Reference 60616590-LS-000-001 shall be carried out.
- b. 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.

6. Prior to occupation of the development hereby permitted the modifications to the existing vehicular access points on Stubbers Green Road shall be fully implemented to the satisfaction of the Local Planning Authority, including the installation of all lining and signage to indicate the change of access/egress arrangements. All works within the public highway shall be in accordance with all statutory requirements.

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

7. a. Prior to occupation of the development hereby permitted, all access ways, parking areas and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, including all lining, signing and the demarcation of the parking bays.
- b. 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.

8. a Prior to the development first coming into use, full details of the proposed cycle shelter, for staff and visitors, which shall be covered and illuminated, shall be submitted to and approved in writing by the Local Planning Authority and the facility shall be fully implemented in accordance with the approved details.

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

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

9. Upon first occupation of the development, the measures and incentives to promote the development's sustainability credentials and encourage non car borne travel modes shall be implemented and developed into fully working Travel Plan in accordance with the submitted AECOM Outline Travel Plan Statement dated April 2021.

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

10. a. 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:

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 porta cabins 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 if 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

b. 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.

11. a Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- b. Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of identified and/or potential hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- c. 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 in writing to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- d. The remedial measures as set out in the 'Remediation Statement' required by part c of this condition shall be implemented in accordance with the agreed timetable.
- e. If during the undertaking of the approved remedial works or during the construction of the approved development unexpected ground contamination not identified by the site investigation required by part b. of this condition is encountered, development shall cease until the 'Remediation Statement' required by part c. of this condition has been amended to address any additional remedial or mitigation works required and has been submitted in writing to and agreed in writing by the Local Planning Authority.
- f. A validation report setting out the details of the remedial measures implemented and cross referencing those measures to the approved Remediation Statement together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted in writing to and agreed in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)
- g. The development shall not be carried out otherwise than in accordance with the approved Remediation Statement.

Reason: To ensure safe development of the site and to protect human health and the environment, in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan and to meet the requirements of the National Planning Policy Framework 174 and 183.

12. a. Prior to first occupation of the development hereby permitted details of 8 electric vehicle charging points, shall be submitted in writing to and agreed in writing by the Local Planning Authority.
- b. Prior to first occupation of the development the approved electric vehicle charging points 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.

13. The development hereby permitted shall comprise facing materials that match, in size, colour and texture, those which are used in the existing buildings and the facing 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.

14. The Site shall not be operated except in accordance with measures set out in BS 5228-1:2009+A1:2014 'Code of practice for noise and vibration control on construction and open sites – Part 1: Noise' such that no use operation or activity permitted causes free field noise levels as measured at or adjacent to any sensitive uses and particularly residential properties on Sherwood Walk, Rufford Way and Stubbers Green Road, to exceed: 50 dB(LAeq 1hr) during the hours of 08.00 to 18.00, 45 dB(LAeq 1hr) during the hours of 18.00 to 23.00 and 40 dB(LAeq 1hr), during the hours of 23.00 to 08.00 hours on permitted working days.

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

15. The offices, meeting rooms and/or boardrooms as shown on proposed floor plans drawing number P-06 Rev. / submitted 15-05-2021 shall not be used otherwise than ancillary to the main use of and shall not be let/sublet or used as independent offices/meeting rooms.

Reason: To safeguard the vitality and viability of Aldridge District Centre in accordance with Policies S1 and S4 of the UDP, Policies CEN2 and CEN5 of the BCCS and Policy SLC1 of the SAD.

Notes for Applicant

Highway Authority

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 the access modification works within the existing public highway. For further advice please contact Highway Development Control Team at Stephen.Pittaway@walsall.gov.uk

Environment Agency

Paragraph 179 of the National Planning Policy Framework states "Where a site is affected by contamination or land stability issues, responsibility for securing safe development rests with the developer and/or landowner."

We recommend that developers and /or Landowner should:

1. Follow the advice in Land Contamination: risk management

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> when dealing with land affected by contamination.

2. Refer to the [Environment Agency Guiding principles for land contamination](#) for the type of information that we required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.

Contaminated Land

CL1

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2018; British Standard BS10175: 2011+A2:2017 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); Land contamination risk management (LCRM) or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2

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

CL3

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

Severn Trent

Severn Trent Water advise that there is a public 300mm and a 600mm combined sewers located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to

contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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.

· 300mm to 999mm diameter – 5m either side of the pipe, measured from the centreline of the sewer.

Construction Working Hours

No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08:00 to 18.00 weekdays and 08.00 to 14.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

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

West Midlands Fire Service

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the

size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

- a. External access enabling fire appliances to be used near the building.
- b. Access into and within the building for firefighting personnel to both:
 - i. search for and rescue people
 - ii. fight fire.
- c. Provision for internal fire facilities for firefighters to complete their tasks.
- d. Ventilation of heat and smoke from a fire in a basement.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult)

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)

Buildings fitted with fire mains

15.4 For buildings fitted with dry fire mains, both of the following apply.

- a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.
- b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 16.10.

15.5 For buildings fitted with wet fire mains, access for a pumping appliance should comply with both of the following.

- a. Within 18m, and within sight of, an entrance giving access to the fire main.
- b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency.

15.6 Where fire mains are provided in buildings for which Sections 16 and 17 make no provision, vehicle access may be as described in paragraphs 15.4 and 15.5, rather than Table 15.1.

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)

Dead Ends including cul-de sacs

Dead ends including cul-de sacs should be avoided but where not possible the following should be applied.

The main problem with dead ends and cul-de sacs is access in an emergency and the issue of obstructions such as parking. In these circumstances fire service personnel are committed to approach on foot carrying equipment to deal with the situation. 225 to 250 metres carrying equipment is considered a maximum for efficient fire-fighting operations.

Dead ends/cul-de sacs roadways should be a minimum of 5.5 metres in width.

Vehicle Access

Dead end/cul de sac access routes must not exceed 180 metres in length unless.

- a) an emergency vehicle access is provided which complies with item 3.8.2, or
- b) the carriageway width is increased to 7.3 metres and complies with the requirements of item 3.8.3. The provision of an emergency vehicle access is preferred to the alternative of increasing the carriage width to 7.3 metres.

3.8.2 Emergency Vehicle Access

- a) A suitable means of preventing the use by other vehicles must be provided at the time of construction.
- b) The height of 4.1 metres minimum, width 3.7 metres minimum and the construction of the access road are sufficient to allow the free passage of fire appliances.
- c) Neither end is obstructed by parked cars.
- d) The emergency vehicle access may incorporate a pedestrian route but must not be used by statutory undertakers to accommodate underground services or public sewers.

3.8.3 Increased Carriageway Widths

- a) The carriageway width is increased to 7.3 metres from the entrance to the dead-end route to the point where it is 180 metres to the end of the dead end in accordance with 3.8.3b immediately below.
- b) The subsequent reduction in the width from 7.3 to 5.5 metres must occur at a road junction, at which point parking for the fire appliance at the end of the dead end must be within vision and a fire hydrant is on the pavement or ground alongside the parking space.

Industrial Estates

- a) In order to accommodate very long articulated vehicles carriageways should be 9 metres wide but certainly not less than 7.3 metres.
- b) The estate should be designed so that there is adequate off-street parking and there is no loading, unloading or long-term parking on the carriageway.
- c) Dead end access routes must not exceed 180 metres in length from a junction which provides two alternative routes out of the industrial estate, unless an emergency vehicle access is provided from the dead end, as described in 3.8.2

Section 16: Fire mains and hydrants

Provision of fire mains

16.2 Buildings with firefighting shafts should have fire mains in both of the following.

- a. The firefighting shafts.
- b. Where necessary, in protected escape stairs. The criteria for providing firefighting shafts and fire mains are given in Section 17.

16.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with Table 15.1. In these cases, outlets from fire mains should be located as described in paragraph

16.4, with a maximum hose distance of 45m from the fire main outlet to the furthest point, measured on a route suitable for laying a hose. Stairs do not need to be designed as firefighting shafts.

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 Supplies

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

Section 17: Access to buildings for firefighting personnel

Provision of firefighting shafts

17.2 A building with a storey more than 18m above the fire and rescue service vehicle access level should have one or more firefighting shafts containing a firefighting lift. The number and location of firefighting shafts should comply with paragraphs 17.4 to

17.7. Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 17.3 and Diagram 17.2).

17.3 A building with basement storeys should have firefighting shafts in accordance with the following.

- a. There is a basement more than 10m below the fire and rescue service vehicle access level. The firefighting shafts should contain firefighting lifts.
- b. There are two or more basement storeys, each with a minimum area of 900m². The firefighting shafts do not need to include firefighting lifts.

The building's height and size determine whether firefighting shafts also serve upper storeys.

17.8 In any building, the hose laying distance should meet all of the following conditions.

- a. A maximum of 60m from the fire main outlet in a firefighting shaft (see Diagram 17.3).
- b. Additionally, where sprinklers have not been provided in accordance with Appendix E, the hose laying distance should be a maximum of 45m from a fire main outlet in a protected shaft (although this does not imply that the protected shaft needs to be designed as a firefighting shaft (see Diagram 17.3)

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)



Proposal

These two applications seek planning permission (reference no. 21/0327) and Advert Consent (reference no. 21/0329) for the change of use of this premises from a vacant betting shop (sui generis) to an adult gaming centre (sui generis) by Cashino Gaming Ltd trading as Merkur Slots. The proposed site would be a 24 hour operation offering gaming slot machines and bingo to customers 7 days a week including Bank Holidays.

The total gaming floor area would be the same as the previous betting shop at 212 sq. metres with a staff kitchen area, staff area, offices and toilet facilities towards the rear of the unit along with an existing fire exit. These works would include minor portioning alterations and no external extraction system/flue is proposed for the new kitchen as they only propose providing teas, coffees and microwaveable snacks. There is a separate side access off a service road to the side to a staircase leading to the upper floors.

The planning agent has confirmed that the upper floors are empty and were previously used as storage by Coral and the proposal will use them for the same purpose.

The proposed fascia and projecting signage would be of timber construction with mini trough lighting providing external static illumination with an illuminance level of 250 cdm².

There is no customer or staff parking provision at this location. Six full-time equivalent employment opportunities would be provided.

These applications include a supporting letter from the Planning Agent dated 22/2/21 which states that the principle of the proposed change of use is entirely acceptable and the proposals will protect and enhance the vitality and viability of this part of the Primary Shopping Area. The proposal involves the bringing back of a vacant unit into beneficial use which will lead to improvements to the appearance and accessibility of the frontage, footfall, linked trips, new jobs, and will assist in diversifying the centre's offer. The letter also states that proposed change of use will have no impact on the current retail provision within the centre and that the proposals are considered would comply with the local and national policies.

Cashino Planning Brochure, deposited 24/02/21 has been provided in support of the application which the planning agent states demonstrates how adult gaming centres (AGCs) do not attract anti-social behaviour and are not noisy for the following reasons;

- AGCs do not have (and never have had) the Fixed Odds Betting Terminals – machines associated with betting shops.
- The machines offer low stakes between 10p and £2 – the average stake from a customer is 30-40p.
- A large number of Cashino's AGCs contain bingo machines and tablets (this is what is proposed for Bradford Street).
- 48% customers are female.
- Complementary refreshments, teas and coffees are provided.
- AGCs are where people go to spend their spare change, have a game of bingo and enjoy their favourite pastime (these machines have been around for many years).
- Customers visit on their own or in couples – large groups are rare.
- The customer base during the late evening and into the early hours is predominantly the local entertainment workforce and shift workers who like to relax after busy shifts.
- The machines generate low levels of noise, only background music is played (similar to shops) and there are no tannoy systems.
- Cashino have never had a licence revoked or reviewed and incidents are extremely rare.

Noise Impact Assessment by Archo Consulting deposited on 24/02/21 has been provided and the conclusions are based on a Merkur Slots site at 106 Newland Avenue, Hull which operates from 08:00 to 23:30 hrs and is applying for an extended operation until 02:00hrs. The assessment concluded that the patrons of this site did not behave anti-socially, did not shout or generate high levels of noise. Furthermore any noise generated by patrons will be imperceptible against the existing noise climate.

A Flood Risk Assessment by Planning Potential, deposited 31/08/21 has been provided which concludes that development is appropriate and there will be no increase in flood risk associated with this proposal.

Site and Surroundings

This application relates to a three storey unit and relates solely to the ground floor. The planning agent has advised that this site has been vacant for over a year.

The site is located within the Primary Shopping Area of Walsall Town Centre and Bradford Street Conservation Area. Bridge Street is listed on the National Heritage at Risk Register as 'very bad' and 'deteriorating'. The site has a double shop frontage with two separate entrances with ornate tiling below the front windows and dual gable features and chimneys at roof height.

The site is located along the edge of Flood Zone 2.

The site is within the immediate setting of Victorian Arcade (Including numbers 59, 61 and 66 Lower Hall Lane, 39 and 40 Digbeth and 2-9 Bradford Street listed buildings, Grade II. The site is within the intermediate setting of the war memorial and retaining walls and steps surrounding the War Memorial listed buildings, Grade II. The site is also within the intermediate setting of the Institute of Science and Art, Grade II listed building.

The building is shown on the Council's historic mapping as early as 1902 and as such is a non-designated heritage asset in the conservation area. There is an Article 4 Direction in place in respect of the painting of the exterior of any building or work.

There are residential properties located along the southern boundary of the application property known as Parzival Court at 13-14 Bradford Street. These residential buildings cannot be seen outside the site.

Admiral Casino and PlayLand Amusements are both within 170 metres of the application site.

Relevant Planning History

12 Bradford Street

05/2240/FL/W6 - 2 no. new entrance doors, recolour shopfront, erection of satellite dish and installation of air conditioning – GSC 3/1/06

05/2239/AD/W6 – (Coral) Two Fascia Signs and One Hanging Sign – Advert Consent granted 3/1/06

BC54288P/C - (Tavern in the Town) Erection of single storey rear extension – GSC 9/6/99

BC54286P (Tavern in the Town) - Installation of frontage facade floodlighting consisting of 16 various spot light type lights and new fascia advertisement board – GSC 7/6/99

9-11 Bradford Street

16/1145 - Change of use to Mecca electronic bingo centre with ancillary food and drink operation; alterations to entrance doors; and erection of air conditioning compressors – Refused permission by Planning Committee in November 2016 on the following grounds;

The proposed change of use to a mixed use (sui generis) incorporating bingo (D2 use class) with ancillary amusement arcade/gaming machines (sui generis) will be in a Primary Shopping Area on the main retail street and within the Bridge Street Conservation Area as defined by the Unitary Development Plan. As such the proposal is refused for the following reasons:

- *Harm to the character and appearance of the Conservation Area*
- *The proposed development would be out of place in a primary shopping street contrary to policy S4 and not an attractive environment to draw additional trade*
- *Conflict with adopted UDP Policy S4: The Town and District Centres: General Principles and the draft AAP Policy AAPS1: Primary Shopping Area*
- *Creation of a substantial area of dead window frontage which would not be an attractive frontage with a limited window display exacerbated by the 11 meter wide frontage detrimental to the vitality and amenities of the town centre and be visually out of place in the primary shopping frontage*
- *Potential to generate a fear of crime*

Being contrary to NPPF policies, BCCS policies CEN4 and ENV2, the saved Unitary Development Plan policies GP2, ENV29, ENV32, ENV35, S1 and S4 as it is considered that the overall scale of the proposed use will have a negative impact on the retail function of the Primary Shopping Area.

An appeal was made and allowed on 14/2/17 by the Planning Inspectorate who concluded there would be some degree of conflict with Policy SP4 of the UDP and the proposal would comply with other policies and would have benefits in respect of bringing back into use a vacant building and increasing footfall including in the evenings. On balance PINS concluded that the benefits of this proposal outweighed the disadvantages and that this proposal would not significantly conflict with the policies of the development plan taken as a whole.

Relevant Policies and Legislation

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 16 – Conserving and enhancing the historic environment**

- Defines significance as ‘The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting’.
- Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.
- Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

On **planning conditions** the NPPF (para 56) 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.

- Non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets.
-
- Understanding the significance of a heritage asset and its setting from an early stage in the design process can help to inform the development of proposals which avoid or minimise harm.

Reducing Inequalities

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

- 3.6 to 3.8 Environmental Improvement
- 3.13 to 3.15 Building Conservation & Archaeology
- GP2: Environmental Protection
- GP5: Equal Opportunities
- GP6: Disabled People
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV27: Buildings of Historic or Architectural Interest
- ENV28: The Local List of Buildings of Historic or Architectural Interest
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S4: The Town and District Centres: General Principles
- S9: Amusement Centres and Arcades
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- CSP4: Place Making
- CEN4: Regeneration of Town Centres
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

Walsall Site Allocation Document 2019

EN5: Development in Conservation Areas
T4: The Highway Network

Walsall Town Centre Area Action Plan 2019

AAP1: Walsall Town Centre Boundary
AAPS1: Primary Shopping Area
AAPLE1: New Leisure Development
AAPLV5: Protecting and Enhancing Historic Character and Local Distinctiveness
AAPLV6: Securing Good Design

Supplementary Planning Document

Designing Walsall

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

Shop Front SPD

- SF4: Colour finishes
- SF6: Advertisements
- SF7: Illumination

Other Relevant Policy/guidance:

- National Design Guide
- Historic England Good Practice Advice Note1: Conservation Area Designation, Appraisal and Designation.
- Historic England Good Practice Advice Note 2: Managing Significance in Decision-Taking in the Historic Environment.
- Historic England Good Practice Advice Note 3: The Setting of Heritage Assets.
- Historic England Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets.
- Black Country Historic Landscape Characterisation (2009)

The institution of Lighting Engineers, Technical Report Number 5: *Brightness of Illuminated Advertisements*.

- E2 – Low district brightness areas (e.g. rural or small village locations)
- E3 - Medium district brightness areas (e.g. small town centres, urban locations)
- E4 – High district brightness areas (e.g. town/city centres with high levels of night-time activity)

Recommendations for Maximum Luminance (cd/m2)

Illuminated Area (m2)	Zone E1	Zone E2	Zone E3	Zone E4
Up to 10.00	100	600	800	1000
Over 10.00	n/a	300	600	600

Legislation

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

66 (1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

72 (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Part 3 (Express Consent) of The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As amended).

Applications for express consent

9.— (1) An application for express consent shall be made to the local planning authority.

(2) Subject to paragraphs (6) and (7), the application shall be made electronically or in hard copy on a form published by the Secretary of State or a form substantially to the same effect.

(3) The applicant shall—

(a) include the particulars specified in the form; and

(b) send with the application (whether electronically or otherwise) a plan which—

(i) is drawn to an identified scale,

(ii) shows the direction of North,

(iii) identifies the location of the site by reference to at least two named roads, and

(iv) identifies the proposed position of the advertisement.

(4) Unless an application is made electronically or the local planning authority indicates that a lesser number is required, three copies of the completed form and the plan shall accompany the application.

(5) Where the application is one to which directions given by the Secretary of State under regulation 11 apply, the applicant shall send with the application (whether electronically or otherwise) such particulars, plans or information specified or referred to in those directions as may have been notified to the applicant by the local planning authority.

(6) An application made on or after 6th April 2007 and before 1st October 2007, may be made in writing on a form devised by the local planning authority.

(7) An application made after 30th September 2007 and before 1st November 2007 otherwise than by a local planning authority or an interested planning authority, may be made in writing on a form devised by the local planning authority.

(8) Where an application is made electronically, the applicant shall be taken to have agreed—

- (a) to the use by the authority of electronic communication for the purposes of his application;
- (b) that his address for that purpose is the address incorporated into, or otherwise logically associated with, his application; and
- (c) that his deemed agreement under this paragraph shall subsist until he gives notice in writing—

- (i) withdrawing any address notified to the authority for that purpose, or

- (ii) revoking that deemed agreement, and such withdrawal or revocation shall be final and shall take effect on a date specified by the person in the notice but not less than seven days after the date on which the notice is given.

(9) An application made electronically shall, unless the contrary is proved, be treated as having been delivered at 9 a.m. on the next working day after the day on which it is transmitted.

(10) This regulation applies to applications for renewal of consent as it applies to applications for consent.

(11) An application for the renewal of an express consent may not be made more than 6 months before the date on which the consent is due to expire.

Power to deal with applications

14.— (1) Where an application for express consent is made to the local planning authority, the authority may—

- (a) grant consent, in whole or in part, subject to the standard conditions and, subject to paragraphs (6) and (7), to such additional conditions as it thinks fit;

- (b) refuse consent; or

- (c) in a case to which paragraph (2) applies, decline to determine the application.

(2) This paragraph applies where the application relates to an advertisement to which section 70A of the Act, as modified as mentioned in paragraph (3), applies.

(3) For the purposes of this regulation, section 70A of the Act shall apply subject to

the modifications specified in Part 1 of Schedule 4; and the provisions of that section as so modified are set out in Part 2 of that Schedule.

(4) Express consent may be granted—

- (a) for the display of a particular advertisement or advertisements with or without illumination;

- (b) for the use of a particular site for the display of advertisements in a specified manner, whether by reference to the number, siting, size or illumination of the advertisements, or the structures intended for such display, or the design or appearance of any such structure, or otherwise; or

- (c) for the retention of any display of advertisements or the continuation of the use of a site begun before the date of the application.

(5) The conditions imposed under paragraph (1)(a) may, in particular, include conditions—

- (a) regulating the display of advertisements to which the consent relates;

(b) regulating the use for the display of advertisements of the site to which the application relates or any adjacent land under the control of the applicant, or requiring the carrying out of works on any such land;

(c) requiring the removal of any advertisement or the discontinuance of any use of land authorised by the consent, at the end of a specified period, and the carrying out of any works required for the reinstatement of the land.

(6) In relation to the display of an advertisement within any class specified in Part 1 of Schedule 3, the local planning authority shall not impose any condition more restrictive than those imposed by regulation 6(1)(b) in relation to advertisements of that class.

(7) Subject to paragraph (6), an express consent shall be subject to the condition that it expires at the end of—

(a) such period as the local planning authority may specify in granting the consent; or

(b) where no period is so specified, a period of 5 years.

(8) The local planning authority may specify, as the date on which the period under paragraph (7)(a) is to begin, whichever is the earlier of—

(a) the date of the commencement of the display; and

(b) a specified date not later than 6 months after the date on which the consent is granted.

Consultation Replies

Planning Application – 21/0327

Conservation Officer – No objections to the proposed change of use subject to the inclusion of a planning condition in respect of internal works, if approved.

Designing out Crime Police Officer – No objections but advise that security will be important if granted permission and this can form part of an informative note for the applicants.

Fire Officer – No objections subject to compliance with Approved Document B, Volume 2, Buildings other than Dwellings, 2019 Edition incorporating 2020 amendments – For use in England. This can be included as an informative for the applicant if approved.

Local Highway Authority – No objections

Pollution Control – No objections

Strategic Planning Policy – No objections and advise that, if approved, part (b) of saved UDP Policy S9 will apply.

Advert Application – 21/0329

Conservation Officer – No objections to the revised proposal subject to the inclusion of standard advertisement planning conditions

Local Highways Authority – No objections

Strategic Planning Policy - No objections and advise that, if approved, part (b) of saved UDP Policy S9 will apply.

Representations

Objections from three residents have been received on the following grounds;

- Site was a crime hotspot.
- 24 hour opening inappropriate as this part of town has a high crime reputation.
- Victim of abuse and crime travelling past this venue twice a day during previous ownership of this gambling establishment.

Determining Issues

- Bradford Street Conservation Area (Heritage Asset)
- Principle of Development
- Character and Appearance of Development
- Surrounding Occupiers and Trade
- Flood Risk
- Safety and Security
- Parking and Access

Assessment of the Proposal

Bradford Street Conservation Area (Heritage Asset)

The site is within the immediate setting of a number of Grade II Listed Buildings and war memorial, named above along with 13 Bradford Street which is a locally listed building. Bridge Street is listed on the National Heritage at Risk Register as 'very bad' and 'deteriorating'. There are a number of unsympathetic signs in the Conservation Area, which have a negative impact on the character, appearance and setting of the Conservation Area. This is an area of Level 2 area of sensitivity under AAP Policy AAPLV5 and is within Bradford Street Conservation Area

The building is shown on the Council's historic mapping as early as 1902 and as such is a non-designated heritage asset in the conservation area. The Council's Conservation Officer is of the opinion that the proposed change of use of this premises would not harm the significance of the non-designated heritage asset subject to the inclusion of planning conditions, if approved. The requirement for a planning condition in respect of internal partitioning is being discussed with the Council's Legal Team and will be updated in the supplementary paper.

The initial signage was considered unacceptable and these details were amended by the planning agent in accordance with the recommendations made by the Council's Conservation Officer. Proposed signage would be of timber with mini-trough external, static, lighting and corporate colours would be accepted, subject to final approval in accordance with amended drawing no. BS/WAL/06 Revision A deposited on 6/7/21.

The level of illuminance of the proposed signage is considered to be lower at 250 cdm² than the maximum levels recommended by the Institution of Lighting Engineers, Technical Report Number 5: Brightness of Illuminated Advertisements and is considered acceptable for this identified E4 location.

The proposal is considered to be acceptable in heritage terms and is considered would not harm the setting or appearance of Bradford Street Conservation Area.

Principle of Development

While it is noted that there are already a number of licensed establishments operating along Bridgeman Street or nearby, (i.e. Admiral Casino and PlayLand Amusements, both within 170m) the proposed use may be expected to represent a similar trade draw and cater to the same market as the already permitted lawful use of betting shop. Despite the level of existing provision, the proposal is in-centre and does not need to evidence local need.

The proposal appears to provide an active and well-designed frontage that may be expected to positively contribute to the street scene (AAP Policy AAPS1 Primary Shopping Area and UDP Policy S4 Town and District Centres, General Principles), and in bringing a vacant unit into re-use is not expected to prejudice the retail function of the Primary Shopping Area.

The proposal does not appear to be in contradiction of UDP Policy S9 Amusement Centres and Arcades regarding prejudicial effect on the primary shopping frontage, harm caused by noise or other disturbance to sensitive uses nearby or the appearance of the building within the conservation area, and so the use is considered appropriate in this case.

In the event of a determination to grant permission, part (b) of Saved UDP Policy S9 will apply which states the following requirements;

(b) Where permission is to be granted for a proposal in a retail frontage, the

Council will normally require:-

I. Provision of a shop front and permanent shop window display.

II. Conditions to regulate opening hours to ensure that the use normally operates during shopping hours and that closing times are set so as to limit the impact on any nearby residents - in such situations, the Council will usually impose a condition requiring the premises to close at 23:00 hours Monday to Friday and 23:30 hours on Saturdays - later opening hours and Sunday opening will be considered on their merits.

III. Noise attenuation measures to restrict the impact on the surrounding area including upon nearby residents.

Increasingly town centres are being encouraged to diversify their offer in order to attract increased footfall and compete with other centres. Also the introduction of leisure uses is considered to help bring life into the centre especially at times such as evenings when there would be less activity. It is considered that the proposed use will accord with part d) of UDP S4 and Policy AAPS1 of the Town Centre AAP.

The planning agents have stated that the proposed use will protect and enhance the vitality and viability of this part of the Primary Shopping Area. The proposal involves the bringing back of a vacant unit into beneficial use which will lead to improvements to the appearance and accessibility of the frontage, footfall, linked trips, new jobs, and will assist in diversifying the centre's offer. The letter states that proposed change of use will have no impact on the current retail provision within the centre.

There needs to be a balance between protecting retail uses by resisting alternative uses and ensuring a vibrant shopping area that has fewer vacancies and higher footfall by encouraging a mix of uses. It is considered that in this case there is sufficient retail uses on Bradford Street and Park Street to ensure it remains a primary retail destination.

Given the high levels of vacancies in Walsall it is the Council's opinion that there is a need to encourage the occupancy of vacant units and attract a wider range of uses to increase foot fall and extend the day when customers may wish to use the town centre particularly as a result of the pandemic.

The previous planning proposal for Luda located at 9-11 Park Street has been considered as this gaming premises closed not long after its opening. However on comparison the current application is much smaller with potentially less overheads giving it greater viability. Luda occupied the ground and first floor areas of their premises whilst this location is ground floor only on a smaller scale.

The principle of the proposed use is supported and would enhance the vitality and viability of the town centre by bringing back into use a currently vacant unit within a primary shopping frontage and the conservation area, plus increasing foot fall, helping to diversify the town centre offer, whilst widening the hours of the day when customers will want to visit and use the town centre. There is considered to be a real risk that this premises could remain vacant for some time and this proposal would bring this until back into use.

Character and Appearance of Development

The site is within Bridge Street Conservation Area and the pedestrianised area of Walsall town centre where there are a number of shop frontages, mostly with large glazed frontages that allow for a window displays to be provided to show customers current stock within the premises.

The change of use of the building is considered appropriate in principle from a historic environment perspective, with the main considerations being the appearance and design of the proposed new signage. The details of the timber replacement signage have followed from negotiations with the Council's conservation officer, considered acceptable, fully supported and will enhance, preserve and benefit the visual quality of the Bradford Street Conservation Area.

Surrounding Occupiers and Trade

The proposed use is similar to the previous use of the property although the applicant's planning brochure has explained the differences and how this use has not encouraged or resulted in any significant crime and anti-social behaviour at their other sites.

Consequently it is considered that this proposal would have a limited planning impact on any other surrounding uses in terms of their viability and on other traders and is likely to promote and improve pedestrian footfall and likely to increase trade at this locality.

A Noise Impact Assessment capturing customer behaviour at an existing Cashino site in Hull with a similar backdrop has been submitted in support of this proposal. Whilst this is for a different location the assessment makes a number of observations, including that patrons were typically alone or in a couple or small group and normal-level conversation was the only sound recorded which occurred infrequently. People were occasionally stood outside to smoke and had brief conversations at normal speech level with no shouting or otherwise anti-social behaviour. The behavioural patterns of Cashino patrons that were detected by the noise consultant indicate that patrons do not typically congregate outside of the application site and therefore not impeding local amenity.

The proposals do not involve any extensions or additions to the floor space only refurbishment and upgrading of the premises which is considered will not impact on the amenities of the surrounding occupiers.

Residential apartments at Parzival Court are not visible from Bradford Street and are located next to the application site with the entrance door fronting Bradford Street. Consequently it is considered that hours restricting opening times will be required to protect neighbours amenity. On balance, and subject to the inclusion of safeguarding conditions that meet the 6 tests, it is considered that the impact on residents' amenity will not significantly worsen as a result of this proposal. It should be noted that no objections from nearby residential occupiers have been received.

Flood Risk

The application site is predominantly located within Flood Zone 1 (area of lowest probability for flooding) and on the edge of Flood Zone 2. The applicant's Planning Agent has submitted a Flood Risk Assessment which concludes that the proposal will not increase flood risk at this location, and would not pose a risk to members of the public. It is therefore considered that no conditions are necessary in this regard.

Safety and Security

Three objectors have commented that the application address has a history of crime and anti-social behaviour relating to when this site was a betting shop. However, these objections do not clearly set out the specific concerns in relation to this current proposal being put forward in this planning application. It should be noted that only one objector has provided their address (not within Walsall Town Centre) and the remaining two objectors have not provided any address. It is not therefore possible to determine how these objectors would be impacted by the proposal.

The Designing Out Crime Police Officer has expressed concerns that slot machines premises can attract individuals who have little money and people with addictive personalities including those individuals with none or cheaper accommodation such as houses of multiple occupation, a number of which are in the vicinity of the application site. The Police have commented that the intention to provide complimentary refreshments could act as an attraction to such individuals looking for warmth and sustenance with the resulting temptation to spend what little money they have in slot machines.

The planning agent has advised that their clients would normally request 24 hour opening and this has been secured at many locations across the Midlands including in nearby Lichfield. The Planning agent has advised that the use doesn't attract large groups and that the games are played internally on tablets so the attraction is for individuals or couples. The set up internally, doesn't allow groups to congregate around a single machine as customers log-in to virtual live games as individuals only. The agent has clarified that this business operates very differently from other licensed premises and as a result attract a different clientele. They do acknowledge that there may be incidences of anti-social behaviour within the area, but have advised that no specific evidence has been presented that a well operated Casino Adult Gaming Centre will give rise to significant levels of antisocial behaviour and exacerbate existing issues.

The police have confirmed that between March 2020 and July 2021 there have been 29 incidents of crime along the length of Bradford Street but do not raise any objections to this proposal subject to provision of adequate security and have recommended the applicants' follow the principles of Secure by Design specifications and install CCTV if approved. As these are matters for the tandem licensing regime falling outside the scope of the planning process these recommendations can be included as an informative note for the applicants.

As an alternative to 24 hour opening hours, the Planning Agent has advised that midnight close Mon-Thurs and 2.00am Fridays and Saturdays would be considered acceptable if approved. They have commented that many units would be operating at these times (i.e. takeaways, clubs etc.) on Fridays and Saturdays.

However this site is adjacent to residential accommodation at 13-14 Bradford Street known as Parzival Court and it is therefore considered that operating hours should be limited to a midnight closure. Proposed permitted opening hours of 8:00hrs to midnight Mondays to Saturdays and 9:00hrs to midnight on Sundays and Bank Holidays at all times are recommended and will be secured by condition on any approval.

On balance, and subject to the inclusion of safeguarding conditions that meet the 6 tests, it is considered that the impact on any potential anti-social behaviour should not significantly worsen as a result of this proposal.

Parking and Access

This is a Town Centre location with access to various modes of transport and parking facilities. This is considered to be a sustainable location and the Local Highways Authority have no objections to the proposal on highways grounds.

Conclusions and Reasons for Decision

In weighing the material planning considerations, taking into account the local and national planning guidance and neighbour comments, it is considered the principle of the proposed use is supported and would enhance the vitality and viability of the town centre by bringing back into use a currently vacant unit within a primary shopping frontage and the conservation area, plus increasing foot fall, helping to diversify the town centre offer, whilst widening the hours of the day when customers will want to visit and use the town centre. There is considered to be a real risk that this premises could remain vacant for some time and this proposal would bring this until back into an appropriate town centre use.

In weighing the planning balance concerns regarding attracting vulnerable individuals are noted and have been considered. The proposed slot machines offer low stakes between 10p and £2 and the applicants' advise that the average stake from a customer is only 30-40p. In this instance it is considered that the potential risks to customers can be minimised by restricting the permitted opening hours as set out in the report, with the premises closing overnight.

The proposal is not in contradiction of UDP Policy S9 Amusement Centres and Arcades regarding prejudicial effect on the primary shopping frontage, harm caused by noise or other disturbance to sensitive uses nearby or the appearance of the building within the conservation area, and so the use is considered appropriate in this case.

With regards to the fear of crime expressed by residents this has been noted and considered as part of this assessment. Whilst there are 29 recorded incidents of crime in the previous 16 months along the length of Bradford Street the Police have raised no objections to the proposal subject to there being adequate security and have recommended the applicants' follow the principles of Secure by Design specifications and install CCTV if approved, and as these are matters for the tandem licensing regime these can be included as an informative note for the applicants.

The proposed new signage and illuminance levels are considered appropriate for this Town Centre location within the Bradford Street Conservation Area.

Taking this all into account it is concluded that the benefits of this proposal are outweighed the disadvantages and that this proposal would not conflict with the policies of the development plan. The use of safeguarding conditions in respect of the portioning works, use, opening hours and advertisement controls will further ensure that the Conservation Area and amenity is protected and 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.

As such the development is considered to meet the aims and objectives of the National Planning Policy Framework, policies CSP4, CEN4, ENV2, ENV3 and ENV5 of the Black Country Core Strategy and saved policies GP2, GP5, GP6, ENV14, ENV27, ENV28, ENV32, ENV35, S1, S2, S4, S9, T7 and T13 of Walsall Unitary Development Plan; Policies EN5 and T4 of Walsall' Site Allocation Document; policies AAP1, AAP51, AAPLE1, AAPLV5, AAPLV6 and AAPT5 of Walsall Town Centre Area Action Plan and Supplementary Planning Document policies DW1, DW2, DW3, DW4, DW5, DW6, DW7, DW8, DW9, DW10 of Designing Walsall and policies SF4, SF6 and SF7 OF THE Shop Front SPD.

Taking into account the above factors it is considered that the application should be recommended for approval. The economic and social benefits in this instance are considered would not have an unacceptable impact on the environment.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the initial design of the proposed signage, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation

1. Planning Committee resolve to Delegate to the Head of Planning and Building Control to Grant Planning Permission Subject to Conditions and subject to;
 - No further comments by a statutory consultee raising material planning considerations not previously addressed; and
 - The amendment and finalising of conditions.
2. Grant advertisement consent subject to planning conditions

Planning Application Conditions – Reference No. 21/0327

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 Plan, deposited 24/02/21
- Existing Floor Plan, drawing no. BS/WAL/01 deposited 24/02/21
- Proposed Ground Floor Plan, drawing no. BS/WAL/05 Rev. A deposited 24/02/21
- Appendix 1, Working Together, deposited 24/02/21
- Appendix 2, Noise Assessment, deposited 24/02/21
- Letter from Planning Potential dated 22/02/21 including Design and Access and Heritage information, deposited 23/03/21

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

3: The development hereby permitted shall be used only as an electronic bingo centre and slot machines that are not fixed odds betting terminals with ancillary non-alcoholic refreshments such as teas, coffees and soft drinks, and for no other purpose at any time.

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

4: The development hereby permitted shall not be open to customers otherwise than between the hours of 08:00am hours to 24:00pm hours Mondays to Saturdays and 09:00am hours to 24:00 hours Sundays, Bank and Public Holidays (*see Notes for Applicant).

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

Advertisement Consent Conditions – Reference No. 21/0329

1. The adverts are hereby approved for 5 years during the period of 9/9/21 to 9/9/26.

Reason: Pursuant to the requirements of Part 3 Section 14(7) (8) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As amended).

2. The development shall only be carried out in accordance with the following documents and drawings:

- Proposed Fascia Sign and Projecting Sign Details, drawing no. BS/WAL/06 Rev. A, deposited 06/07/21
- Site Plan, deposited 24/02/21

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. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: It is a requirement of the Regulations that the site owner's permission be obtained before any advertisement is displayed.

4. No advertisement shall be sited or displayed so as to-

- Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- Obscure, or hinder the ready interpretation of, any traffic sign, railway signal, or aid to navigation by water or air; or
- Hinder the operation of any device used for the purpose of securing or surveillance or for measuring the speed of any vehicle.

Reason: In the interest of public safety.

5. Any advertisement displayed, and any site used for the displaying of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: To ensure the satisfactory appearance of the development

6. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: In the interest of public safety and amenity

7. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair on visual amenity.

Reason: In the interest of public safety and amenity

8. The hereby approved internally illuminated fascia signs as shown on approved plans shall not exceed 250 cdm2 luminance levels at any time.

Reason: To ensure satisfactory appearance in the Conservation Area and in the interest of public safety and amenity and to comply with UDP Policies ENV29, ENV32 and GP2.

Planning Application – Reference No. 21/0327

This permission does not grant consent for any security shutters for which a separate application will be required. Further advice regarding the appropriateness of security shutters can be found in the Councils Shop Front SPD as well as contacting the conservation officer conservation@walsall.gov.uk.

Fire Officer

Comments on the internal layout will be made at the Building Regulation Application stage. Please also consider that if the fascia sign consists of luminous tube signs, designed to work at a voltage normally exceeding the prescribed voltage then it is required to be provided with a cut-off switch. This is in accordance with The Regulatory Reform (Fire Safety) Order 2005, PART 5 MISCELLANEOUS, Section 37. Fire-fighters' switches for luminous tube signs etc.

Approved Document B, Volume 2, Buildings other than Dwellings, 2019 edition incorporating 2020 amendments – for use in England

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the

building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

- a. External access enabling fire appliances to be used near the building.
- b. Access into and within the building for firefighting personnel to both:
 - i. search for and rescue people
 - ii. fight fire.
- c. Provision for internal fire facilities for firefighters to complete their tasks.
- d. Ventilation of heat and smoke from a fire in a basement.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult)

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)

Buildings fitted with fire mains

15.4 For buildings fitted with dry fire mains, both of the following apply.

- a. Access should be provided for a pumping appliance to within 18m of each fire main inlet connection point. Inlets should be on the face of the building.
- b. The fire main inlet connection point should be visible from the parking position of the appliance, and satisfy paragraph 16.10.

15.5 For buildings fitted with wet fire mains, access for a pumping appliance should comply with both of the following.

- a. Within 18m, and within sight of, an entrance giving access to the fire main.
- b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency.

15.6 Where fire mains are provided in buildings for which Sections 16 and 17 make no provision, vehicle access may be as described in paragraphs 15.4 and 15.5, rather than Table 15.1.

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 fire mains

16.2 Buildings with firefighting shafts should have fire mains in both of the following.

- a. The firefighting shafts.
- b. Where necessary, in protected escape stairs. The criteria for providing firefighting shafts and fire mains are given in Section 17.

16.3 Buildings without firefighting shafts should be provided with fire mains where fire service vehicle access is not provided in accordance with Table 15.1. In these cases, outlets from fire mains should be located as described in paragraph

16.4, with a maximum hose distance of 45m from the fire main outlet to the furthest point, measured on a route suitable for laying a hose. Stairs do not need to be designed as firefighting shafts.

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 Supplies

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

Section 17: Access to buildings for firefighting personnel

Provision of firefighting shafts

17.2 A building with a storey more than 18m above the fire and rescue service vehicle access level should have one or more firefighting shafts containing a firefighting lift. The number and location of firefighting shafts should comply with paragraphs 17.4 to 17.7. Firefighting shafts are not required to serve a basement that is not large or deep enough to need one (see paragraph 17.3 and Diagram 17.2).

17.3 A building with basement storeys should have firefighting shafts in accordance with the following.

- a. There is a basement more than 10m below the fire and rescue service vehicle access level. The firefighting shafts should contain firefighting lifts.
- b. There are two or more basement storeys, each with a minimum area of 900m². The firefighting shafts do not need to include firefighting lifts.

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)

Designing Out Crime Police Officer

Alarm and CCTV installers should be approved by NSI, SSAIB or both

See <https://www.nsi.org.uk/> and <https://ssaib.org/>

Recommend security using the principles of Secured By Design.

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

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

Below is a link to 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.

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

Condition no. 5

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



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 09 September 2021

Plans List Item Number: 4

Reason for bringing to committee

Called in by a Councillor

Application Details

Location: 13, BUCHANAN ROAD, WALSALL, WS4 2EW

Proposal: DEMOLITION OF NO. 13 BUCHANAN ROAD AND ERECTION OF 2 DETACHED DWELLINGS FRONTING BUCHANAN ROAD

Application Number: 20/1608

Case Officer: Sally Wagstaff

Applicant: Mr J Patel

Ward: St Matthews

Agent: Fox Architects Ltd

Expired Date: 12-Mar-2021

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

Time Extension Expiry:

Recommendation

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

- No new material considerations being received; and
- The amendment and finalising of conditions.



Before the Planning Committee meeting of 21st June 2021, and at the applicant's request, this item was deferred to allow time for additional supporting information to be submitted to the Local Planning Authority in response to the objection received by the Council's Tree Officer.

The following section of this update report will set out any changes since the original report (which follows), including matters to be addressed which were contained within the previous supplementary paper.

Supplementary Paper

The supplementary paper confirmed the item was removed from the 21st June Planning Committee meeting.

There were no other matters contained within the previous supplementary paper relating to this item.

Any Other Updates

The following matters have been updated to clarify some matters relating to the assessment:

Additional information and amended plans

A further site visit was carried out on 24th June 2021 by the Planning case officer, Council's Tree Officer, Planning Agent and applicant to discuss the LPAs recommended reason for refusal of the application. Following this visit amended and additional information has been submitted in support of the application in relation to protected trees on site as described below:

- 13A and 13B labelled Tree photograph - 24/06/21 – Indicates the trees proposed to be retained and removed.
- 13A and 13B Sun Study, rev 01 24/06/21 – superseded.
- Drawing schedule - 30/06/21 - clarifies the relevant drawings for consideration by the planning case officer.
- Proposed Site Plan, 20-005 drawing no. P00-003 Rev 5 - 30/06/21 – indicates the position of the protected trees on site which are to be retained and removed. Changes to the layout of the driveway including additional planting to the front of the site.
- 13A and 13B Sun Study Rev B 30/07/21 – amended with the tree at 100% density and a radial crown spread of 14 metres as discussed with Tree Officer.
- Sun Study Perspective 01 30/07/21 - visualisation of shading.
- Sun Study Perspective 02 30/07/21 – visualisation of shading.
- Sun Study Perspective 03 30/07/21 – visualisation of shading.
- Sun Study Perspective 04 30/07/21 – visualisation of shading.

Subsequent changes have also been made to proposed floor plans and elevations to reflect the updated proposed site plan. Local residents and consultees have been consulted on the amended plans and additional information submitted. Comments received in response to this are set out below.

Consultee comments

Local Highways Authority – Support application subject to condition to secure parking and vehicle manoeuvring areas (26/08/2021).

Tree Officer – No objection. The submitted additional details show that at least 50% of the private amenity space to the rear of both proposed plots (13a and 13b) would receive at least 2 hours of direct sunlight as at March 21st. Whilst it is marginal, the shading does not appear to fall foul of relevant guidance on these matters (site Layout Planning for Sunlight and

Daylight (section 3.3 Gardens and Open Spaces), Littlefair, Paul J, BRE Trust), and there is no other available evidence to counter the argument put before us. An objection cannot therefore be sustained.

Therefore, on balance, the existing tree constraints are not significant enough to warrant consideration of this application for refusal in this instance. No objections to this application due to the lack of significant Arboricultural implications (20/08/2021).

Representations

15 objections have been received by 4 separate residential addresses following the publication of the previous committee report, and in response to re-consultations on the above amended documents and additional information. Concerns raised relate to (*Officer comments in italics*):

- Error made in committee report in relation to trees which are proposed to be removed (*clarity on this matter is provided below*).
- Request for case officer and manager site visit (*the planning case officer visited the site on two occasions as part of the assessment of the application*).
- Works being carried out on behalf of applicant in proximity to a third party protected Tree (*The Council's Tree Officer is satisfied works to the gas line have not affected root protection area of a third party tree*).
- Proposal would have detrimental impact upon the character of the area in relation to plot size, footprint of proposed property, gap between properties and proposed tree removal (*these points are already covered in the original planning committee report copied below*).
- Privacy lost due to position of habitable room windows within no. 11a Buchanan Road – officer report has error in relation to side windows within proposed 13a (*clarity is provided on this matter below*).
- Request for a Dusk Emergence and Dawn Re-entry Surveys to be carried out (*this matter is already covered in the original committee report copied below*).
- Dispute the removal of G19 x 2 Lawson Cypress Trees (*The Council's Tree officer has visited the site and inspected the trees and considers that due to poor health these trees can be removed*).

For clarity the Trees to be removed from the site are as follows:

Trees to be removed

- G19 2 x Lawson Cypress Trees
- T20 Rowan Tree
- T24 Ash Tree

Replacement Tree

- 1 x Semi mature Rowan Tree planted in location of G19 to provide additional screening to adjacent garden no. 11a Buchanan Road.

Additional Planting

- 1 x Semi mature Cherry Tree to be planted within landscaping to the front of no. 13A
- Hedge row to be planted to front boundary with public highway of both 13A
- and 13B.

On the 1st April 2021 Planning Committee resolved to Grant Permission for Works to Protected Trees in relation to a separate tree application reference 20/1572 at 13 Buchanan Road. Members requested that officers consider new tree planting for any future development on this site. For clarity, the approved works to protected trees approved within 20/1572 relates

to the land rear of no. 13 Buchanan Road which falls outside the redline boundary of this current application site, as shown in blue on the location plan. As the trees to be removed do not form part of this current application site, a request for additional tree planting in this location has not been necessary.

For clarity the description of the site and surroundings has been amended as follows:

Following removal of the proposed third dwelling off Cameron Road, the description has been updated to state:

“Demolition of no. 13 Buchanan Road and erection of 2 detached dwellings fronting Buchanan Road”

The submitted amended plans show an area of land to the rear of the proposed gardens to the two dwellings fronting Buchanan Road which is indicated in blue as being within the ownership of the applicant. This land does not form part of the application site and would be retained as residential garden land serving No.15 Buchanan Road.

For clarity the following sentence within the officer assessment of Design, Layout and Character should read as follows:

It is considered that the proposed reduction in garden size would not undermine the character of the area.

The detail of the windows within the side elevation of no. 13a has been rephrased and expanded:

Within the ground floor side elevation of the proposed properties are two windows and a door; including a w.c and utility door and secondary window to the kitchen dining area. The agent has advised the windows on the western elevation facing no. 11a will be obscurely glazed as to limit the potential for overlooking neighbouring habitable room windows. A suitably worded condition is recommended to this affect.

When taking account of a 1.8m high boundary fence between these neighbours, it is considered that the proposal would not result in an undue loss of privacy enjoyed by the two immediate neighbouring properties subject to the above condition.

Trees / Protected Trees and Vegetation

The planning application was deferred from 21st June Planning Committee at the request of the applicants planning agent in order to allow time for additional supporting information to be provided in relation to the objection received by the Council's Tree Officer.

The Tree Officer met the applicant and agent on site to discuss the scheme and supporting information which would be required in order to make a full assessment on the potential impacts the development on protected trees on the site.

After reviewing the health of G19 2 x Lawson Cypress Trees on site the Tree Officer considers due to a compression fork in the northern tree, removal is acceptable. There is no longer an objection to its removal. The Tree officer has confirmed that a replacement semi mature Rowan Tree to be planted in that location provide additional screening to adjacent garden no. 11a Buchanan Road.

H25 is a small group of Cypress Tree's within the driveway of the applicant's property no. 15 Buchanan Road. Further to discussions with the Tree officer, the hard surfacing of the driveway of no. 13b has been moved away from H25 which is considered acceptable in terms of retention of these trees. The objection has been removed in relation to this matter.

Further to the objection from the Tree Officer in relation to the T23 Oak being a constraint in relation to the daylight and shading to the rear gardens of the proposed properties a sun study has been provided in which the Tree Officer considers the details show that at least 50% of the private amenity space to the rear of both proposed plots (13a and 13b) would receive at

least 2 hours of direct sunlight as at March 21st. Whilst it is marginal, the shading does not appear to fall foul of the guidance on this matter (Site Layout Planning for Sunlight and Daylight (section 3.3 Gardens and Open Spaces), Littlefair, Paul J, BRE Trust). Whilst this guidance does not form part of the Council's adopted suite of Supplementary Planning Documents it does provide a helpful benchmark as part of an assessment and in the absence of any other available evidence to counter the argument put before us and, on balance, a refusal would not be warranted in this instance.

The Tree Officer has confirmed minor crown lifting as agreed with the planning agent is acceptable to the T23 Oak.

Overall it is considered the existing tree constraints are not significant enough to warrant consideration of this application for refusal. There are no objections from the Council's Tree Officer due to the lack of significant Arboricultural implications.

A condition is recommended for a Tree Protection Plan to ensure preservation of protected trees on site.

Conclusion

To conclude, it is therefore considered that the proposal is unlikely to cause significant harm to protected trees and therefore the proposal accords with saved policies GP2, ENV18 and ENV23 of the Walsall Unitary Development Plan, policy ENV1 of the Black Country Core Strategy and the National Planning Policy Framework.

The application has overcome the previous recommended reason for refusal and the updated recommendation is therefore:

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

- No new material considerations being received; and
- The amendment and finalising of conditions.

Recommended 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:

- Proposed Site Plan, drawing no. P00-003 Rev 05. Submitted 30/06/21
- Proposed Ground Floor Plan, drawing no.P01-003 Rev.09 submitted 30/06/21
- Proposed First Floor Plan, drawing no. P01- 004- Rev. 09. Submitted 30/06/21
- Proposed Second Floor Plan, drawing no. P01 -005 Rev. 09. Submitted 30/06/21
- Proposed Roof Plan, drawing no. P01- 006. Submitted 30/06/21
- Existing & Proposed Street Scene Trees Omitted, drawing no. P02-002- Rev 04 Submitted 30/06/21
- 13A & B Proposed Front Elevations – South, drawing on. P02-003- Rev 10, submitted 30/06/21
- 13A Proposed Side 01 Elevation – West, drawing no. P02-004 Rev 06, submitted 30/06/21
- 13A & B Proposed Rear Elevations – North, drawing no.P02-005-Rev 06, submitted 30/06/21

- 13A Proposed Side 02 Elevation – East, drawing no. P02-006-Rev 06, submitted 30/06/21
- 13B Proposed Side 01 Elevation – West, -drawing no. P02-007-Rev 06, submitted 30/06/21
- 13B Proposed Side 02 Elevation, drawing no. P02-008-Rev 06, submitted 30/06/21
- East Existing & Proposed Street Scene, drawing no. P02-009-Rev 06, submitted 30/06/21
- Phase 1 Bat Survey carried out by Ridgeway Ecology Ltd date 16th July 2020, updated 21st February 2021.

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. a. Prior to commencement of the development hereby permitted an intrusive pre-demolition asbestos survey in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers shall be submitted to and approved by the Local Planning Authority. The scheme shall:

- i. be written by a suitably qualified person
- ii. demonstrably identify potential sources of asbestos contamination and
- iii. detail removal.

b. Prior to occupation of the development hereby permitted a written Validation Report shall be submitted to and agreed in writing with the Local Planning Authority.

c. All contaminated material to be removed from the site shall be removed by a licensed waste carrier to a facility that is licensed to accept it.

Reason: To ensure any potentially hazardous asbestos associated with the buildings or their previous use in accordance with saved policies GP2 and ENV14 of Walsall's Unitary Development Plan.

4a. 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:

1. Construction working hours
2. Loading and unloading of materials
3. Storage of plant and materials used in constructing the development
4. A scheme for recycling/disposing of waste resulting from construction works
5. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
6. Measures to prevent flying debris
7. Dust mitigation measures (particularly as the contaminated land investigation has indicated that land is contaminated)
8. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)

9. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

b. 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.

6. Prior to the commencement of development:

1. details of protective fencing and ground protection to be installed around all retained trees shall be submitted in writing to and approved in writing by the Local Planning Authority
2. The protective fencing and ground protection shall be installed in accordance with the approved details
3. One month's written notice of the intention to commence development shall be given to the Local Planning Authority to allow the Council's Arboricultural Officer to fully inspect the installation of the protective fencing and ground protection

b. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved details before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

c. Nothing shall be stored or placed nor any fires started, any tipping, refuelling, disposal of solvents or cement mixing carried out inside the protective fencing or on the ground protection referred to in part a to this condition. Ground levels within protective fencing and on ground protection areas shall not be altered nor shall any excavation or vehicular access or drainage routes be made.

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

Reason: To preserve and enhance the visual amenities of the locality in accordance with Saved Policy ENV18 of the UDP and Conserving Walsall's Natural Environment SPD.

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, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

b. 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 Walsall's Unitary Development Plan.

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.

b. 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.

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

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

c. 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. Prior to first occupation of the development hereby permitted a brick bat box shall be incorporated into the proposed south west elevation of each of the two proposed. The bat box shall be located away from windows or lights.

b. The entrance to the brick bat 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.

11a. Prior to first occupation of the development hereby permitted at least three bird boxes shall be provided on the site shall thereafter be retained as such. The bird 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 and shall be spaced as far apart from one another as possible.

b. The entrance to the 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.

12a. Prior to first occupation 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.

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

c. 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.

13.a. Prior to first occupation of the development hereby permitted details of an Air Quality Low Emission Scheme to install electric-vehicle charging points and Ultra-Low NOx boilers shall be submitted in writing to and agreed in writing by the Local Planning Authority.

b. Prior to first occupation of the development the approved electric vehicle charging points 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.

14 a. Prior to the first occupation of any part of the development hereby approved all parking and vehicle manoeuvring areas shall be fully consolidated with permeable paving or hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway

b. 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.

14. Notwithstanding the details as submitted and prior to the first occupation of any part of the proposal hereby approved, west side elevation shall to obscurely glazed to meet Pilkington level 4 or equivalent and be retained thereafter.

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

Notes to applicant

Protected Species

Bats

The development of the site provides an opportunity to improve the roosting opportunities for bats within the area. Bats could be encouraged to roost within the site by Creating access to the cavities between the tiles, lining and battens on the south-east or south-west roof pitches of the new buildings (e.g. Figure 2; Photograph 25). A bitumastic lining (e.g. 1F Roofers (BS747) Felt) must be laid over the modern breathable membrane (if this is used) within these cavities to prevent bats becoming entangled in the fibres of the breathable membrane. To prevent bats moving onto the breathable membrane at the end of the cavities, a block of wood must be installed between the laths.

Newts

The grass must continue to be kept close to ground level by mowing or clearing before development and must be maintained in that condition until the development is complete.

☐ During construction, storage of materials should be kept on raised pallets, to avoid creating potential shelter opportunities for reptiles and great crested newts.

□ If at any point during these activities or any other stage during works, a great crested newt is discovered, all work must stop and a suitably licensed ecologist must be consulted.

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.

West Midlands Fire Service

Requirement B5: Access and facilities for the fire service

These sections deal with the following requirement from Part B of Schedule 1 to the Building Regulations 2010.

Requirement

Limits on application Access and facilities for the fire service B5.

(1) The building shall be designed and constructed so as to provide reasonable facilities to assist fire fighters in the protection of life.

(2) Reasonable provision shall be made within the site of the building to enable fire appliances to gain access to the building.

Intention

Provisions covering access and facilities for the fire service are to safeguard the health and safety of people in and around the building. Their extent depends on the size and use of the building. Most firefighting is carried out within the building. In the Secretary of State's view, requirement B5 is met by achieving all of the following.

- a. External access enabling fire appliances to be used near the building.
- b. Access into and within the building for firefighting personnel to both:
 - i. search for and rescue people
 - ii. fight fire.
- c. Provision for internal fire facilities for firefighters to complete their tasks.
- d. Ventilation of heat and smoke from a fire in a basement.

If an alternative approach is taken to providing the means of escape, outside the scope of this approved document, additional provisions for firefighting access may be required. Where deviating from the general guidance, it is advisable to seek advice from the fire and rescue service as early as possible (even if there is no statutory duty to consult)

Section 13: Vehicle access

Provision and design of access routes and hard-standings

13.1 For dwelling-houses, access for a pumping appliance should be provided to within 45m of all points inside the dwelling-house.

13.3 Access routes and hard-standings should comply with the guidance in Table 13.1.

13.4 Dead-end access routes longer than 20m require turning facilities, as in Diagram 13.1. Turning facilities should comply with the guidance in Table 13.1.

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 1, Table 13.1)

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

Where sprinklers in accordance with BS 9251:2014 or BS EN 12845:2015 are fitted throughout a house or block of flats:

a) the distance between a fire appliance and any point within the house (in houses having no floor more than 4.5m above ground level) may be up to 90m:

b) the distance between the fire and rescue service pumping appliance and any point within the house or flat may be up to 75m (in houses or flats having one floor more than 4.5m above ground level) (BS 9991:2015 50.1.2).

Blocks of flats with a floor more than 30m above ground level should be fitted with a sprinkler system, throughout the building (ADB Vol 1, Section 7)

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 1, Section 7)

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)

Air Quality

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

The electric vehicle charging point provision for residential premises is a charging point per residential premise or Units with unallocated parking e.g. apartments – 1 charging point per 10 spaces, complying with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw.

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.

Ultra-low NOx boilers discharge NOx at or below 40mg/kWh. The latest models are futureproofed to the European Union's Energy-related Products Directive 2018 NOx levels. At the same time, they meet the EU standard EN15502 Pt 1 2015 Class 6 for NOx, and may be eligible for maximum BREEAM credits, helping contribute to a higher environmental building rating.

Severn Trent Water

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

Protected Trees

You are reminded that the trees within the curtilage/boundary of 13 and 15 Buchanan Road, Walsall, are protected by The Walsall Tree Preservation Order No. 13/2020. It is a 'Area' Order, specifying the "All trees of whatever species within the area marked A1" as being protected. Anyone who, in contravention of a tree preservation order, cuts down, uproots, wilfully destroys, tops, lops, or wilfully damages a tree is guilty of an offence. Anyone found guilty of this offence is liable, if convicted in the Magistrates Court, to a fine of up to £20,000. In serious cases a person may be committed to trial in the Crown Court and, if convicted, is liable to an unlimited fine.

THE ORIGINAL REPORT FOLLOWS:

Reason for bringing to committee:

Called in by a Councillor

Recommendation:

Refuse

Proposal

The proposal relates to the demolition of no. 13 Buchanan Road and erection of two detached dwellings fronting Buchanan Road. The properties are of three stories with four bedrooms in each dwelling.

The dwellings measure:

- 10 metres in width
- 15 metres in depth
- 5.8 metres to the eaves
- 9 metres to the ridge

The new dwellings would provide the following accommodation:

- Ground floor – living room, snug, office, wc, utility and kitchen diner
- First floor – three bedrooms, bathroom, one bedroom with en-suite
- Second floor – Attic

The external facing materials include brick to the ground floor, render to the first floor and attic window and a clay tile roof.

The original proposal included two dwellings facing Buchanan Road and one facing Cameron Road. The property facing Cameron Road has been omitted from this application as a result of discussions with the agent regarding concerns on this aspect of the scheme.

The amended design also includes:

- Roof height reduction
- A dormer window within the roof space
- Half hip and gable roof design
- Gable to the front elevation
- Canopy above ground floor
- Obscurely glazed side elevation windows

Local residents and interested parties have been re -consulted on amendments to the application including the change to the description of development. Amended site notices were also put up on Buchanan Road and Cameron Road to alert local residents to the change in the description of development.

The application is accompanied by the following:

- Arboricultural Impact Assessment produced by Eden Arboriculture Ltd December 2020
- Phase 1 Bat Survey produced by Ridgeway Ecology - 16th July 2020
- Updated Bat Survey produced by Ridgeway Ecology – 21st Feb 2021
- Planning Statement produced by Landmark Planning – December 2020
- Ecology response produced by Ridgeway Ecology – 13th April 2021

The agent has also submitted the following points in response to some of the concerns raised by local residents:

- A street scene has been provided showing the roof level in-between number 11A & 13A,
- It has been stated that the new dwelling would take light away from those on the opposite side of Buchanan Road but these are to the south-west of number 13 so there will be no loss of light.
- No 18-20 are already 3 storey dwellings and are obscured by a large tree with TPO in place and the properties are at an oblique angle so there will be no direct views.
- For number 22 – there is an existing low-level tree planted on the front garden that shields the ground floor windows and this will be reinforced by the planting of a semi-mature tree in number 13B garden. This tree will then obscure any view from 13A of number 22.
- From plot 13B the window positions would not differ from that of the existing dormer bungalow and if this was still felt to be an issue a further tree could be planted to provide more obscuring.
- There is only one first floor window on number 22, all the light and views would be from the 12 existing roof lights and side facing dormer. A point to note is the on the front of both 13A & B, the central first-floor windows are obscure glass to the en-suite rooms.
- Concerning number 24 there are more windows to the front but the existing mature coniferous trees retained on the boundary of number 15 obscure out all views from 13b to number 24 as noted by the separation distance maker on the attached plan. The separation distance between 13a and number 24 is 40 metres and is at such an oblique angle there is no direct view of the properties.
- The 2 new dwellings have 3 spaces demarked which allow a car to enter and leave the driveway in a forward motion. If a car can reverse out on the road which is commonplace to virtually every house along Buchanan Road there is space for a further 2 cars in each driveway. Which would allow for visitor parking.
- As noted in the planning statement the parking ratios are per Walsall Councils' highways policy. The site is in a very sustainable location and there will be no impact on the existing highway infrastructure.

Site and Surroundings

The site currently hosts a dilapidated detached dormer bungalow set within a large plot. The bungalow is set back from the highway with an 'in' and 'out' driveway and a small grassed

area to the front elevation. The plot is approx. 23 metres in width with a rear garden approx. 25 metres in length. The land level increases towards the rear boundary. The boundary joins the public highway of Cameron Road. The site has a disused garage and existing dropped kerb for access into the site from Cameron Road.

The site, along with neighbouring property no. 15 has an area TPO. There are a number of protected trees and vegetation within the rear garden area.

The site lies adjacent to Arboretum Conservation Area. Properties opposite the site are included within the Conservation Area, their rear gardens adjoin the boundary with the Arboretum Park.

The area has a residential character which consists of a mix of large detached houses, semi-detached properties and bungalows of individual design, styles, sizes and ages.

The neighbouring houses include:

11a Buchanan Road

No. 11a Buchanan Road sits to the east of the site and is two storey detached property on the corner of Buchanan Road and Cameron Road. The property has recently undergone extensions to the front and rear with a detached garage. The planning approval included render to the front elevation and the use of timber cladding to the rear. The property has 4 ground floor side elevation windows facing into the site which serve a playroom and living area. The first floor side elevation window serves a bedroom. There is a separation distance of approximately 5 metres between the proposal and the side elevation of this property.

15 Buchanan Road

No. 15 Buchanan Road sits to the west of the site and is a two detached property, traditional in design with two gable features to the front elevation. The property has a garage with dormer window which abuts the application site. The property has a number of extensions. There is a separation distance of approximately 1 metre between the proposal and the side elevation of this property.

This property is also within the ownership of the applicant.

22 Buchanan Road

No. 22 Buchanan Road lies opposite the site within Arboretum Conservation Area. The property is a rendered detached bungalow. There is a separation distance of over 30 metres between the application property and this dwelling.

20 Buchanan Road

No. 20 Buchanan Road lies opposite the site within Arboretum Conservation Area. The property is two storey end of terrace dwelling of arts and crafts design with a small gable which extends into the roof space. This property forms the first in a row of 6 terraced properties which are all similar in design. There is a separation distance of over 30 metres between the application property and this dwelling.

Relevant Planning History

20/1572 - T1 Rowan Tree - Fell to ground level. G1 Ash Trees - Fell to ground level. G2 Elder and Prunus Tree - Fell to ground level. G3 x4 Ash trees and 1 Prunus tree - fell to ground level. Grant Consent to Conditions 01/04/21.

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 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.

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
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP4: Place Making
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality

Walsall Site Allocation Document 2019

- EN1: Natural Environment Protection, Management and Enhancement
- T5: Highway Improvements

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Air Quality SPD

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

Consultation Replies

Local Highways Authority

Support application

Pollution Control

No objection. Conditions are required to install ultra-low NOx boilers and electric vehicle charging points, and to control impacts during construction activities.

Severn Trent Water

No objections and no drainage condition required. An Informative has been provided for the applicant.

Strategic Planning Policy

No objections- The proposal will add to the supply of housing and can potentially be supported by the NPPF paragraph 59, subject to the impact on trees, bats and residential amenity.

Tree Preservation Officer

Objection – Proposal has an unacceptable impact on the protected trees through the removal of G19, the likelihood of premature decline/death or instability of H25 and the pressure to significantly prune T23 to allow any future occupiers reasonable enjoyment of their properties.

West Midlands Fire Service

Support application subject to compliance with Building Regulations

Representations

51 objections have been received by 22 addresses over the course of the application. On submission of amended plans which includes omitting the proposed property facing Cameron Road and changes to the design of the two properties on Buchanan Road, local residents and interested parties have been re-consulted. The previously proposed property on Cameron Road does not therefore form part of the assessment of this current application. Comments received relating solely to this aspect of the superseded scheme are no longer material considerations in the determination of the application.

The grounds for objection relating to the amended scheme for the two properties on Buchanan Road are as follows:

Officer comments in italics

- Congestion on Buchanan Road due to visitors of the Arboretum, an additional household will increase this.
- The properties will not be able to accommodate 3 car parking spaces each off road resulting in parking on street
- Loss of privacy to properties on Buchanan Road due to elevated plot and three storey properties overlooking habitable rooms
- Loss of privacy due to proposed window positions in relation to immediate neighbour's property.
- Overdevelopment of the site due to scale, mass and number of properties proposed - site suitable for a single dwelling
- Development is not appropriate immediately adjacent Walsall Arboretum Conservation Area
- Design of the two properties is not in keeping with character and appearance of the area in relation to footprint, height, gaps between properties.
- Reduction in garden sizes is not representative of gardens on Buchanan Road
- No. 15 Buchanan Road has had a number of extensions which increases footprint over and above those of neighbouring properties (*The previous extensions and overall size of no.15 Buchanan Road do not form part of the assessment of this application*)
- The applicant is misleading local people by removing the bungalow on Cameron Road to submit a new application at a later date. (*This application does not preclude the applicant submitting further applications on the site*).
- Proposal would set a precedent for future development of this nature(*Each application is assessed on it's individual merits*)
- Proposal would result in the removal of a large amount of top soil and sub soil to reduce the height of properties which would impact the environment and neighbouring properties
- Excavation for the new property could result in subsidence to neighbouring property (*The proposal is required to meet the relevant building regulations for excavations of foundations, nevertheless the neighbouring resident may wish to seek party wall advice. This is a civil matter and is not a material planning consideration*).
- Proposal results in a loss of trees and ecological habitats including habitats for bats, hedgehogs, foxes, squirrels and possibly newts.
- Bat survey carried out in the winter - An emergence and re- entry should be carried out in the summer months as recommended by Bat Conservation Trust (*The initial survey was carried out in July 2020 with a further survey on the trees carried out February 2021. No further surveys are considered necessary*)
- Gardens of no. 13 and no. 15 are being neglected and becoming overgrown – gardens need to be maintained under a restrictive covenant under the Buchanan Trustees of this area. (*These are not relevant material planning considerations in the determination of this planning application*).
- Inaccuracies in the drawings, solar panels shown on some not all drawings (*the solar panels have been omitted from the front elevation roof planes of both properties*).
- Inaccuracies between line drawings and the 3D images of the properties in terms of the entrance to the properties (*the officer is not certain as to which line drawing the objector is referring to. It is considered that sufficient overall information has been submitted to enable an assessment to be made*).

3 comments of support have been received, one of which from the applicant. This has not been taken into consideration due to their interest in the application. Comments of support relate to:

- Site is currently overgrown and needs attention
- Removal of derelict bungalow will be a significant improvement to the residents of Buchanan Road.
- The detached properties are in keeping with the size of both no. 11 and no. 15
- Design is in keeping with the number of storeys of properties opposite the site

Determining Issues

- Principle of Development
- Heritage Assessment
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Ecology
- Trees / Protected Trees
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The proposal will replace one dwelling with two dwellings. The application site is within a suitable location, close to Walsall Town Centre and within walking distance to public transport links across the borough.

The proposal will add to the supply of housing and the principle is therefore considered acceptable in line with NPPF paragraph 59, subject to all other material considerations to follow in this report.

Heritage Assessment

The application site lies adjacent to Arboretum Conservation Area. The site includes the Arboretum Park but also the roads and buildings which adjoin its boundaries. This includes property no's. 8-48 of Buchanan Road and 33-41 Buchanan Avenue.

The buildings within the Conservation Area are not limited to one architectural style, the character of the area is leafy with long rear gardens.

It is acknowledged that the demolition of the property and replacement with two properties would result in visual change in the streetscene, nevertheless it is considered the proposed development would not detract from the way in which the Conservation Area would be experienced as a whole as such the development would not cause harm to the character or appearance of the Conservation Area.

Design, Layout and Character

The proposal relates to the demolition of a traditional bungalow and replacement with two detached properties of three stories. The proposed properties are larger than the bungalow resulting in addition mass within the street scene. The width and depth of the properties are considered reflective of the immediate neighbour's no. 11 and no. 15 with evidence within the streetscene of three storey properties (no's. 42-48 Buchanan Road).

In response to concerns raised regarding the height of two dwellings in comparison to neighbouring properties, the overall height has been reduced. The eaves height of 13A is reflective of no. 11A and the eaves height of 13B is reflective of no. 15. This results in 13A and 13B having marginally different eaves and ridge heights. It is considered that the proposed properties would not be detrimental to the character of the area.

In relation to comments made by local residents regarding the height of the properties, it is considered that whilst the site is elevated in relation to properties opposite, the overall height would not be overly dominant as to be incongruous within the streetscene.

The existing plot has been halved in width to accommodate two properties rather than one. Whilst the two neighbouring properties sit within wide plots, this is not reflective of the wider

streetscene. There are a number of semi-detached properties which have comparable plot widths.

The current rear garden has been reduced in width and depth due to the applicant removing a section of the garden from the application site. The retained rear garden would be approximately 19 metres in length which accords with guidance within Designing Walsall SPD in relation to acceptable amenity levels. Whilst the garden size is smaller in length than those on Buchanan Avenue, the corner plot of no. 11A, Buchanan Road, properties no's. 2-6 Cameron Road and no. 2 Argyle Close have smaller triangular rear amenity areas. It is considered that the proposed reduction in garden size would undermine the character of the area.

Buchanan Road is characterised by irregular gaps between properties. A 5 metre gap is proposed between no. 11A and 13A, a 1.3 metre gap between 13A and 13B and a 1 metre gap between 13B and no. 15. The roof height of no. 15 next to 13B. It is considered that the gaps between the properties would not result in a terracing effect within the streetscene. The properties are set back from the highway and would be no further forward than the neighbouring properties which reflects the building line of the streetscene.

It is acknowledged that the overall roof shape is unique to the proposal, nevertheless roof shapes within the streetscene include; hipped, gable, catslide, pyramid and flat roofs. The design of the property includes architectural features found within the streetscene with the introduction of the dormer within the roof space taking cues from properties adjacent to the site. The property has modern design elements such as the style of the boundary treatment and glazing around the entrance but the fenestration details reflect those adjacent to the site. The palette of materials includes render and brickwork which is considered acceptable, the street scene has both brick and rendered properties. A condition would be sought for approval of all external materials to ensure satisfactory appearance of the development.

On balance, it is considered the proposal would not result in a development which would be unduly dominant within the streetscene as to be detrimental to the character of the area.

Amenity of Neighbours and Amenity of Future Occupiers

The proposal complies with the 45 degree code measured from the nearest rear ground and first floor habitable room windows within both neighbouring properties. This code is used to assess the impact on light and outlook. It is considered the proposal would not result in a loss of light nor outlook from rear habitable room windows within 11A and 15 Buchanan Road.

The outlook from side elevation habitable windows of 11A would alter due to the height of the proposed dwelling nevertheless, a gap of 5 metres will be introduced between the two properties. The windows within ground and first floor of the side elevation of 11A are secondary windows with the main outlook gained from the front and rear windows/patio doors. It is considered the proposal would not result in an undue loss of outlook from habitable room windows within the side elevation of this property as to limit the amenity of the occupiers and future occupiers of the dwelling.

Windows within the side elevations of the proposed property serve non habitable rooms, including a w.c and utility. The agent has advised the windows and the door will be obscurely glazed as to limit the potential for overlooking neighbouring habitable room windows. A suitably worded condition is recommended to this effect.

It is considered that the proposal would not result in an undue loss of privacy enjoyed by the two immediate neighbouring properties.

The proposed properties are positioned at a distance of over 30 metres from properties opposite the site, no's. 20-24 Buchanan Road. It is acknowledged that through the introduction of first and second floor windows the proposal would result in an element of overlooking neighbouring amenity, nevertheless the proposal complies with Walsall Council Designing Walsall SPD in relation to separation distances between habitable room windows.

To add, the relationship between the proposed houses is replicated throughout Buchanan Road. It is considered the proposal would not result in undue overlooking neighbouring habitable rooms as to warrant refusal of the application for this reason.

The proposed development would provide an adequate standard of living in relation to room sizes and garden amenity for future occupiers.

The application site is located within a residential area and Pollution Control Officers recommend conditions for a Construction Management Plan to control noise, dust and debris affecting local residents. The Construction Management Plan should also contain a restriction of construction and demolition working hours which can also be conditioned.

Pollution Control is of the opinion that the Application falls under the Type 1 category set out in the Air Quality SPD, therefore a condition is recommended on any approval for the installation of an electric vehicle charging points within the residential unit and for low NOx boilers.

Highways

The two dwellings have 3 parking spaces each which accords with T13 parking policy.

The Highway Authority considers the development will 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 the NPPF.

Ecology

The application has been accompanied by a Phase 1 Bat Survey produced by Ridgeway Ecology on 16th July 2020. The existing bungalow was surveyed on the 13th July 2020 for potential roost sites and signs of bats.

The survey concluded the bungalow to be of low bat roosting potential; no evidence of bats was recovered during the internal and external building inspection.

Further to the initial submission, an updated Phase 1 Bat Survey produced by Ridgeway Ecology was submitted on 21st February 2021. This was carried out on 20th February and relates to the survey of several trees on the site documented in the arboricultural report "*Tree Survey and Constraints Assessment BS5837:2012 by Eden Arboriculture, dated 3rd November 2020, ref: EA-2020-100 (TCA)*" to identify any of bat roosting potential. It concluded none of the trees listed in the above survey contained any potential features for bats.

The Ecologist is satisfied the proposal is unlikely to have an impact upon bats and no further survey work is necessary. In line with the recommendations set out, conditions will be attached in relation to an ecologist being present on site during removal of roof tiles.

The site provides an opportunity to improve the roosting opportunities for bats within the area. Informatives are recommended on any approval to encourage bats to roost within the site.

Local residents have advised Great Crested Newts could be present on the site. In response to this, Ridgeway Ecology have subsequently submitted a letter on 13th April 2021 to advise, *"Given the water quality, the small size of the pond, the lack of ponds within the area, the shading of the upper pond, the habitat surrounding the pond comprising mainly mown lawn and the lack of aquatic vegetation suitable for egg-laying it is unlikely to be used by great crested newts. Nevertheless, if great crested newts were to be present, the result of Natural England's Rapid Risk Assessment for Great Crested Newts predicts that the risk of offence being committed would be "highly unlikely" given the distance of the pond from the development site and the area being affected"*.

As a precaution, informative notes would be included on any approval to protect and conserve Great Crested Newts should they be present on site.

Policy ENV1 of the Black Country Core Strategy states “that adequate information must be submitted with planning applications for proposals which may affect any important habitat, species or geological feature to ensure that the likely impacts of the proposal can be fully assessed. It is considered that the applicant has provided sufficient information as to assess the effect on wildlife habitats on site.

Trees/Protected Trees and Vegetation

Properties 13 and 15 Buchanan Road are subject to a Tree Preservation Order -13/2020 which was made permanent on 19th April 2021. The Order prohibits anyone from cutting down, topping, or lopping any of the trees within no. 13 and no. 15 Buchanan Road without the Council’s consent. Before the TPO was made permanent, the applicant received consent to fell to ground a number of trees within the rear of no. 13 Buchanan Road (as described in recent planning history above). It was considered the proposed works are acceptable as the trees subject to the application did not provide a significant contribution to the amenity of the area, and they would not be considered worthy of inclusion in a more specific TPO. However, Members of Planning Committee on 1st April 2021 requested that Officers take account of new tree planting for any potential future development of this site.

As specified with Arboricultural Impact Assessment produced by Eden Arboriculture, the following trees are proposed to be removed due to conflicting with the foot print of the building:

T2 Birch
T7 Apple
T8 Ash
T9 Hawthorn
T10 Plum
T11 Rowan
G19 Lawsons Cypress x2
T20 Rowan
T24 Ash

The trees specified above have been categorised within the report as C and U as they considered to be of low quality. The author considers and their removal would not have a “significant negative impact on the visual amenity on the visual amenity of the site in my opinion”.

The report concludes the proposed buildings would be at a sufficient distance from retained trees to make direct damage unlikely subject to proper engineering. It adds, shading onto buildings and patio areas is considered minimal. Also that majority of vegetative screening around the boundary will be retained.

Further to the submission of this report the Tree Officer raised objections in relation to the findings of the survey. It was advised further information was to be supplied to conclude the assessment.

The applicant has provided a response to the Tree officer concerns nevertheless it is considered the amended information does not overcome concerns raised in order to remove the objection. The Tree officer concludes with the following points:

1. T23 Oak –T23 remains a significant constraint on the private amenity space for both proposed plots. I remain unconvinced that the rear garden areas complies with the guidance in Site Layout Planning for Daylight, which states at section 3.3.17 - If ... an existing garden ... does not meet the above (half the garden should receive at least 2

hours of sunlight on March 21) ... then the loss of sunlight is likely to be noticeable. This is corroborated in British Standard 5837:2012 at section 5.3.4a)2) where it states “**Shading of open spaces**. Open spaces such as gardens and sitting areas should be designed to meet the normal requirement for direct sunlight for at least a part of the day.”

2. The amended drawings (20005-P00-(02-04) Rev 04 and 20005-P00-005-Rev 03) now show some of the trees that were previously omitted. Specifically G19 on the rear flank boundary with 11 Buchanan Road (and immediately adjacent to T18 Holly). Object to the removal of these trees as they provide a useful amount of amenity value to the locality, as well as a good amount of screening to the neighbouring property.
3. T24 Ash, a multi-stemmed Ash - proximity of this tree to the nearby buildings will cause problems in the future and its removal is considered acceptable on these grounds only.
4. Re-aligned driveway would still have a detrimental impact on the long-term health and condition of H25 through significant root severance. Object.

Saved policy ENV18 of the Walsall Unitary Development Plan states that “development will not be permitted if it would damage or destroy trees or woodlands protected by Tree Preservation Order”. It is considered that the proposal would result in unacceptable impacts on the protected trees through the removal of G19, the likelihood of premature decline/death or instability of H25 and the pressure to significantly prune T23 to allow any future occupiers reasonable enjoyment of their properties. Furthermore, it is considered that there is unlikely to be sufficient space within the site to allow any necessary mitigation / compensatory planting to be provided without potential detriment to existing protected trees or without compounding the issues set out in this refusal reason.

To conclude, it is therefore considered that the proposal is likely to cause significant harm to protected trees and therefore the proposal is contrary to saved policies GP2, ENV18 and ENV23 of the Walsall Unitary Development Plan, policy ENV1 of the Black Country Core Strategy and the National Planning Policy Framework.

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 a net gain of 1 new home.

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 proposal would have an adverse impact on protected trees within the site and third party land. The proposal is contrary to saved policies GP2, ENV18, ENV23 of the Walsall Unitary Development Plan. Policy ENV1 of the Black Country Core Strategy and Walsall Council’s

SPD 'Conserving Walsall's Natural Environment' NE10. It is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Refuse

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing and negotiation those with the applicant during the course of this application. However, significant concerns remain on protected trees as set out in this report and the application cannot be supported for this reason.

Recommendation

Refuse

Conditions and Reasons

1. The proposal would have an adverse and unacceptable impact on protected trees through the removal of tree 'G19', the likelihood of premature decline/death or instability of 'H25' and the pressure to significantly prune 'T23' to allow any future occupiers reasonable enjoyment of their properties. Furthermore, it is considered that there is unlikely to be sufficient space within the site to allow any necessary mitigation / compensatory planting to be provided without potential detriment to existing protected trees or without compounding the issues set out in this refusal reason. The proposal is therefore contrary to saved policies GP2, ENV18, ENV23 of the Walsall Unitary Development Plan. Policy ENV1 of the Black Country Core Strategy and Walsall Council's SPD 'Conserving Walsall's Natural Environment' NE10.

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 09 September 2021

Plans List Item Number: 5

Reason for bringing to committee

Called in by Councillor Wilson due to significant community interest.

Application Details

Location: 99, BIRMINGHAM ROAD, ALDRIDGE, WALSALL, WS9 0AJ

Proposal: FULL APPLICATION FOR PROPOSED CONSTRUCTION OF ADDITIONAL 3 BEDROOM BUNGALOW WITH ASSOCIATED PARKING AND LANDSCAPING

Application Number: 21/0189

Case Officer: Leah Wright

Applicant: Dave Conroy

Ward: Aldridge Central And South

Agent: Midlands Building Consultancy

Expired Date: 08-Apr-2021

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

Time Extension Expiry:

Recommendation

Refuse



Proposal

This application proposes the construction of a three bedroom single storey bungalow (use class c3) with associated parking and landscaping.

The bungalow will be sited to the western side of Birmingham Road, adjacent to 99 Birmingham Road and will be used as a single dwelling, separate to 99 Birmingham Road.

The proposed bungalow would match the existing building line of the bungalows along Birmingham Road.

The bungalow would have an external footprint measuring 90.4sqm. The ground floor as proposed would consist of a lounge, kitchen, 3 bedrooms, bathroom and storage. It would measure 13.4m in depth and 7.25m in width. The ridge height of the new bungalow is approximately 4.8m with eaves of 2.5m.

To the front elevation, there would be 2no windows proposed and a front door, 1no window is proposed to both side elevations which breaks up an otherwise blank façade and to the rear elevation 1no windows and a set of bi-fold doors are proposed.

The proposed bungalow will provide private amenity space of 89.55sqm with an approximate length of 11.5m from the rear of the property to the rear fence.

The bungalow would provide 2no car parking spaces and access to the site, from the public highway would consist of a new driveway to the front of the property off Birmingham Road.

The bungalow has been designed in a similar fashion to the existing bungalows along Birmingham Road and is to be constructed from facing brickwork with part cladding to the front elevation.

Site and Surroundings

The subject site is to the western side of Birmingham Road, Aldridge. The property is within the Aldridge East Character area.

The street scene is characterised by bungalows which are similar in style and size, however the wider surrounding area has a mixed style and size.

The site is not within a Conservation Area, nor is it a listed building.

Relevant Planning History

No relevant history

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 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
- ENV10: Pollution
- ENV32: Design and Development Proposals
- T7 - Car Parking
- T9 – Cycling
- T10: Accessibility Standards – General
- T13: Parking Provision for Cars, Cycles and Taxi
- 8.3 Urban Open Space

Black Country Core Strategy

- CSP3: Environmental Infrastructure
- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV6: Open Space, Sport and Recreation

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

T2: Bus Services

T4: The Highway Network

T5: Highway Improvements

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW8 Adaptability

Air Quality SPD

- Section 5 – Mitigation and Compensation:
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- 5.13 – Use of Conditions, Obligations and CIL

Consultation Replies

Local Highways Authority

- Concern in regard to potential conflict between vehicle and pedestrian movement due to proximity of new access to the junction and significant detrimental impacts on forward visibility around the junction arising from the position of the proposed dwelling immediately adjacent the public highway.

Pollution Control

- No objection. Applicant to address any installation of a solid fuel appliance, agree an air quality low emission scheme in writing and agree a construction management plan. Conditions to address the above have been provided.

Severn Trent Water

- No objections. Note to applicant regarding potential presence of a public sewer.

Strategic Planning Policy

- The proposal would add to the supply of housing and can be supported on strategic planning policy grounds under the NPPF paragraph 59.

West Midlands Fire Service

- No objection, note to applicant regarding Requirement B5: Access and facilities for the fire service.

West Midlands Police (Designing Out Crime) – No comments received.

Representations

5 representations were received from 5 separate households adjacent to the site, they are summarised as follows (*Officer's comments are in italics*):

- Highway safety and increase in accidents.
- Property would block views from Gaydon Road of traffic coming along slip of Birmingham Road.
- Vision restricted.
- Only 2 parking spaces proposed, would cause traffic issues.
- Increase in traffic.
- Slip road is narrow and leads to bottlenecks.
- Footpath access would be reduced during construction.
- Construction will cause distress due to traffic, noise, dust and disturbance.
- How will builders safely contain the building work as it's being built alongside a pavement?
- Increase in noise from use, vehicles and small garden.
- If a property was intended here it would have been built.
- No consideration given to local residents (*19 adjacent and neighbouring properties were notified in accordance with the statutory requirement*).
- Property will look out of place even if same materials are used.
- Overlooking/loss of privacy and loss of light.
- Development will look squashed.
- Precedent will be set where extra properties will be squeezed onto land (*each application is judged on its own merits*).
- Standard space between bungalows is a driveway plus a side passage- side passage proposed is only 1-2metres.
- Property suffered major flooding, grass and gardens replaced with tiles will lead to run off to drains that can't cope.
- Water pressure on estate is low, another property will add to burden (*this is not a material planning matter*).

Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Trees
- Pollution Control and environment
- Flood Risk and Drainage
- Local Finance Considerations

Assessment of the Proposal

Principle of Development

The proposed bungalow is to be sited in a predominantly residential location and would add to the supply of housing and therefore can be supported on strategic planning policy grounds under the NPPF paragraph 59. The principle of the dwelling is acceptable in principle, subject to other material considerations set out below in this report.

Design, Layout and Character

This application proposes the construction of a single storey detached, three bedroom bungalow (use class c3) with associated parking and landscaping. The bungalow will be sited to the western side of Birmingham Road, adjacent to 99 Birmingham Road and will be used as a single independent dwelling, separate to 99 Birmingham Road. The bungalow is positioned approximately 0.9m from the shared boundary.

The new bungalow will be of a similar height to the adjacent bungalow, 99 Birmingham Road, and would match the existing building line of the bungalows along Birmingham Road. Birmingham Road is characterised by bungalows of a similar style and size, however the wider surrounding area has a mixed style and size.

Whilst the proposal would be of a similar scale to No.99 and has been designed to try and reflect the local vernacular, the overall layout is unacceptable. The bungalow would be sited on the corner of Birmingham Road in a prominent position on an existing open verge. A representation was received which commented upon the fact that a standard space between bungalows is a driveway plus a side passage; the distance between the bungalows on Birmingham Road is approximately 4m and the proposed bungalow would only have a 2.6m distance between the new build and 99 Birmingham Road. As such, the proposed bungalow would not follow the pattern of development in terms of the existing space between dwellings. The introduction of built form directly abutting the public highway would fail to reflect the local character and pattern of development and would therefore result in significant detrimental harm to the character of the area and to visual amenity. Furthermore, the proposed bin storage at the front of the bungalow, directly adjacent to a public highway and on a prominent corner would be a detriment to the visual amenity of the surrounding area.

Taking into account the above, it is considered that the proposed siting of the bungalow is not acceptable as it would be in a prominent position introducing an incongruous form of built development directly abutting the public highway and giving an appearance of a cramped development, exacerbated by the corner plot position which would fail to retain the character of the open verges which are noted throughout the neighbourhood, nor would it follow the pattern of development of the existing bungalows, therefore resulting in significant detrimental harm to the character of the area and to visual amenity.

Whilst conditions could be attached to any permission to secure the use of appropriate external materials and to remove certain permitted development rights, it is considered that these conditions would not make the development acceptable, and for the reasons set out above should therefore be refused.

Amenity of Neighbours

The proposed bungalow has a side window at the northern elevation which would look onto 99 Birmingham Road at a distance of 2.67m. However, this window would serve a bathroom which is not a habitable room window and the usual minimum separation distances outlined in Appendix D of the designing Walsall SPD would not apply in this instance. Any approval would however include a condition to ensure this window is obscure glazed and non-opening below 1.7m above finished floor level to minimise any potential additional / perceived overlooking to this neighbour.

There is approximately 18m from the proposed bedroom window sited to the south elevation of the proposed dwelling, to 32 Meadow Road across the road. On balance this is considered acceptable and would not result in significant impacts to neighbours amenity.

There is approximately 12m from the rear of the dwelling to the west, which is served by bi-fold doors and a single window, to the private amenity space of 55 Meadow Road. It is considered that this is an adequate separation distance to protect the private amenity space and as such there would be no detriment through overlooking and reflects the existing relationship between this neighbour and No.99.

In summary it is considered there would be no detriment through overlooking, nor would the proposed bungalow would not be overbearing on amenity of neighbours.

Comments have been made regarding the potential for neighbouring residents to suffer from noise and disturbance. Whilst some noise and disturbance would be likely, this would not be dissimilar to that already experienced by existing residential occupiers in the locality and would not warrant a refusal on this matter in this instance.

Amenity of Future Occupiers

Appendix D of the Designing Walsall SPD states that garden dimensions should be 12m in length or a minimum area of 68sqm for dwellings. The proposed garden would be 11.85m in length and 90sqm in area; as such it would comply with policy standards in regard to private amenity space. An area of 113m² would also remain to serve No.99 which meets the SPD requirements. These gardens are considered would reflect the mixed size of gardens in the locality.

The bedrooms would all be single aspect and whilst it would be preferred for them to be dual aspect it is considered that they would still allow for an adequate amount of daylight into the bedrooms. Further, all habitable rooms of the development would have a large window, with the lounge having bi-fold doors, allowing for daylight.

In terms of outlook, the bedrooms would have unobstructed views and are of an adequate size. However, the proximity of a sole habitable bedroom window directly abutting the public highway is considered would fail to provide future occupiers with a satisfactory level of privacy and amenity to this bedroom. A refusal reason would therefore be included on these grounds.

Highways

The Local Highway authority has concerns with the application.

The proposal looks to create a vehicle access which is considered too close the road junction and will involve part of the dropped kerb extending onto the radius of the junction. This is not acceptable as such accesses actually on junction radii can cause confusion between drivers turning in and out of a junction and in and out of the access and is where pedestrians stand to cross the junction, contrary to highway safety.

The flank wall of the proposed bungalow being immediately adjacent to the public highway will have a significant impact on forward visibility around the junction for drivers approaching along Gaydon Road. At present, the corner is open with good inter-visibility across the corner well before the junction is reached. The introduction of the dwelling at its associated parking along the highway and at the junction will significantly impair such visibility, to the detriment of highway safety.

There were numerous representations received in regard to highways. In terms of parking, there are two spaces proposed and this would be in accordance with saved policy T13 for a three bedroom dwelling. However, as set out above the proposal would have an unacceptable impact on road safety and visibility which is contrary to saved policies GP2 (Environmental Protection), T10 (Accessibility Standards – General) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan and policy TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy and SAD Policy T4 (The Highway Network) and the NPPF.

Trees

There are considered to be no trees in close proximity to the proposal which would be harmed by the proposal.

Pollution Control and environment

The applicant would be required to agree measures to be implemented to comply with the Black Country Air Quality SPD. A construction management plan would also be required. Conditions to address the above points provided by Pollution Control would need to be included on any approval.

Flood Risk and Drainage

A representation was received stating a neighbour property had suffered from major flooding and the replacement of grass and gardens with tiles would lead to run off to drains that would not be able to cope. The site, which is in Flood Zone 1, is not in an area known for flooding and there are no watercourses nearby. It is considered that the development would be acceptable in terms of flood risk. Severn Trent Water do not object to the proposal and do not require a drainage scheme to be submitted.

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 1 new home.

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 proposed siting of the bungalow is in a prominent location and does not follow the pattern of development in terms of the existing space between dwellings. The introduction of built form directly abutting the public highway would fail to reflect the local character and pattern of development and would therefore result in significant detrimental harm to the character of the area and to visual amenity. Furthermore, the proposed bin storage at the front of the bungalow, directly adjacent to a public highway and on a prominent corner would also be a detriment to the visual amenity of the surrounding area. The proposal would also have an unacceptable adverse impact on visibility, highway and pedestrian safety.

Given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal, and with previous similar

proposals, and discussing those with the applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the full details of the harm identified within the reasons for refusal – which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

Recommendation

Refusal

Reasons for Refusal

1. The proposal would create a vehicle access close to the road junction and would involve part of the dropped kerb extending onto the radius of the junction. This has the potential to give rise to confusion between drivers turning in and out of a junction and in and out of the access and conflict with pedestrian movement to the detriment of highway safety. This would be contrary to saved policies GP2 (Environmental Protection), T10 (Accessibility Standards – General) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan and policy TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy and SAD Policy T4 (The Highway Network) and the NPPF (Paragraphs 110 and 111).
2. The flank wall of the proposed dwelling immediately adjacent to the public highway would result in a significant impact on forward visibility around the junction for drivers approaching along Gaydon Road. The introduction of the dwelling and potential intensification of associated parking along the highway in close proximity to the junction would significantly impair highway visibility to the detriment of highway safety and contrary to saved policies GP2 (Environmental Protection), T10 (Accessibility Standards – General) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan and policy TRAN2 (Managing Transport Impacts of New Development) of the Black Country Core Strategy and SAD Policy T4 (The Highway Network) and the NPPF (Paragraphs 110 and 111).
3. The proposed siting of the bungalow is not acceptable as it would be in a prominent position introducing an incongruous form of built development directly abutting the public highway and giving an appearance of a cramped development, exacerbated by the corner plot position which would fail to retain the character of the open verges which are noted throughout the neighbourhood, nor would it follow the surrounding pattern of development. Furthermore, the proposed bin storage at the front of the bungalow, directly adjacent to a public highway and on a prominent corner would also be unacceptable. The proposal would therefore result in significant detrimental harm to the character of the area and to visual amenity, would erode the spatial characteristics of the existing site and would be poorly related to its surroundings in terms of layout and contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, policies CSP4 (Place Making), ENV2 (Historic Character and Local Distinctiveness), ENV3 (Design Quality) and HOU2 (Housing Density, Type and Accessibility) of the Black Country Core Strategy, SAD Policy HC2 (Development of Other Land for Housing), DW3 (Character), DW4 (continuity) and DW6 (Legibility) of the Designing Walsall Supplementary Planning Document and section 12 of the National Planning Policy Framework (Achieving well-designed places).
4. The proximity of a sole habitable bedroom window in the proposed bungalow directly abutting the public highway is considered would fail to provide future occupiers with a

satisfactory level of privacy and amenity to this bedroom and is contrary to saved policies GP2 (Environmental Protection) and ENV32 (Design and Development Proposals) of the Walsall Unitary Development Plan, policies CSP4 (Place Making), ENV3 (Design Quality) SAD Policy HC2 (Development of Other Land for Housing) and section 12 of the National Planning Policy Framework (Achieving well-designed places).

Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 09 September 2021

Plans List Item Number: 6

Reason for bringing to committee

Called in by Councillor Sohal

Application Details

Location: 185, SUTTON ROAD, WALSALL, WS5 3AW

Proposal: PROPOSED SINGLE STOREY FRONT EXTENSION, WITH FIRST FLOOR FRONT BEDROOM BAY WINDOW EXTENSION. FIRST FLOOR SIDE EXTENSION AND PART SINGLE, PART DOUBLE STOREY REAR EXTENSION. WITH PITCHED ROOF EXTENSION AT REAR TO ACCOMMODATE LARGER HABITABLE SPACE AT SECOND FLOOR LEVEL.

Application Number: 21/0246

Case Officer: Rebecca Rowley

Applicant: Thakor and Virang Patel

Ward: Paddock

Agent: PAUL CLIFTON

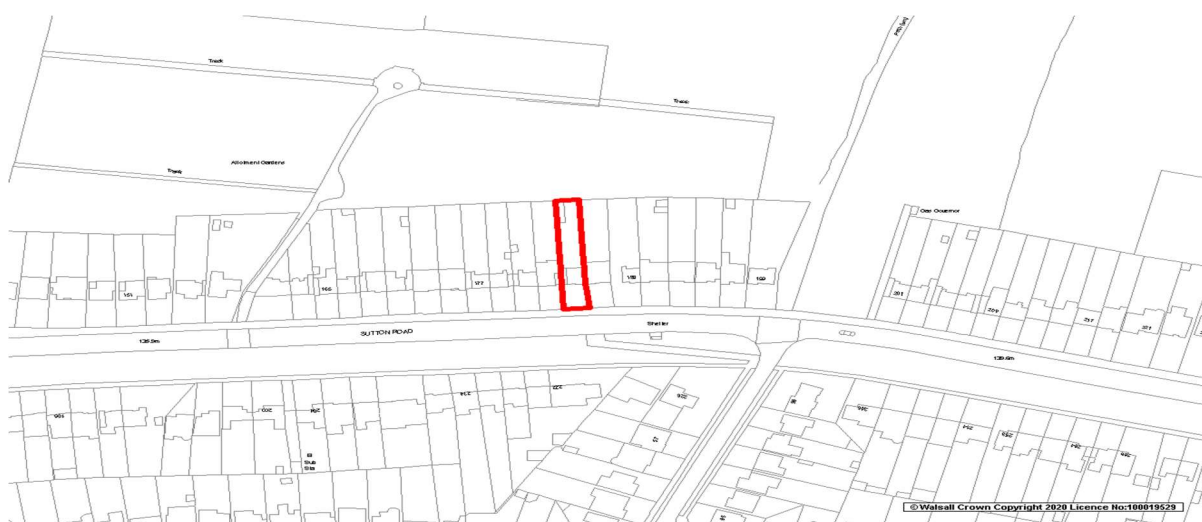
Expired Date: 20-Apr-2021

Application Type: Full Application: Householder

Time Extension Expiry: 21-Jun-2021

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to the amendment and finalising of conditions.



At the Planning Committee meeting of 15th July 2021 Members resolved to defer this item for one cycle to enable the applicant and agent to negotiate with officers to consider a compromise for a suitable design acceptable to planning officers.

The following section of this update report will set out any changes since the original report (which follows), including matters to be addressed which were contained within the previous supplementary paper.

Supplementary Paper

There were no matters contained within the previous supplementary paper relating to this item.

Any Other Updates

Site and Surroundings

Many properties along this section of Sutton Road have been extended and a variety of roof shapes have been created by hip to gable extensions and the addition of dormers. Clear gaps between the roofs of pairs of semi-detached houses are characteristic of the street scene on this part of Sutton Road.

Positive and Proactive Working with the Applicant

The applicant's agent has provided amended plans which show an increased set back of 2m from the front elevation instead of the 0.9m originally proposed and a reduced height of the ridge height from 8.9m to 7.3m to match the adjacent extension to No.183.

Assessment of the Amendments

The amended proposed first floor side extension would be visible from public vantage points along Sutton Road. The original design included a set-back of approximately 0.9m from the principle elevation and a step down of 0.4m from the main roof ridge, which was considered satisfactory to provide a subservient appearance in relation to the original dwelling but would create a significant and unacceptable terracing effect with the neighbouring property at no 183, which also features a side extension that is similarly constructed up to the boundary.

Amendments have since been made to the design of the first floor side extension to reduce the height of the roof ridge by a further 1.6m which would bring it into alignment with the height of the neighbouring first floor side extension at no. 183. The front elevation of the first floor side extension has also been stepped back by a further 1m to give a total set back distance of 2m from the front elevation of the house. These amendments are considered would reduce the impact of the terracing effect than would have been created by the original proposal, especially as a result of the gap that would now be retained between no. 185 and no. 183 above the roofs of the first floor side extensions.

On balance, these changes are considered would reduce the level of harm caused by the proposed extensions and would minimise the terracing effect. A refusal would not be warranted in this instance given the improvements made to the proposal.

For clarification purposes, this application has been called in by Councillor Sohal on the basis that it is sensitive planning.

Conclusion

As set out above the proposal is considered to have overcome the LPAs concerns and is considered would not warrant a refusal in this instance.

The recommendation is therefore updated to:

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and subject to the amendment and finalising of conditions.

Recommended 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:

- Existing Plans and Elevations, drawing no. 2131.1, submitted 22/02/2021
- Proposed Plans and Elevations I, drawing no. 2131.2 Rev A, submitted 17/08/2021
- Proposed Plans and Elevations II including Location and Block Plan, drawing no. 2131.3, submitted 17/08/2021
- Internal/External Bat Survey, carried out by Dr Stefan Bodnar, dated 25/03/2021

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

3: The walls and roof of the development hereby permitted shall comprise facing materials that match, in size, colour and texture, those which are used in the existing building and the facing 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.

4: 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.

5: The development hereby permitted shall not be carried out otherwise than in accordance with the approved recommendations of the Preliminary Bat Roost Assessment, carried out by Dr. Stefan Bodnar dated 25th March 2021, specifically including the provision of a bat box and recommendations relating to external lighting and the approved details shall thereafter be retained for the lifetime of the development.

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.

6a. Notwithstanding the bat survey carried out by Dr Stefan Bodnar dated 25th March 2021 all workers on the site shall be made aware that bats may be present and shall not undertake demolition works including the dismantling of roofs, soffits, gables or in the vicinity of cracks and crevices otherwise than with the use of hand tools. All roof tiles, flashing and ridge tiles shall be listed carefully (and not dragged or slid) and the undersides examined for bats or bat droppings.

6b. If during the construction period bats or evidence of bats or their roosts are found:

- i. bats shall not be handled or touched
- ii. the vicinity of the roost shall be immediately reinstated.
- iii. no further destructive works shall be carried out until the need for Natural England licence has been established.
- iv. Within one week of finding bats or evidence of bats or their roosts, a written report by the supervising ecologist who shall be a person qualified in ecology and/or nature conservancy shall be submitted in writing to and approved in writing by the Local Planning Authority. The report shall record what was found, and propose appropriate mitigation measures, including a timetable for their implementation
- v. Work shall not continue otherwise than in accordance with the approved mitigation measures and the approved timetable

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.

THE ORIGINAL REPORT FOLLOWS

Proposal

Proposed single storey front extension, with first floor front bedroom bay window extension. First floor side extension and part single, part double storey rear extension. With pitched roof extension at rear to accommodate larger habitable space at second floor level.

Proposed Dimensions

Single storey front extension

8.5m wide

1.2m deep

2.7m high to eaves

3.8m high to ridge

First floor side extension

2.1m wide

10.5m deep (including rear projection)

5.4m high to eaves

8.9m high to ridge

Rear extension

8.5m wide (ground floor, including side projection), 6.5m wide (first floor, including side projection)

5.1m deep (ground floor), 3.9m deep (first floor)

2.8m high to eaves (ground floor), 5.5m high to eaves (first floor)

3.6m high to ridge (ground floor), 8.8m high to ridge (first floor)

Site and Surroundings

The application site is a left hand side semi-detached dwelling with attached side garage, situated within a street scene comprising semi-detached houses of similar size, mixed design and differing facing materials.

Planning History

None for application site. However, a hip to gable roof extension and rear facing dormer extension has already been completed, this is believed to have been carried out under permitted development rights.

183 Sutton Road

16/0776 - Single storey rear extension with pitched gable roof 4.5metres deep x 4metres high x 2.5metres high to eaves – Prior Approval Not Required on 14/07/2016

16/1115 - Single storey side and rear extension – GSC on 24/10/2016

16/1930 - Two storey side & single storey rear & side extension – Returned Non-Valid Application on 03/01/2017

17/0536 - Part double, part single storey side extension, single storey rear extension, single storey front extension and front porch with canopy – GSC on 31/08/2017

187 Sutton Road

BC39879P - Extension to Lounge and Kitchen – GSC on 02/12/1993

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 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF says:

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

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

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.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- ENV1: Nature Conservation
- ENV3: Design Quality

Saved Unitary Development Plan

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

Site Allocation Document

- EN1: Natural Environment Protection, Management and Enhancement

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

Designing Walsall

- DW3 Character
- Appendix D

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

Consultee Comments

Local Highway Authority – Support proposal.

Neighbour and Interested Parties Comments

(Planning Officer comments in brackets and italics)

One representation received from a local address, objecting to the proposal based on the following points:

- The development would not be in-keeping with the scale of the surrounding properties, which would harm the character of the street scene
- It would create overshadowing to a neighbouring property
- The development breaches the 45-degree code
- The development would negatively impact neighbouring privacy
- The development would adversely affect neighbouring property value *(Not a material planning consideration)*

Determining Issues

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

Assessment of the Proposal

Design of Extension and Character of Area

The proposed single storey front extension is considered to integrate appropriately with the design of the existing dwelling. This would be reflective of similar designs along Sutton Road and thus is considered to not adversely affect the character of the street scene.

The proposed part single, part double storey rear extension is considered to be a particularly large addition to the property which includes a roof form that is not reflective of the existing property. Whilst this would be visible from the allotments at the rear of the property, this is considered to not result in a detrimental harm to the overall character of the area.

The proposed first floor side extension would be visible from public vantage points along Sutton Road. This includes a set-back of approximately 0.9m from the principle elevation and a step down of 0.4m from the main roof ridge, which is considered satisfactory to provide a subservient appearance in relation to the original dwelling. However, the proposed extension would be constructed right up to the boundary with No.183, which also features a side extension that is similarly constructed up to the boundary, although this is set considerably further back. Consequently, the proposed extension that would appear to join to the neighbouring extension, is considered to create a terracing effect. As both properties have also carried out hip-to-gable extensions, this also obscures some of the light that penetrates between the dwellings, the further extensions viewed together would, in effect, create one continuous 4-dwelling row. The street scene currently benefits from clear visible gaps between neighbouring first floors which is considered to be a positive feature of the area. The proposed in-filling extension would appear cramped and over-developed, which would not sit harmoniously within the street scene, adversely affecting the continuity, rhythm and openness of this area of Sutton Road.

In discussions with the applicant's agent it was mentioned that there are two first floor side extensions are close to one another at No.s 166 & 168 Sutton Road. Firstly it is important to note that this is a significant distance away on the opposite side of the road, thus this is not included within the same street scene. Secondly, both roofs remain hipped, which substantially aids in retaining the appearance of separate dwellings by keeping more light in between the properties. Furthermore, No.166 also includes a set in from the boundary at the side, in addition to a set back and step down. Subsequently, these extensions result in a materially different appearance than the one that would be created between No.183 & 185. Each application is judged on its own merits.

Consequently, the proposed development is considered to create a terracing effect that is incongruous to the local area that would result in a detrimental harm to the character of the street scene.

Amenity of Nearby Residents

As demonstrated on the proposed plans, the proposed single storey front extension and single storey rear extension complies with the 45-degree code in respect to the nearest habitable room windows of both neighbours and thus is considered to not have a detrimental impact on outlook to neighbouring windows.

The proposed first floor side extension and first floor rear extension also complies with the 45-degree code in relation to both neighbouring windows. The front and rear facing window in the neighbouring side extension at No.183 serves a bathroom and hallway which are considered to be non-habitable. These rooms do not receive the same protection under the Council's policies as habitable rooms do, as it is expected that not a significant amount of time would typically be spent in these, therefore the impact to these windows is considered acceptable in this instance.

There would be a separation distance of approximately 49.4m from the first floor windows of the side extension and the first floor windows of the opposite neighbour at No.222. This is above the minimum 24m requirement stated in the Designing Walsall SPD, therefore this is considered acceptable to not pose a harm to their visual amenities.

Whilst acknowledging the objection received, the proposed extension may create some additional shading of No.183's rear patio throughout the early to mid-morning. However, the majority of the patio area would remain in sunlight and this is considered to not be detrimental to their overall amenities significantly beyond the existing shading created by the existing circumstances.

The proposal does not include any side facing windows. Whilst there is a proposed rear facing window at second floor level in the rear extension, this is considered to not result in a detrimental harm to neighbouring privacy.

Parking

The proposal adds a sixth and seventh bedroom, therefore under the terms of the saved UDP Policy T13, 3 off-street parking spaces are required. There is adequate parking space for 3 cars within the curtilage of the dwellinghouse, which complies with T13.

Protected Species

A Bat Survey was requested as the works include alterations to the roof which could disturb roosting spots for bats, and as the site is situated within 50m from established woodland or open water sources, this was a necessary request. The findings from the Preliminary Roost Assessment conclude that there were very few roosting opportunities for bats at the property with no evidence that any have been residing at the property, resulting in a low level of risk that bats would be disturbed or harmed by the proposed development. This is considered acceptable evidence that the proposal does not present a harm to endangered species. A planning condition can be attached to any approval which specifies what actions are to be taken in the event that bats are found at the property.

Conclusions and Reasons for Decision

The design is considered to create a terracing effect with the neighbouring side extension at No.183 which would contrast with the prevailing character of the local area. The terracing effect would be incongruous to the surroundings and would detrimentally harm the character of the street scene. Therefore, the application is contrary to saved UDP policies: ENV32 and SPD Designing Walsall.

The proposed development is considered to not have a detrimental effect on the outlook, daylight or privacy to neighbouring habitable rooms or the rear garden amenity area. Therefore, the residential amenities will remain protected and the proposed development is in accordance with saved UDP policies GP2 and ENV32 and SPD Designing Walsall.

There is adequate space for three parking spaces within the curtilage of the dwellinghouse. Therefore the proposal is in accordance with saved UDP policy T13.

The proposal is found to present a low risk to bat populations in the local area, and is unlikely to result in any harm coming to the protected species. Therefore the proposal complies with NE1, NE2 & NE3 of the Conserving Walsall's Natural Environment SPD.

On balance, it is concluded that this application should be recommended for refusal.

Positive and Proactive Working with the Applicant

Refuse

Officers have spoken with the applicant's agent and amendments to include a set in from the boundary or remove the first floor side extension element. But the applicant was unwilling to make such amendments, a further set back was suggested however this would not have overcome the creation of a terracing effect. Therefore, this application has been assessed in its current position and in this instance the Council are unable to support the proposal.

Decision Recommendation

Refuse Permission

Reasons for Refusal

1. The proposed first floor side extension would create a terracing effect with the neighbouring property No.183 that would be incongruous to the local area. The street scene currently benefits from clear visible gaps between neighbouring first floors which is considered to be a positive feature of the area. The proposed in-filling of this extension would appear cramped and over-developed, which would not sit harmoniously within the street scene, adversely affecting the continuity, rhythm and openness of this area of Sutton Road. Therefore, the application is contrary to saved UDP policies GP2 and ENV32, Appendix D of the Designing Walsall SPD and the National Planning Policy Framework.