



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 29-Nov-2018

Plans List Item Number: 1.

Reason for bringing to committee: Major Development

Location: LAND SOUTH OF VILLAGE HOTEL, TEMPUS DRIVE, WALSALL

Proposal: HYBRID APPLICATION: DETAILED CONSENT FOR B8 (STORAGE) BUILDING AND ANCILLARY B1A (OFFICES) PLUS ASSOCIATED WORKS. OUTLINE CONSENT FOR B2 UNITS - ALL MATTERS RESERVED. AFFECTS A RIGHT OF WAY

Application Number: 18/0832

Applicant: DLF Developments

Agent: Mr Ian Page

Application Type: Full Application: Major
Mixed Use Classes

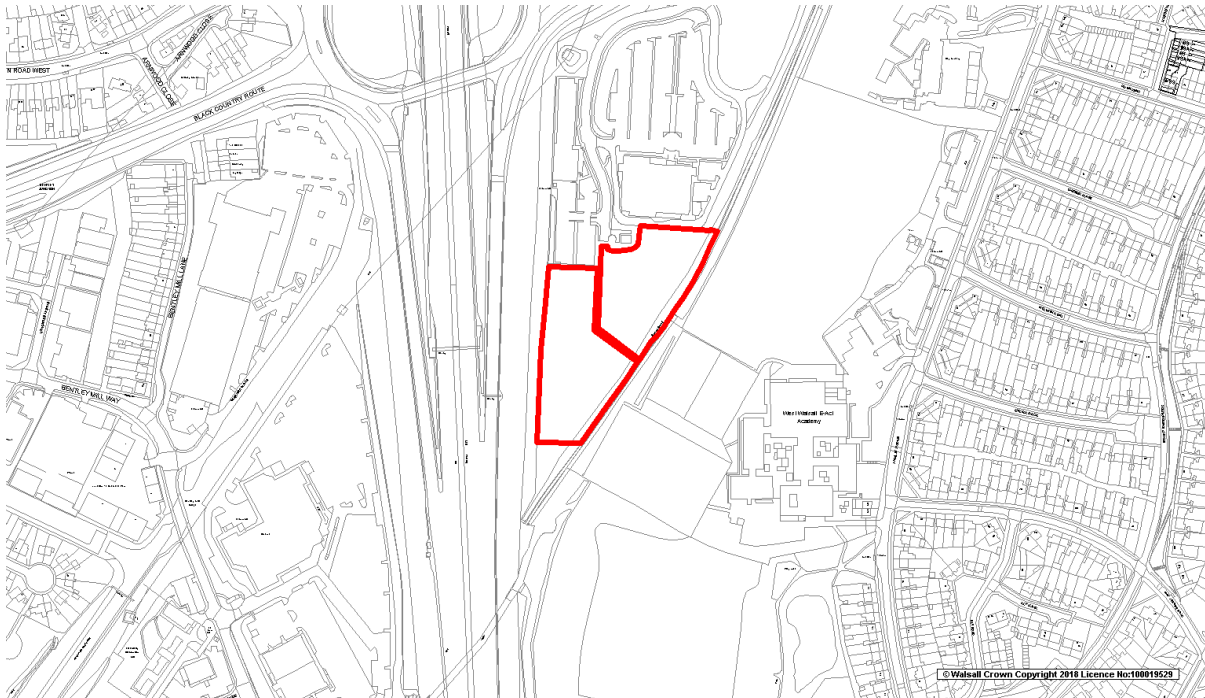
Case Officer: Paul Hinton

Ward: Pleck

Expired Date: 24-Oct-2018

Time Extension Expiry:

Recommendation Summary: Grant subject to conditions



Proposal

This is a hybrid application, part full and part outline seeking planning permission for

1: Detailed permission for a new part single / part two storey building (Unit 1 / Plot A) located at rear of The Village Hotel and nearest to Sneyd Brook which is to the east of the application site comprising:

- B8 Storage – total floor space of 792sqm over one floor;
- B1a Office – total floor space of 736sqm over two floors;
- Measuring 40.8m wide, 29.8m deep and between 8.9m and 9.9m high to parapets containing a shallow pitched roof within;
- Providing a total of 39 parking spaces over two areas to the north and south of the proposed unit;
- External plant compound and bin store within the car park; and
- Proposed materials – composite and built-up profile cladding to walls including terracotta rain screen cladding, colour-coated aluminium roof cladding, silver aluminium windows, a mix of colour coated metal and glass doors, 2.4m black weldmesh fencing to boundary and concrete surfaced yards and tarmac roads.

The applicant's agent explains that Unit 1 is to be occupied by Fortel, a supplier of labour and plant to the construction industry and also providing security cover nationwide. The warehouse would be used to store construction related machines, tools and materials. The offices would be used as part of the recruitment arm of the business and to provide support to the warehouse function and to provide a security check call centre to keep in touch with their guards on site.

Operating hours would be 07:00am to 19:00pm Monday to Friday and 09:00am to 13:00pm Saturdays. It is explained that the security control centre would be open outside of these hours for two people as part of the lone worker safeguards.

2. Outline Consent (all matters reserved) for speculative B2/B8 units (annotated Unit 2 / Plot B), along the western boundary and adjacent to the M6 motorway. The indicative submitted plans show this would comprise:

- B2/B8 floor space totalling 2,744sqm;
- 4 x single storey terraced units positioned along the western boundary and carriageway embankment;
- Measuring 112m wide, 26m deep and 9m high to ridge of a shallow pitched roof; and
- Providing a total of 37 parking spaces.

This application has been screened under the Environmental Impact Assessment regulations and was found not to require an Environmental Statement.

This application is supported by:

Design and Access Statement – Sets out the context of the application and explains the developments would be accessed off Tempus Way with the detailed application for a headquarters building and with two storey offices linked to a warehouse facility

Transport Statement – Concludes the trip generation would be between 29(PM Peak) and 35(AM Peak) trips and would not result in any severe transport impacts.

Sustainability Report – Concludes Unit 1 can achieve a 10% reduction on CO₂ emissions through the use of air source heat pumps.

Noise Assessment – Concludes noise and vibration from proposal is unlikely to result in any significant adverse impacts on surrounding receptors.

Ground Conditions Desk Study – Concludes that an intrusive investigation will need to be undertaken.

Coal Mining Risk Assessment – Concludes low-moderate risk of on-site shallow mine workings and entries but recommends further site investigation to confirm the ground conditions.

Ecological Appraisal – Concludes the proposal would not result in any significant impacts to ecology and recommends a number of safeguarding and enhancement measures.

Flood Risk Assessment – Concludes the site is not at significant flood risk subject to use of recommended flood mitigation measures including control of surface water run-off and raised finished floor levels.

Air Quality Assessment – negligible impacts from construction activities which can be mitigated. Negligible impact on local pollutant concentrations at existing receptors, mitigation measures in line with the Black Country Air Quality SPD should be carried out.

Sustainable Drainage Statement – Indicative drainage strategy demonstrates the site can be successfully drained and sufficient space incorporated for SuDS.

Construction Management Plan – sets out site parking and materials storage; management of vehicle access, delivering and unloading/loading; wheel wash facility; management of dirt and dust; contaminated land; noise control; ecological matters; and consideration of measure to prevent pollution of the watercourse.

Site and Surroundings

The application site is part of the wider 3.1 hectare Tempus Ten site accessed from Wolverhampton Road via private access road. The 1.6 hectares application site is known as the 'Opal' site, to the south of The Village Hotel and Holiday Inn Express hotel. To the east is Sneyd Brook which is a Site of Local Importance for Nature Conservation (SLINC), separating the site from the West Walsall E-Act Academy. To the west is the M6 motorway slip road from Junction 10. The site is part of the Black Country Enterprise Zone.

The site is generally flat, with the bank of the Sneyd Brook 1.8m lower and the slip road to the M6 2.8m higher than the site.

The land was historically used for grazing and is now safeguarded for high quality employment development. The wider site already contains a drive-through restaurant and two hotels. The application site falls within the Coal Authority Development High Risk Area and parts of the site are within flood zones 2 and 3.

Following approval of 15/0333/FL in 2016 and 16/1883 in 2017, works have been carried out to remediate and redistribute spoil to create future level development platforms. This was to overcome a served Enforcement Notice relating to illegally tipped construction waste which formed a large spoil mound on the application site.

Relevant Planning History

BC56152P - Outline: Mixed uses including combined 3 Storey Budget Hotel and 5 Storey Complex including Hotel, Conference and Leisure Complex; B8 (storage and distribution) depot, B1 (offices) and A3 (hot food takeaway/restaurant). Grant Permission Subject to Conditions 07/05/2002

02/2279/FL/W2 - 1. Hotel with Conference/Leisure facilities 2. Restaurant with Drive-Thru facilities. Grant Permission Subject to Conditions 06/06/2003

05/0262/FL/W2 - Variation of Condition 1A of Planning Permission BC56152P to Extend Time for Submission of Applications for Approval of Reserved Matters. Grant Permission Subject to Conditions 07/04/2005

07/1281/RM/W2 - Erection of B8 distribution and storage building to the south of the site. Approve Reserved Matters Subject to Conditions 22/10/2010

12/1254/ND- Screening opinion for earthworks and development of a restaurant/public house & new access. Screening Opinion EA Required 11/03/2014

14/0457/SCOP - Environmental Impact Assessment Scoping Opinion for remediation, site levelling and treatment of waste material to create a development platform for future development.. Scoping Opinion Response Issued 16/05/2014

14/1728/SCRE - Screening opinion as to whether an environmental statement is required for earthworks comprising the redistribution of spoil from the south of the site to the north, including on site remediation as necessary, to provide a level platform for future development - Environmental Assessment Not Required 11/12/2014

15/0333/FL - Earthworks comprising the redistribution of spoil from the south of the site (the Opal site) to the north (the Onyx site), including on-site remediation of material as necessary, to provide a level platform for future development. Grant Permission Subject to Conditions 08/01/2016

16/1883 - Section 73 Application: Variation of conditions 2, 3, 13, 15, removal of condition 5 and discharge of conditions 6 and 10 of 15/0333/FL. Grant Permission Subject to Conditions 02/05/2017

18/0615 - EIA Screening Opinion: Proposed outline permission for B2 and B8 uses and full permission for B1, B2 and B8 uses. Environmental Assessment Not Required 07/06/2018

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Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF says:

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

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

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

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

- CSP1: The Growth Network
- EMP1: Providing for Economic Growth
- EMP2: Actual and Potential Strategic High Quality Employment Areas
- EMP5: Improving Access to the Labour Market
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres

- 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
- ENV7: Renewable Energy
- ENV8: Air Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV24: Wildlife Corridors
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV34: Public Art
- ENV35: Appearance of Commercial Buildings
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- JP4.1: East of M6 Junction 10
- T4 - The Highway Network
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T13: Parking Provision for Cars, Cycles and Taxis

Site Allocation Document

- IND2: Potential High Quality Industry – IN64 (Tempus 10 South).
- LC5: Greenways.

Walsall Area Action Plan

- AAPB1: Office Development

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

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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

Designing Walsall

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

Air Quality

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

Consultation Replies

Planning Policy – No objection subject to conditions to restrict any future mezzanine in the B8 warehouse and to ensure the B1a office is not sold on or sub-let separate to the B8 warehouse use. Recommends the consideration of greenway improvements / contributions and that the application should be screened under EIA.

Local Highway Authority – no objection.

Environment Agency – no objection subject to conditions to require a remediation strategy, to secure the proposed flood mitigation measures and measures to protect Sneyd Brook during the construction. Recommended note to applicant regarding land contamination.

Pollution Control – no objection subject to use of recommended conditions in regard to construction activities, contaminated land and gas mitigation, noise limits on plant and machinery and electric vehicle charging points.

Coal Authority – no objection subject to condition to secure intrusive site investigations

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Public Rights of Way – no objection.

Wildlife Trust – no objection subject to condition to secure the proposed biodiversity mitigation and enhancement measures.

Highways England – no objection subject to conditions regarding structural stability and continued operation of adjoining highway assets in regard to the outline application only. A note to applicant is also proposed regarding future highways maintenance arrangements.

Lead Local Flood Authority – no objection subject to use of recommended drainage condition.

Severn Trent Water – no objection to the proposed drainage scheme subject to a condition requiring implementation.

Community Protection Team – no objection subject to security measures including external lighting, gated access, 2.4m high weldmesh boundary fencing and CCTV.

Fire Services – no objection.

Ecology – to be reported at the committee meeting.

Public Health – no comments received.

Western Power – no comments received.

Local Access Forum – no comments received.

Environmental Health – no comments received.

Representations

Nearby occupiers notified by letter, site notice displayed and advertised in the newspaper.

No comments received.

Determining Issues

- Principle of development
- Design, Character and Appearance
- Flood Risk
- Ground contamination
- Ground stability
- Noise
- Air Quality
- Ecology
- Car parking, manoeuvring and access arrangements

Assessment of the Proposal

Principle of Development

The site is allocated in the Site Allocation Document as potential high quality employment site IN64 (SAD Policy IND2). This policy states that Black Country Core Strategy Policy EMP2 will apply. Policy EMP2 states that such sites will be safeguarded for manufacturing and logistics uses within Use Classes B1(b), (c), B2 and B8

Detailed application – Unit 1

This application is centred around a B8 warehouse with ancillary B1a offices. The proposed B1a office use would be contrary to the policies of the development plan if developed on its own in this out-of-centre location. The applicant explains the development is to provide a new headquarters for Fortel, a supplier of labour and plant to the construction industry and also providing security cover nationwide. The warehouse would be used to store construction related machines, tools and materials. The offices would be used as part of the recruitment arm of the business and to provide support to the warehouse function and to provide a security check call centre to keep in touch with their construction site guards.

Planning Policy assessing the proposed development of this Enterprise Zone brownfield site, consider the office use operating in conjunction with the warehouse use, would not undermine the Town Centre office led regeneration. To ensure that the office use is intrinsically linked to the warehouse use a condition confirming the office is to be operated ancillary to the industrial/warehouse use is necessary and meets the six tests. In addition, to strengthen this ancillary link a condition to prevent the installation of a mezzanine floor within the warehouse is also required.

Outline application – Unit 2

The principle of B2 and B8 units are consistent with SAD Policy IND2 and BCCS Policy EMP2. As all matters are reserved for later consideration the full detailed assessment of the impact of these units would be considered at reserved matters stage.

Design, Character and Appearance

Unit 1 would be a modern portal framed building, 9.9m in height. This is considered in the context of the adjacent 24.5m high Village Hotel, the Holiday Inn Express and M6 motorway. The size and massing of the building would not be out of character.

The building would be a clean and simple designed industrial building that includes glazing to the western elevation and terracotta rain screen. Subject to conditioning the material details, the development would improve the appearance of the application site and its immediate surroundings. Areas of landscaping are also proposed to help improve the visual amenities of the area. Full details can be secured by condition that would also require a five years maintained period to ensure establishment.

Indicative plans have been submitted showing how Unit 2 could complement Unit 1 and the existing buildings along Tempus Drive. As this part of the site is an outline application with all matters reserved the appearance of Unit 2 would be considered at reserved matters stage.

Community protection raised concerns about the vulnerability of the development to crime. Revised boundary drawings include 2.4m high weld mesh fencing around the yard area to secure this part of the site. A scheme for external lighting would be a conditional requirement and implementation of CCTV due to the remote location of the site is also recommended. These are necessary conditional requirements.

Flood Risk

Sneyd Brook is to the east and the majority of the site is within Flood Zone 1, though there are areas of the site defined to be within Flood Zone 2 and 3 due to the risk of flooding along the banks of the brook. Following the removal of the spoil mound re-profiling works have created a development plateau outside of Flood Zone 2 and 3. The Flood Risk Assessment recommends that finished floor levels are set above the surrounding ground by 150mm and ground levels are profiled to ensure surface water runoff flows away from buildings towards Sneyd Brook.

Neither the Environment Agency nor the Flood Risk Officer raise objections to the proposal but require the implementation of mitigation measures as informed by the submitted Flood Risk Assessment. These measures can be secured by a condition that meets the six tests.

The impact of Unit 2 would be fully considered as part of a reserved matters application.

Ground Contamination

The ground investigation reports identify that detailed intrusive investigation works are necessary to determine ground-gas levels, and possibly contamination within the ground. Pollution Control agree with this approach and recommend conditions requiring this to take place prior to the commencement of development. This condition would meet the six tests.

The impact of Unit 2 would be fully considered as part of a reserved matters application.

Ground Stability

The application site is a Coal Authority High Risk Area, confirming their records indicate the site has been subject to both recorded and historic unrecorded underground coal mining at shallow depth. The applicant's Coal Mining Risk Assessment recommends detailed intrusive surveys which the Coal Authority agree with. A condition requiring further investigation works and mitigation measures where necessary would ensure ground stability concerns can be addressed. This condition would meet the six tests.

The impact of Unit 2 in regard to coal mining legacy would be fully considered as part of a reserved matters application. Highways England seek further information in regard to the relationship of Unit 2 and the motorway. This would be a conditional requirement and is recommended.

Noise

The Village Hotel is to the north of the application site with the proposed service yard facing the hotel. It is understood that hotel's servicing arrangements are also to this elevation. The applicants Noise Assessment concludes that noise and vibration from the proposal is unlikely to result in any significant adverse impacts on surrounding receptors. The applicant's agent has also confirmed the operating times to be 07:00am to 19:00pm Monday to Friday and 09:00am to 13:00pm Saturdays.

Pollution Control agree that noise impact on the hotel bedrooms will be minimised and a condition controlling hours of use to that proposed should be considered. It is noted that the applicant proposes uses of the offices overnight as part of the lone working support of the security arm of the business. A condition that defines the hours of use of the warehouse element and service yard for commercial vehicles would ensure potential noise impacts are mitigated against.

A Construction Management Plan has been submitted setting out mitigation measures to limit the noise impact of the development during the construction phase. While this is acceptable additional vibration and asbestos monitoring would be required. A condition that meets the six tests is recommended.

Conditions relating to the positioning of mechanical equipment and noise levels are also necessary and are recommended. It is also considered necessary for the high level access door to the warehouse to be closed except when needed for access or egress to assist in mitigating noise.

The impact of Unit 2 would be fully considered as part of a reserved matters application.

Air Quality

The applicant's Air Quality Assessment confirms that there would be negligible impacts from construction activities which can be mitigated. These measures are contained within the Construction Management Plan the implementation of which can be a conditional requirement. The assessment also explains that the development would have negligible impact on local pollutant concentrations at existing receptors subject to mitigation measures in line with the Black Country Air Quality SPD. In this case this would be the installation of two electric vehicle charging points and cable provision for a further two to meet future needs and a low emission boiler. Conditions requiring these to be provided are necessary and meet the six tests.

The Sustainability Statement explains air source pumps would be installed. To meet the requirements of BCCS policy ENV7 a condition requiring these to be provided is necessary and meets the six tests.

The impact of Unit 2 would be fully considered as part of a reserved matters application.

Ecology

The Wolverhampton Road Site of Local Importance for Nature Conservation (SLINC) is located to the eastern boundary of the application site. Part of the SLINC, comprising a portion of the Sneyd Brook western bank, is within the application site. The proposed building would be 10m from the boundary with the SLINC and the car park edge meet the SLINC boundary. While the development footprint does not encroach there is potential for indirect effects. The application has been supported by an Ecological Appraisal.

The majority of the site is dominated by early stage re-colonising ground. All of the habitats within the site are considered to be only site level ecological value, offering limited opportunities for protected species. Adjacent to the site boundaries is the SLINC and also the M6 Motorway Corridor Potential Site of Importance (PSI). These habitats are to be retained and the appraisal sets out measures to protect them during construction works.

Whilst the site offers limited opportunities for protected species, there's potential for reptiles and nesting birds to make some use of the site and the potential for foraging/commuting bats. The appraisal sets out measures to ensure that these species are safeguarded.

The proposal offers the opportunity for net gains in biodiversity through selective shrub clearance and the provision of wildflower grassland, new roosting opportunities for bats and nesting opportunities for birds.

The Ecological Appraisal recommends the following mitigation measures which are considered necessary and can be secured through a condition that meets the six tests:

- Pollution prevention – storing chemical away from the watercourse on an impervious base
- Sensitive lighting
- Badger, and Hedgehog construction safeguards
- Habitat manipulation exercise
- Clearance works outside of the bird nesting season
- Watching brief to ensure offset Japanese Knotweed does not spread onto the site
- Ecological enhancements through clearing of selective vegetation choking the brook; buffer zone to the brook; landscape planting; bat, bird and invertebrate boxes.

The wildlife trust consider that there would be no anticipated negative impacts from the proposed development to the SLINC if the mitigation measures are implemented and controlled via a planning condition.

The impact of Unit 2 would be fully considered as part of a reserved matters application.

Car parking, manoeuvring and access arrangements

The site would be accessed from Tempus Drive which is part of an existing signalised junction on to Wolverhampton Road (A454). This access is in close proximity to M6 Junction 10 and the Black Country Route. There's a bus stop along Wolverhampton Road. The site is suitably located for employment use. The Transport Statement explains that the development as a whole would generate between 35 and 29 two-way trips in the AM and PM peak period, which would have a negligible impact on the operation of the local highway network.

For the detailed application 39 car parking spaces are provided including three disabled bays. Subject to a further disabled parking space being provided (to provide four) the parking provision meets the requirements of saved UDP policy T13. Secure, covered and illuminated cycle storage is also required. While not identified on the submitted drawings there is space to provide this requirement. A condition that meets the six tests is recommended.

The layout demonstrates a turning circle for commercial vehicles in the service yard. To ensure the parking layout functions and does not result in indiscriminate parking, conditions requiring the parking spaces to be marked out and the spaces and manoeuvring areas retained for no other use are required. It would also be in the interests

of visual amenity and the amenity of neighbouring occupiers that no external storage other than that shown on the drawing (plant compound and bin store) takes place. A condition that meets the six tests is recommended.

The application drawings make provision for continuation of the existing pavement along Tempus Drive and into the site itself, including provision for tactile paving at the crossing point.

The eastern part of the site is allocated as a greenway under saved UDP policy LC5 which seeks to create or safeguard potential routes away from the highway network and link built up areas. The Public Rights of Way Officer explains that this proposed link would have provided a connection onto Bentley Mill Way via a former service tunnel underneath the M6. This service tunnel has been closed by the Highways Agency following safety and security concerns raised by the Police.

Due to the concerns raised in relation to safety and security, public rights of way have no objections to the proposed development despite there being no pedestrian and cycle link proposed. While no link is proposed at this time the development leaves an area of land between it and the brook where a future link could be provided if considered safe to do so.

Highways raise no objection to the application. Subject to the use of recommended conditions as discussed above. Accordingly the development would not give rise to severe transportation impacts.

Conclusions and Reasons for Decision

In weighing the key material considerations and consultee responses against the national and local planning policies and guidance, it is considered that the principle of development is an acceptable use of the land. The building(s) would have a positive impact upon the visual amenities of the area without causing harm to neighbouring occupiers. Sufficient off-street parking is provided to meet the needs of the development. The development would have a net gain in biodiversity and would not give rise to any further on or off-site flooding.

Safeguarding conditions in regard to defining the use, materials, flood mitigation, ground contamination and ground gas, ground stability, noise and air quality mitigation, ecological safeguards and enhancement, construction management plan, landscaping, renewable energy, boundary treatment, security measures, cycle and vehicle parking, are necessary and meet the six tests. Taking into account the above factors it is considered that the application should be recommended for approval. The development is considered to meet the aims and objectives of the National Planning Policy Framework, policies CSP1, EMP1, EMP2, EMP5, TRAN2, TRAN4, TRAN5, ENV1, ENV2, ENV3, ENV5, ENV7 and ENV8 of the Black Country Core Strategy; saved policies GP2, ENV10, ENV14, ENV23, ENV32 and T13 of Walsall Unitary Development Plan; policy IND2 of the Walsall Site Allocations Document, and Supplementary Planning Documents Conserving Walsall's Natural Environment, Designing Walsall and Air Quality.

Positive and Proactive Working with the Applicant

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

Recommendation

Grant subject to conditions

Conditions and Reasons

For the avoidance of doubt, and to assist in interpreting the document, the following schedules are applied to the Decision Notice:

Schedule A - Conditions relating to detailed consent for B8 (Storage) building and ancillary B1a (Offices) plus associated works

Schedule B – Outline consent for B2 units - all matters reserved

Schedule A - Conditions relating to detailed consent for B8 (Storage) building and ancillary B1a (Offices) plus associated works

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

- Site location plan (0300 Rev 02) received 11/7/18
- Site block plan (0310 Rev 02) received 11/7/18
- Site survey (0302 Rev 02) received 25/7/18
- Site arrangement plan (0311 Rev 03) received 2/11/18
- Site plan Unit 1 (2011) received 25/10/18
- North and West elevations Unit 1 (0320 Rev 02) received 25/7/18
- East and South elevations Unit 1 (0321 Rev 02) received 25/7/18
- Sections Unit 1 (0330 Rev 02) received 25/7/18
- Long elevations Unit 1 (0324 Rev 02) received 25/7/18
- Long elevations (0326 Rev 02) received 25/7/18
- Ground floor plan Unit 1 (0312 Rev 02) received 25/7/18
- First floor plan Unit1 (0315 Rev 02) received 25/7/18
- Unit 1 – Site boundary details (6001) received 2/11/18
- Unit 1 – Plant and bins enclosure (6002) received 2/11/18
- Drainage layout Unit A (501 Rev P4) received 10/9/18
- Sustainability Statement received 25/6/18
- Initial Noise and Vibration Assessment received 25/6/18
- Noise Survey and Operational Noise Impact Assessment received 30/7/18

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- Ground Conditions Desk Study received 25/6/18
- Ecological Appraisal received 25/6/18
- Construction Management Plan received 13/11/18
- Flood Risk Assessment received 25/6/18
- Sustainable Drainage received 10/9/18

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. To avoid the risk to nesting birds, site clearance of vegetation and clearance works shall be undertaken outside the bird nesting season. The bird nesting season extends between mid February and September inclusive but is weather dependant and nesting may take place outside this period. If site clearance unavoidably takes place within the nesting season the site shall be checked by a qualified and experienced ecologist immediately prior to works commencing. If nesting birds are discovered clearance works should be delayed and advice sought from the ecologist or Natural England

Reason: To protect local bird populations.

4a. Prior to the commencement of development, an intrusive site investigation confirming potential risks posed to the development by the past coal mining activity including potential ground gas and any remediation measures required to ensure the safety and stability of the proposed development shall have first been submitted for written approval of the Local Planning Authority.

4b. The development shall be undertaken in accordance with any approved remediation measures.

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

5a. Prior to 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)

5b. 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)

5c. Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

5d. 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.

5e. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part a) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part c) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

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

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

6a. Prior to the commencement of development full details of existing and proposed finished levels of the site, proposed finished levels of the car park, access way and floor levels for the development hereby approved, shall have first been submitted for written approval of the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site and any drainage or other works necessary to facilitate the development.

6b. The development shall be carried out in accordance with the approved details.

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

7a. The Construction Management Plan shall be implemented upon commencement of any works and shall be maintained until the site is completed.

7b. Vibration levels during ground stabilisation/piling works shall not exceed the Low Probability of Adverse Comment, as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting'.

Reason: To protect the amenity of local residents and in order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety.

8a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved until a schedule of facing materials to be used in external walls and roofs that includes details of the colour, size, texture and specification of the materials shall be submitted to and approved in writing by the Local Planning Authority.

8b. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

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

9a. Prior to the development first being brought into use a revised car parking layout plan shall be submitted for written approval of the Local Planning Authority. The revised layout shall provide four disabled parking bays and 35 standard car parking bays.

9b. The approved details shall be implemented prior to the development first being brought into use. The parking areas and vehicle manoeuvring spaces shown on the approved site layout plan shall be consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, together with the clear delineation of the parking bays.

9c. These areas shall thereafter be retained and used for no other purpose.

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

10. The development hereby approved shall only be carried out in accordance with the mitigation and ecological enhancements as set out within the Ecological Appraisal received on 25/6/18.

Reason: To safeguard nature conservation.

11a. Notwithstanding the details provided and prior to the first occupation of or use of any part of the development hereby approved a detailed landscaping scheme for the site that includes the ecological enhancement measures contained within the Ecological Appraisal received on 25/6/18 shall have first been submitted to and approved in writing by the Local Planning Authority.

11b. The approved scheme shall be implemented within 12 months of any part of the development being first brought into use.

11c. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

- (i) grassed areas shall be maintained and any areas that fail to establish shall be reinstated;
- (ii) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
- (iii) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance and biodiversity gains of the development.

12. Mechanical Equipment (Plant) shall be located internally or within acoustic enclosures.

- a. The noise rating level of Mechanical Equipment (Plant) shall not exceed 53 dB L_{Ar},T_r at the site boundary.

- b. Prior to Mechanical Equipment (Plant) becoming fully operational, the Applicant shall provide written confirmation that the noise levels do not exceed 53 dB LAr,Tr at the site boundary.

Reason: to control noise impacts upon nearby sensitive receptors.

13a. No external lighting to the development hereby approved shall be installed until full details, including its location, positioning, level of illumination and management has been submitted to and approved in writing by the Local Planning Authority.

13b. The approved light(s) shall be installed in accordance with the approved details and retained in accordance with these details.

Reason: To safeguard the amenities of the occupiers of adjoining premises and in the interests of nature conservation.

14. The development hereby approved shall not be occupied until all walls fences gates and other means of enclosure have been erected in accordance with the approved details and shall thereafter be retained.

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

15a. Prior to the first occupation of any part of the development hereby approved details of electric vehicle charging points to be provided for three parking bays and infrastructure cabling for a further three parking bays for future demand shall have first been submitted to and approved in writing by the Local Planning Authority.

15b. Prior to first occupation of the development hereby approved the electric vehicle charging points and additional infrastructure cabling shall be installed in accordance with the approved details and shall be retained and maintained for the life of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy and the Black Country Air Quality Supplementary Planning Document.

16a. Notwithstanding the details submitted and prior to the development first being brought into use, details of a covered and illuminated cycle store (to LPS 1175: Issue 7, SR1/2 or Sold Secure SS314 Bronze standard) shall have first been submitted to and approved in writing by the Local Planning Authority. .

16b. Prior to the first occupation of any part of the development, the bin and cycle store shall have been installed in compliance with the approved details and made available for future occupiers of the development hereby approved. These facilities shall thereafter be retained, available for the future occupiers of the development and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with UDP Policy GP2, T7 and T13 and Black Country Core Strategy TRAN4.

17. Prior to first occupation the approved drainage layout received on 10/9/18 and measures contained within the approved Flood Risk Assessment received on 25/6/18 and Sustainable Drainage Statement received on 10/9/18 shall be implemented. The following mitigation measures shall be included:

- Finished floor levels are set at a minimum of 122.98m above Ordnance Datum
- Limiting the surface water run-off generated to a maximum of 3.5l.s
- Provision of an appropriate calculated volume of attenuation flood storage to a 100year + Climate Change standard.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

18. Prior to the development first being brought into use the air source heat pumps as set out within the Sustainability Statement received on 25/6/18 shall be installed and retained thereafter.

Reason: In the interests of energy efficiency.

19. No boilers shall be installed and used within the development hereby approved, save for:

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

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

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

- All ground floor windows and any accessible windows should have at least one pane of 6.4mm laminated glass and be to BS EN 356 grade P1A standard.
- PAS 24:2016 doors should be on all entrance and exit doors.
- Monitored CCTV to BS EN 50132-7 standard and security alarm.

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

21. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (as amended) the development shall be used as warehouse (Planning Use Class B8) with ancillary offices (Planning Use Class B1a). At no time shall the development be sub-divided to form a separate planning unit and at no time shall the offices be operated independently from the warehouse use.

Reason: In order to define the permission, meet the strategic aims of the Black Country Core strategy and Walsall Town Centre Area Action Plan for delivery of office accommodation.

22. There shall be no additional mezzanine floors other than those approved by this permission.

Reason: In order to define the permission, meet the strategic aims of the Black Country Core strategy and Walsall Town Centre Area Action Plan for delivery of office accommodation and to enable the Local Planning Authority to retain effective control over the site and in the interests of highway safety.

23. The high level roller shutter door to the north elevation shall remain closed except when in use for access/egress.

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

24. Other than in the areas identified on the approved plan no materials, goods or refuse shall be stored or deposited in the open on any part of the site.

Reason: To ensure the satisfactory operation and appearance of the development.

25. The warehouse and service yard shall not be used outside the hours of 07.00 to 19.00 Monday to Fridays and 09.00 to 13.00 on Saturdays.

Reason: To define the permission and safeguard the amenities of the occupiers of adjoining premises.

Schedule B – Outline consent for B2 units - all matters reserved

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

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

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

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

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

- Access
- Appearance
- Landscaping
- Layout
- Scale

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

4: This development shall not be carried out other than in conformity with the following approved plans: -

- Site location plan (0300 Rev 02) received 11/7/18
- Site block plan (0310 Rev 02) received 11/7/18
- Site survey (0302 Rev 02) received 25/7/18
- Ground Conditions Desk Study received 25/6/18
- Ecological Appraisal received 25/6/18
- Construction Management Plan received 13/11/18
- Flood Risk Assessment received 25/6/18
- Sustainable Drainage Statement received 10/9/18

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).

5a. Prior to the commencement of development drainage plans for the disposal of foul sewage and surface water run-off shall have first been submitted for written approval of the Local Planning Authority. The scheme shall have regard to the findings of the Flood Risk Assessment received on 25/6/18 and the Sustainable Drainage Statement received on 10/9/18

5b. The development shall not be brought into use until the approved scheme has been implemented in accordance with the approved details.

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

6a. Prior to the commencement of development the geotechnical stability of the western boundary of the site adjacent to the M6 motorway shall be assessed in accordance with the Design Manual for Roads and Bridges (DMRB) HD 22/08 Managing Geotechnical Risk and (DMRB) BD 2/12 Technical Approval of Highway Structures and details shall be submitted for written approval of the Local Planning Authority. This shall include details of any necessary works that may arise to ensure the stability of the adjacent motorway.

6b. The development shall be completed in accordance with the approved details

Reason: To ensure that the M6 Motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and in the interests of road safety.

7a. Prior to the commencement of development details of any proposed retaining structures adjacent to the M6 motorway western boundary including the means of maintaining the structures, including access, shall be submitted for written approval of the Local Planning Authority.

7b. The development shall be completed in accordance with the approved details

Reason: To ensure that the M6 Motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and in the interests of road safety.

8a. Prior to commencement of development, full details of the proposed on-site surface water storage, attenuation and outfall arrangements shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the outfall connections to Sneyd Brook, as described within the Flood Risk Assessment, and take account of the existing drainage system and outfall from the M6 Motorway.

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

Reason: To ensure that the M6 Motorway continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and in the interests of road safety.

9. To avoid the risk to nesting birds, site clearance of vegetation and clearance works shall be undertaken outside the bird nesting season. The bird nesting season extends between mid February and September inclusive but is weather dependant and nesting may take place outside this period. If site clearance unavoidably takes place within the nesting season the site shall be checked by a qualified and experienced ecologist immediately prior to works commencing. If nesting birds are discovered clearance works should be delayed and advice sought from the ecologist or Natural England

Reason: To protect local bird populations.

10a. Prior to the commencement of development, an intrusive site investigation confirming potential risks posed to the development by the past coal mining activity including potential ground gas and any remediation measures required to ensure the safety and stability of the proposed development shall have first been submitted for written approval of the Local Planning Authority.

10b. The development shall be undertaken in accordance with any approved remediation measures.

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

11a. 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)

11b. 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)

11c. Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

11d. 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.

11e. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part a) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part c) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

11f. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

12a. Prior to the commencement of development full details of existing and proposed finished levels of the site, proposed finished levels of the car park, access way and floor levels for the development hereby approved, shall have first been submitted for written approval of the Local Planning Authority. The submitted details shall include full details of any retaining structures required to ensure the stability of the site and any drainage or other works necessary to facilitate the development.

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

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

13a. The Construction Management Plan shall be implemented upon commencement of any works and shall be maintained until the site is completed.

13b. Vibration levels during ground stabilisation/piling works shall not exceed the Low Probability of Adverse Comment, as prescribed within British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting'.

Reason: To protect the amenity of local residents and in order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety.

14a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved until a schedule of facing materials to be used in external walls and roofs that includes details of the colour, size, texture and specification of the materials shall be submitted to and approved in writing by the Local Planning Authority.

14b. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

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

15a. Prior to the development first being brought into use. The parking areas and vehicle manoeuvring spaces shown on the approved site layout plan shall be consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, together with the clear delineation of the parking bays.

15b. These areas shall thereafter be retained and used for no other purpose.

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

16. The development hereby approved shall only be carried out in accordance with the mitigation and ecological enhancements as set out within the Ecological Appraisal received on 25/6/18.

Reason: To safeguard nature conservation.

17a. Notwithstanding the details provided and prior to the first occupation of or use of any part of the development hereby approved a detailed landscaping scheme for the site that includes the ecological enhancement measures contained within the Ecological Appraisal received on 25/6/18 shall have first been submitted to and approved in writing by the Local Planning Authority.

17b. The approved scheme shall be implemented within 12 months of any part of the development being first brought into use.

17c. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

- (i) grassed areas shall be maintained and any areas that fail to establish shall be reinstated;
- (ii) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
- (iii) any damage to protective fences shall be made good.

Reason: To ensure the satisfactory appearance and biodiversity gains of the development.

18a. Prior to the commencement of development details of boundary treatment shall have first been submitted for written approval of the Local Planning Authority.

18b. The approved details shall be installed and retained thereafter.

Reason: In the interests of visual amenity and community safety.

19a. No external lighting to the development hereby approved shall be installed until full details, including its location, positioning, level of illumination and management has been submitted to and approved in writing by the Local Planning Authority.

19b. The approved light(s) shall be installed in accordance with the approved details and retained in accordance with these details.

Reason: To safeguard the amenities of the occupiers of adjoining premises and in the interests of nature conservation.

20a. Prior to the first occupation of any part of the development hereby approved details of electric vehicle charging points to be provided for 5% of the total parking bays and infrastructure cabling for a further 5% of the total parking bays for future demand shall have first been submitted to and approved in writing by the Local Planning Authority.

20b. Prior to first occupation of the development hereby approved the electric vehicle charging points and additional infrastructure cabling shall be installed in accordance with the approved details and shall be retained and maintained for the life of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy and the Black Country Air Quality Supplementary Planning Document.

21a. Notwithstanding the details submitted and prior to the development first being brought into use, details of a covered and illuminated cycle store (to LPS 1175: Issue 7, SR1/2 or Sold Secure SS314 Bronze standard) shall have first been submitted to and approved in writing by the Local Planning Authority. .

21b. Prior to the first occupation of any part of the development, the bin and cycle store shall have been installed in compliance with the approved details and made available for future occupiers of the development hereby approved. These facilities shall thereafter be retained, available for the future occupiers of the development and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development and in accordance with UDP Policy GP2, T7 and T13 and Black Country Core Strategy TRAN4.

22. No boilers shall be installed and used within the development hereby approved, save for:

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

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

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

- All ground floor windows and any accessible windows should have at least one pane of 6.4mm laminated glass and be to BS EN 356 grade P1A standard.
- PAS 24:2016 doors should be on all entrance and exit doors.
- Monitored CCTV to BS EN 50132-7 standard and security alarm.

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

Notes for Applicant

Environment Agency

We recommend that developers should:

1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
2. Refer to the Environment Agency document '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.

Refer to our website at www.gov.uk/environment-agency for more information

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- The [Environmental regulations](#) page on GOV.UK.

Contaminated soil that is, or must be, disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005

'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the [Hazardous Waste](#) pages on GOV.UK for more information.

Highways England

In addition to the above, Highways England would welcome consideration by the applicant to the provision of a vehicular right of access for Highways England for future maintenance purposes in connection with the toe ditch/embankment area located between the M6 southbound on-slip road and the western site boundary. It is considered that the most appropriate means of access would be from the service yard shown at the southern end of the B2/B8 terrace. Subject to the principle of the right of access being acceptable to the applicant, further details and the terms of an appropriate agreement can be discussed in due course.

Pollution Control

CL1- Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 +A2:2017 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

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

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

Note to Applicant Air Quality SPD

Ultra-Low NO_x boilers have maximum dry-NO_x emission no greater than 40 mg/kWh for gas and liquefied petroleum gas (LPG) boilers, and a maximum of 120 mg/kWh for oil-fired boilers.

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

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

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

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

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

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

Ultra-low NOx boilers discharge NOx at or below 40mg/kWh. The latest models are future-proofed 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 are eligible for maximum BREEAM credits, helping contribute to a higher environmental building rating.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 29-Nov-2018

Plans List Item Number: 2.

Reason for bringing to committee: Major application

Location: SHOPPING PRECINCT AT, RAVENS COURT, BROWNHILLS, WALSALL, WS8 6EJ

Proposal: PART DEMOLITION OF EXISTING RETAIL UNITS AND ERECTION OF 2 X A1 RETAIL UNITS WITH STORAGE AND GYM AT FIRST FLOOR AND CAR PARKING AND SERVICE AREA TO THE REAR.

Application Number: 17/1131

Applicant: Mr Schwimmer

Agent: Mr Robert Pomery

Application Type: Full Application: Major Use Class A1 (Shops)

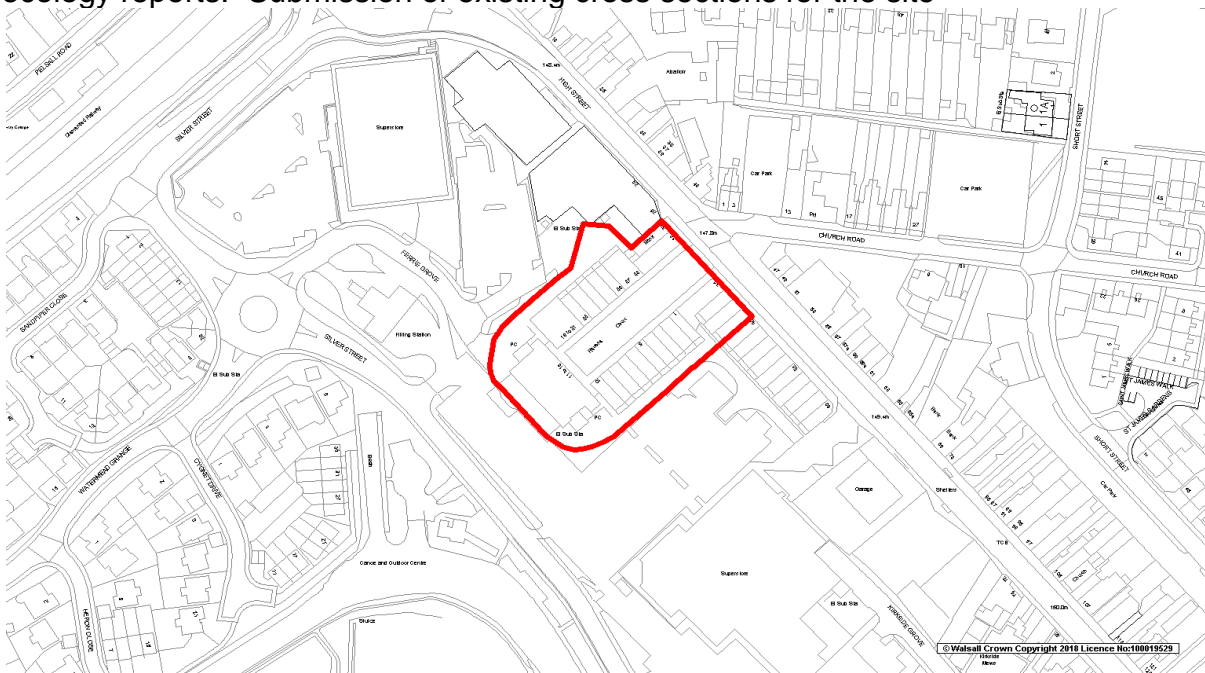
Case Officer: Devinder Matharu

Ward: Brownhills

Expired Date: 16-Jan-2018

Time Extension Expiry: 29-Nov-2018

Recommendation Summary: Planning committee resolve to delegate to Head of Planning, Engineering and Transportation to grant planning permission subject to: No new material considerations being received within the consultation period. The amendment and finalising of conditions. Addressing the issue regarding the ecology reports. Submission of existing cross sections for the site



Proposal

The application proposes the part demolition of existing retail units and erection of 2 Class A1 retail units with storage and gym at first floor and car parking and service area to the rear.

The proposed two storey development would be rectangular in shape measuring approximately 46m by 27.4m and 8.5m high. The floor plans show two retail units at ground floor and a gym including changing facilities and a reception and storage areas for the retail units at first floor. The design of the proposed development would include cladding and brickwork with windows on all the elevations.

The opening hours for the proposed retail and gym uses have not been specified.

The following documents have been submitted in support of the proposal:

Planning statement:

- Proposal seeks demolition of existing retail units and redevelopment with retail and a gym over two floors with pedestrian access from High Street and Silver Street.
- Car park to the rear of the site would be provided.
- The architecture is bold with projecting elements to provide accent and articulation.
- Proposal compliant with UDP policies.

Design and Access Statement:

- The existing buildings are in a U shape with a courtyard facing the High Street.
- The courtyard is in Council ownership
- There are existing pathways though the site leading from the supermarkets car park to the High Street.
- The difference in levels between the courtyard and the rear car parks is overcome via sets of stairs.
- The rear service road is approximately 2.2m lower at the bottom of the main stairs and lowers to approximately 3.8m in the undercroft.
- The new two storey building is to be located in the centre of the site and similar in scale, two storeys high with a flat roof
- There is a 4.5m gap proposed between the retained single storey units and the new building to create walkways around the site.
- A set of steps are proposed to the south of the building and a service yard is proposed to the rear.
- The simple cuboid form has been divided by the introduction of various materials in equal divisions and provision of elements for visual breaks.
- The projecting elements make reference to the overhangs of the existing buildings and are designed to provide shading to below glazed facades.
- Privacy and shading to the gyms main elevation glazing is provided via vertical brise soleil elements projecting from the curtain walling and horizontal louvres to the side elevations.
- All elevations of the building include large glazed facades. The main entrance block is north west facing and will be protected by vertical louvres to stop low level sun penetration and glare on the first floor. The south facing elevations will be protected by horizontal louvres shading the glazed elements to the first floor.

- Landscaping will be functional and cost effective with native species.
- Use of light brick with colour cladding provide visual breaks in the overall mass.

The Arboricultural report identifies the trees within and around the site and looks to retain category A and B trees and also safeguard root protection areas.

The preliminary bat roost survey identifies the buildings as having a high potential to support roosting bats and recommends that for structures with high bat roosting potential at least three dusk emergence and/or dawn re-entry surveys be undertaken during the bat emergence/re-entry survey season to determine the presence of bats.

The nocturnal emergence and dawn re-entry bat surveys were undertaken between 18/07/17 and 14/8/17 and recorded that during the nocturnal emergence and the dawn re-entry surveys that no roosts were identified and that the survey is valid for 12 months.

Transport statement:

- Traffic generation to the gym would not be significant with the context of traffic flows in the local area.
- The existing services roads are retained.
- Highway and pedestrian environment around Ravenscourt are poor created in part by a level difference of 4m across the site.
- The proposals promote improvements to the pedestrian environment and public realm.

The agent has submitted a land registry plan showing ownership of the retail units, service areas to the rear and numbers 30 to 60 High Street.

The following information has also been submitted by the planning agent:

- To address the Canal and Rivers comments, a fence to the service yard and screening trees within the parking is proposed.
- The service yard is located on the lower level and screen fencing and trees provided.
- Transport statement including an auto track plan submitted to address highway comments.
- 40 covered cycle stands provided.
- Staff cycle shelters to be provided
- Electric charging points shown on amended plan.
- Lighting is requested by condition
- Landscaping to the rear of the site is requested by condition.
- Landscaping towards the front of the site to remain.
- Permeable surfaces to be used throughout the site.
- Verbally confirmed remaining area of Ravenscourt will remain as present being a maintainable highway.

Site and Surroundings

Ravenscourt is a two storey flat-roof shopping precinct of 28 retail units located on the southern side of High Street in Brownhills. The units are positioned in a 'U' shape facing each other and facing the High Street with a central pedestrian section with landscaped

features and trees. The retail units have a continuous flat roof canopy. The premises have been vacant for a number of years and subject to anti-social behaviour.

There are gates to the precinct set back into the site from the High Street entrance. In front of the gates is a landscaped circle feature with cobbled stones and seating. In front of this landscaped area towards the High Street there are two trees and lighting columns in the central pedestrianised area of the precinct. The site from the High Street is all level.

There are bollards on the public footpath along this part of the High Street and there is a signalised pedestrian crossing 15m away from the precinct entrance in a westerly direction. There are double yellow lines along this part of the High Street.

Towards the rear of the site is a vehicular access off Ferrie Grove via Silver Street to provide a service road access for the existing retail units. The service road extends around the rear of the building servicing the precinct and numbers 34 to 60 High Street. Ferrie Grove also provides vehicular access to the Tesco filling station, Aldi and Wilkinson's.

The rear of the site is set at a lower level than the front of the site. Numbers 11 to 18 extend out at the rear and above the service road providing an undercroft. The height of the existing shopping precinct at the rear varies from two to three storeys due to the ground level differences.

To the east and south of the precinct at the rear is Tesco car park, due to the height difference, there are stairs from Ferrie Grove and the service road to provide pedestrian access to the precinct from the rear of the site. Tesco superstore is located beyond the car park.

The nearest residential properties are located on Watermead Grange and Cygnet Drive, at a distance of 62m to the nearest property, 6 Watermead Grange beyond the canal basin. Number 6 Watermead Grange faces towards the canal basin and numbers 25 to 27 Cygnet Drive face towards the canal basin. Silver Street and the canal basin forms the boundary between the proposed site and these neighbouring houses.

The area is mixed in nature with a retail and other town centre uses along the High Street and within the District centre. To the south of the site beyond Silver Street highway is the Wryley and Essington Canal and canal basin. The site is within Brownhills District Centre.

Relevant Planning History

10/0300/ND - Screening opinion to ascertain whether an Environmental Impact Assessment is required- Proposed replacement retail store, shop units, access improvements and car parking. Environmental Statement not required 2010.

This proposal was previously screened under the Environmental Impact Assessment Regulations (2010). The 2017 EIA regulations have now changed and the threshold for undertaking an EIA screening have been raised from 0.5hectares to 1 hectare. As the site is below this threshold, an EIA screening is not required.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF says:

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

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

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

Reducing Inequalities

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- DEL1: Infrastructure Provision
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN4: Regeneration of Town Centres
- CEN8: Car Parking in Centres
- 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
- ENV3: Design Quality
- ENV4: Canals
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- ENV40: Conservation, Protection and Use of Water Resources
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- T4 - The Highway Network
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T13: Parking Provision for Cars, Cycles and Taxis
- BR1: Primary Shopping Area
- BR4: Redevelopment / Refurbishment Schemes
- BR7: Environmental Enhancement
- BR8: Retail Development Opportunities
- BR13: Pedestrian Routes
- BR14: Cycle Access and Parking

- BR15: Car Parking Provision

Supplementary Planning Document

Conserving Walsall's Natural Environment

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
- DW10 Well Designed Sustainable Buildings

Shop Front SPD

- SF2: Shop front proportions
- SF3: Materials in shop fronts
- SF4: Colour finishes
- SF5: Access to shops
- SF6: Advertisements
- SF7: Illumination
- SF8: Shop front security
- SF9: Canopies

Air Quality SPD

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

Consultation Replies

Arboricultural Officer – No objection subject to protection of London Plane trees during construction works.

Canal and River Trust – No objection subject to planning conditions regarding construction and environmental management plan, screen fencing to the service yard to buffer noise and views of delivery vehicles.

Fire Officer – No objection water for firefighting supplies should be in accordance with national guidance document.

Police – No objection to amended plans and no objection subject to secure by design for commercial accreditation.

Pollution Control – No objection subject to planning conditions relating to contaminated land, demolition, air quality and development activity.

Transportation – No objection subject to a stopping up order, access, cycle shelter and construction methodology statement.

Strategic Policy – No objection

Representations

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

- Not a good venture for Brownhills
- Big shops do not survive
- Town is desperate for small dwellings, single occupancy

Three letters have been received supporting the proposal on the following grounds:

- Great idea for Brownhills
- Welcome redevelopment
- Existing fences and gates are unwelcoming and endangering
- Enclosed courtyard with single exit
- Removal of fencing will make area more welcoming

The following questions have also been raised by supporters:

- whether the masterplan for the redevelopment of Brownhills exists.
- Is there a National rail agreement for the re-opening of Brownhills/Walsall line?

Determining Issues

- Principle of Development
- Design and character of the area
- Ecology, trees and landscape
- Impact upon neighbouring commercial occupiers
- Access and parking

Assessment of the Proposal

Principle of Development

Ravenscourt precinct is within the established district centre of Brownhills. District centres are smaller than Walsall Town Centre and serve a localised role providing substantial retail, service and other facilities, their main role to meet the needs of the district for convenience goods, as identified by Policy S2 of the UDP.

Policy S1 of the UDP identifies and supports retail and indoor sports and fitness centres in established district centres with Policy S4 seeking to sustain and enhance the range and quality of shopping and leisure. In principle the proposal for retail and a leisure use in the district centre would be supported.

The application site is within the primary shopping area where retail uses are supported provided they are open during normal shopping hours. The application form has not specified the opening hours but it is considered any retail would open during normal shopping hours 9am to 5pm to attract trade. Hours of operation of each unit and associated delivery arrangements can be conditioned. The gym will be accessed via a staircase towards the rear of the site, adjacent the service yard.

The existing shopping precinct is vacant, it is considered the redevelopment of the site with new retail and a gym would enhance the vitality and viability of the District Centre and would be in accordance with the NPPF and town centre policies as set out in the Development Plan.

The objector has expressed an view that the proposed development is not a good venture for Brownhills and big shops do not survive. No evidence has been supplied to support this view point. The existing precinct is vacant and derelict, new mixed use development and the provision of a gym would provide additional facilities for residents. The redevelopment would assist this site to be regenerated to improve the vitality and viability of the district centre. The existing units are smaller and have remained vacant for a number of years, larger units offers a more flexible space for future retailers. Nevertheless larger units are appropriate in the district centre. No objection has been raised to the proposal by the Planning Policy service.

The objectors has also stated that they believe the town is desperate for housing. Nevertheless whilst there may be a requirement for housing supply in sustainable locations, the application before the Council is one for retail development.

In addition to the comments received on the application, neighbouring residents have also queried whether a masterplan for the redevelopment of Brownhills exists and whether there is a National rail agreement for the re-opening of Brownhills/Walsall line. Strategic Policy have confirmed that there is no master plan for Brownhills and the Council has no knowledge of the opening of the Brownhills/Walsall railway line.

Design and character of the area

The design of the proposed two storey rectangular shaped development would be prominent with projecting elements to provide accent and articulation. The development would be completed in accordance with various materials and designs that include horizontal cladding, vertical louvres and light brickwork that would visually break up the

mass and scale of the proposed development along this part of the High Street. The proposal would include overhangs that would provide shade to the glazed facades, which would replicate the design features of the existing shopping precinct and retail units along the High Street. The proposed facing materials to construct the proposed development are considered acceptable, however further details regarding these materials and finishes will be sought by way of planning condition. .

The development would have a flat roof which would be in keeping with other flat roof development along the High Street.

The proposed development would be positioned in the centre of the site towards the High Street frontage, which would enable the rear service yard to be provided and also for the proposed development to relate to the High Street, especially given the site is within the primary shopping area.

The glazing in the elevations provides an active frontage around the site as well as providing visual surveillance of the site and adjacent surrounding areas.

There are site level changes across the site with the rear of the site being lower and the service yard and car park being set at a lower level than the proposed retail development. The proposal seeks to retain the existing pedestrian access routes across the site to accommodate the site levels.

The proposal seeks to include two shop fronts that are not currently compliant with the Council's Shop Front SPD. However, the retail units are set back within the High Street frontage and as the development is modern in design, the traditional shop fronts sought under the Shop Front SPD would be out of character with this modern design. The large glazed frontages would blend in well with the modern design. Policies ENV32, ENV35 and S4 seek high quality design of commercial/retail development. It is considered overall the design of the shop fronts is acceptable, as this would enable the regeneration of a site that is run down and derelict on the High Street. The proposal fails to show whether or not roller shutters or security grilles will be installed, details of this have been sought from the planning agent, as the visual impact of these would need to be fully assessed. These details can be sought by way of planning condition.

The submitted plans show the rear service yard to be gated, however, it is unclear whether these gates form the boundary around the whole service yard area. The rear service yard is located to the north east of the Wyrley and Essington Canal where this service yard would be visible from the canal and canal basin. The Canal and River Trust have sought screen fencing to buffer noise from HGV's and views of the rear service yard from the canal, so as not to have a significant impact upon the overall character and appearance of the canal or its setting. The planning agent has advised the service yard is located on a lower level and screening fencing and trees are provided. Whilst proposed details of cross sections across the site have been submitted, it is considered necessary for existing cross sections to also be provided to ensure the implications arising from the importation or exportation of materials to and from the site are understood prior to development commencing. As this information may result in a significant environmental impact arising from the movement of vehicles to and from the site during the initial construction phases, it is considered the details need to be assessed prior to the application being approved if all

other matters are considered acceptable. Details of the screen fencing and trees can be sought by way of planning condition.

Residents have raised concerns over the existing gates and fencing creating an unwelcoming and dangerous environment with a single exit. The submitted plans do not clarify what will happen with these, and further details have been sought from the planning agent. Members will be updated via the supplementary paper, or seek delegation to the Head of Planning, Engineering and Transportation. The submitted plans show the pedestrian links through the site will be retained from Silver Street to High Street.

A lighting scheme within and around the development would provide illumination of the access ways and pathways around the site for the security for users of the site and surveillance of the site. Any lighting scheme will need to prevent glare and light spillage which would ultimately result in light pollution. The planning agent has requested these details are sought by planning condition which is considered acceptable.

Ecology, trees and landscape

The preliminary bat roost survey identified the buildings as having a high potential to support roosting bats and recommended three dusk emergence and/or dawn re-entry surveys be undertaken during the bat emergence/re-entry survey season to determine the presence of bats. The nocturnal emergence and dawn re-entry bat surveys undertaken in 2017 recorded that during the nocturnal emergence and the dawn re-entry surveys that no roosts were identified and that the survey is valid for 12 months. These surveys expired in August 2018, further written clarification from the planning agent has been sought to establish whether or not ecologist who undertook these surveys can confirm in writing that these surveys are still valid. Members will be updated via the supplementary paper, or seek delegation to the Head of Planning, Engineering and Transportation.

The Arboricultural report identifies the trees within and around the site and looks to retain category A and B trees and also safeguard root protection areas. The submitted plans show that the trees around the site adjacent the service road are to be removed with the trees within the courtyard to be retained. The plan also shows new tree planting to the rear of the site within the landscaped areas around the proposed car park fronting the service road and in between the rear servicing yard and this proposed car park. The planning agent has requested these details are sought by planning condition. The Arboricultural Officer has no objection to the loss of the trees and welcomes the retention of the London Plane trees to the front of the site.

Impact upon neighbouring commercial occupiers

The proposed development would be set back 4.5m from the rear of the retained commercial properties fronting High Street, numbers 32 and 34. It is considered that the proposed development would not unduly harm the amenities of these neighbouring commercial properties to warrant refusal of the proposal.

The proposed development would not unduly harm the amenities of the neighbouring occupiers to the north west, south and south east of the site. The development would be seen in context of the existing retail/commercial development in the area. The redevelopment of the area would visually enhance the site and surrounding areas.

The nearest neighbouring properties are located on Watermead Grange and Cygnet Drive to the south west of the application site at a distance of 62m. It is considered that the proposed retail and gym uses would not unduly harm the amenities of these neighbouring occupiers, as it would be far enough away and separated by the canal basin and existing highway, Silver Street. The proposed development would be seen against the back drop of existing retail development along High Street.

Access and parking

The submitted transport statement states that the traffic to the gym wouldn't be significant and improvements to the pedestrian environment would be created. The statement also includes an auto track plan for heavy good vehicles.

The proposal to demolish part of the existing retail units and replacement with a gym and two new retail units with ancillary storage areas with servicing from the rear via a small service yard, together with the provision of a small public car park providing 28 spaces and four electric charging points in a sustainable location within the district centre where there is access to other public and private parking provision in principle is considered acceptable from a highway point of view. The Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF 2018 para 109, as the site is located within the District Centre which is considered to be a sustainable location and where there is access to other public and private parking provision.

The Highway Officer has no objection to the proposal subject to improvements being made to existing pedestrian links to and from the surrounding car parks particularly the western and north-western boundaries of the site. The submitted plans only show the retention of the existing pedestrian links and a ramped access point at the south of the site adjacent the car park belonging to Tesco. The Highway Officer has verbally confirmed that he has no objection to the retained pedestrian links throughout the site.

The courtyard to the front of the retail units within the existing Ravenscourt precinct is under the ownership of the Council and relevant notice has been served. The courtyard is a publicly maintainable highway and a stopping up order under S247 of the Town and Country Planning Act 1990, which is a separate legal process, will need to be confirmed and implemented to allow the development to proceed. The planning agent has verbally confirmed that the remaining area of the Ravenscourt precinct that is not required to be stopped up to allow the building to be constructed will remain as present, a publicly maintained highway.

Stopping up Orders are a democratic process and the public or other interested parties can object which could result in a public inquiry and ultimately the Order being rejected. A Stopping up Order application can be made in parallel to the planning application up to draft Order stage. The risk that the order is not confirmed may mean that the development may not succeed.

Amended plans have been received which shows cycle shelter for staff within the rear service yard. A total of 40 cycle shelters towards the front of the site will be provided. The planning agent advises the cycle shelters towards the front of the site are located in the public realm allowing surveillance.

Conclusions and Reasons for Decision

The proposal to demolish part of the existing retail units and replacement with a gym and two new retail units with ancillary storage areas with servicing from the rear via a small service yard, together with the provision of a small public car park providing 28 spaces and four electric charging points in a sustainable location within the district centre where there is access to other public and private parking provision in principle is considered acceptable.

The existing shopping precinct is vacant, it is considered the redevelopment of the site with new retail and a gym would enhance the vitality and viability of the District Centre and would be in accordance with the NPPF and town centre policies as set out in the Development Plan.

The design of the proposed development is considered acceptable. The retention of the existing pedestrian access routes across the site to accommodate the site levels. The retention of the London Plane trees is welcomed. Landscaping, fencing to the service yard and lighting across the site can be sought by condition.

The proposed development would not unduly harm the amenities of these neighbouring commercial properties to warrant refusal of the proposal.

The proposal complies with the NPPF, Policies CSP4, DEL1, CEN1, CEN2, CEN3, CEN4, CEN8, TRAN1, TRAN2, TRAN4, TRRAN5, ENV3, ENV4 and ENV5 of the BCCS, saved policies GP2, ENV10, ENV11, ENV14, ENV32, ENV33, ENV35, ENV40, S1, S2, S3, S4, T4, T7, T8, T9, T10, T11, T13, BR1, BR4, BR7, BR8, BR13, BR14 and B15 of the UDP, policies NE4 to NE10 of Conserving Walsall's Natural Environment, Policies DW1 to DW10 of Designing Walsall SPD and the Air Quality SPD.

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

Planning committee resolve to delegate to Head of Planning, Engineering and Transportation to grant planning permission subject to:

No new material considerations being received within the consultation period.

The amendment and finalising of conditions.

Addressing the issue regarding the ecology reports

Submission of existing cross sections for the site

Conditions and Reasons

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

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

2.The development shall not be completed otherwise than in accordance with the following plans:

- Site location plan 6246-1101 submitted 02-10-17
- Existing site plan 6246 1102 submitted 14-11-18
- Proposed site plan 6246-1104/C submitted 08-11-18
- Proposed first floor plan 6246-1203/A submitted 15-06-18
- Proposed ground floor plan 6246-1202/B submitted 14-11-18
- Elevations 1- 6246-1301/A submitted 15-06-18
- Elevations 2- 6246-1302/A submitted 15-06-18
- Street Views 6246-1310 submitted 15-06-18
- Sections sheet 1 6246-1401 submitted 12-10-17
- 3D views sheet 2 6246-1602/A submitted 15-06-18
- Demolition plan 6246-1103 submitted 02-10-17
- 3D views sheet 3 6246-1603/A submitted 15-06-18
- 3D model sheet 1 6246-1601A submitted 15-06-18
- Public rights of way plan 6246-1110 submitted 15-06-18

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

3a.Prior to the commencement of development, a desk study and site reconnaissance shall be conducted to identify the potential for contaminants and/or ground gases to present a likely risk to proposed structures or future occupants of the development. Results of the desk study and site reconnaissance shall be submitted to and agreed in writing prior to any built development commencing. (see Note for Applicant CL 4)

3b. In the event that the desk study and site reconnaissance indicates a potential presence of contamination and/or ground gases on site. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas having regard to current best practice shall be undertaken. (see Note for Applicant CL1)

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

3d.Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

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

3f. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part ii) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

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

Reason: Necessary to ensure safe development of the site and to protect human health and the environment in accordance with Policies ENV14 and ENV10 of the UDP.

4a. Prior to demolition and removal of any buildings and / or structures a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement shall be submitted to the local planning authority detailing actions and time scale to be taken to prevent localised contamination.

4b. Following demolition and removal of any buildings and/or structures a validation report shall be submitted to the Local Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials.

4c. The development shall be carried out in accordance with the approved surveys under part a and b of this condition.

Reason: Necessary to ensure safe development of the site and to protect human health and the environment in accordance with Policies ENV14 and ENV10 of the UDP.

5a. Prior to the commencement of development, a Construction and Environmental Management Plan outlining measures for controlling dust, noise, dust, flying debris, drag out from engineering and construction activities, hours of work, times of the year works will be undertaken (to avoid adverse impacts to nesting birds/bats), parking and turning facilities for site operatives and construction vehicles will be located, wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

5b. The construction and environmental management plan shall implemented and maintained at all times during the construction works.

Reason: Necessary to minimise environmental impact during development, in order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety and to safeguard the impact upon the canal, in accordance with Policies ENV14 and ENV10 of the UDP and ENV4 of the BCCS.

6a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved, full details of the buildings facing materials, including [bricks, horizontal cladding, vertical louvres, windows, doors, rainwater products, soffits, shop front external finishes including colour and materials, roller shutter/security grills, external finish of roller shutter/security grills], illustrating the colour, size, texture and specification to be used within the development hereby approved shall be submitted to and approved by the local planning authority.

6b. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

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

7a. Prior to the commencement of any building or engineering operations above the damp proof course of the development hereby approved a scheme setting out full details, including heights, extent of the boundary treatment, materials and finishes of the proposed boundary treatment of the site and the rear service yard shall be submitted to and approved in writing by the Local Planning Authority.

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

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

8a. Prior to the commencement of any building or engineering operations above the damp proof course of the development hereby approved a scheme setting out full lighting details, including lighting columns, the external finish of the lighting columns, any lighting to be attached to the building, level of illuminance of the lighting, light spillage plan and type of lamp to be installed around the site shall be submitted to and approved in writing by the Local Planning Authority.

8b. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2, ENV11 and ENV32 of the Walsall Unitary Development Plan.

9a. Notwithstanding the landscaping shown on drawing number 6246-1104-B entitled proposed site plan submitted on 19 September 2018 and prior to the commencement of any building or engineering operations above the damp proof course of the development hereby approved, a detailed landscaping scheme illustrating planting within the site including:

- detailing planting densities
- planting numbers
- size of plants to be planted
- soil depth and specification

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

9b. The approved scheme shall be implemented within 12 months of any part of the development being brought into use.

9c. Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed within the first 5 years shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: Necessary in the visual amenities of the area and the proposed site in accordance with Policies ENV17 and ENV33.

10a. Notwithstanding the bike shelters shown on drawing number 6246-1104-B entitled proposed site plan submitted on 19 September 2018 and prior to the commencement of any building or engineering operations above the damp proof course of the development hereby approved, details of the bike shelters including full design details of the staff cycle shelter, which shall be covered and illuminated, together with details and location of customer/public cycle hoops to be located on Ravens Court Precinct near the main building entrance shall be submitted to and approved in writing by the Local Planning Authority.

10b. The cycle facilities shall be fully implemented in accordance with the approved details and thereafter retained and used for no other purpose.

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

11a. Prior to the development first coming into use, the customer car park, pedestrian links to the store entrance and surrounding car parks and the service yard, shall be fully implemented and brought into use. The car park and service yard shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain, together with the clear demarcation of all parking bays. At least 10% of the parking spaces shall be allocated for disabled spaces and marked out accordingly. Tactile pedestrian dropped kerb crossings shall be installed at all pedestrian links where they cross roads used by vehicular traffic in accordance with DfT Inclusive Mobility guidance.

11b. These areas shall thereafter be retained and used for no other purpose.

Reason: To ensure the safe and satisfactory operation of the development and in accordance with UDP policy GP2, T7 and T1.

12a. Prior to first occupation of the retail units and gym hereby approved details of an electric vehicle charging point, to be provided for the retail units and gym shall have first been submitted to and agreed in writing of the Local Planning Authority.

12b. Prior to first occupation of the development the approved electric vehicle charging point shall be installed in accordance with the approved details and shall be retained and maintained for the life of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy

13. The retained trees on and adjacent to the site as indicated on the proposed site plan 6246-1104-B shall be protected in accordance with the recommendations and guidelines as detailed in the Arboricultural Report by Middlemarch Environmental dated June 2017. The tree protection measures shall be implemented prior to the demolition of the site and maintained throughout the construction phase until completion of the development.

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

Notes for the Applicant:

Highways

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

2. Prior to the commencement of the development, a highway Stopping Up Order made under S247 of the Town and Country Planning Act 1990 shall be confirmed, certified and implemented for that part of Ravens Court Precinct required to be stopped up to enable the development to proceed. Note to Applicant: Stopping Up Orders are a democratic process and the public or other interested parties can object which may result in a public inquiry and ultimately the Order being rejected. A Stopping Up Order application can be in parallel to the planning application up to draft Order stage. For further information the applicant is advised to contact the Government Office, National Transport Casework Team. Reason: To satisfy the legal requirements for stopping up of a public highway to enable the development to proceed.

Fire

Water supplies for firefighting should be in accordance with "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK: <https://www.dropbox.com/s/5s5i45fxr3m3hrt/national-guidance-document-on-water-for-ffg-final.pdf?dl=0>

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

Vehicle access route to meet the requirements of ADB Volume 2, Table 20, noting that WMFS appliances require a carrying capacity of 15 tonnes

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

Police

Secured by Design Commercial Accreditation.

Please see http://www.securedbydesign.com/pdfs/SBD_Commercial_2015.pdf for further information.

I would recommend that this proposed development install an intruder alarm(s) that attracts a police response.

Please see <http://www.securedbydesign.com/security-systems/index.aspx>

Also, there is some really good design advice to be had at <http://www.britishparking.co.uk/Car-Park-Design-Guidelines>
The applicant may wish to consider the Park Mark Safer Parking Award for the proposed car parking spaces.
Please see <http://www.parkmark.co.uk/about-the-safer-parking-scheme>

Contaminated Land

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

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

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

CL4 The desk study and site reconnaissance shall have regard to previous unknown filled ground and materials used and processes carried on. A further detail on the matters to be addressed is available in 'Model Procedures for the Management of Contamination' (CLR 11, DEFRA/Environment Agency). The results of the desk study and reconnaissance will be used to determine the need for further site investigation and remediation.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 29-Nov-2018

Plans List Item Number: 3.

Reason for bringing to committee: Major Application

Location: SITE B GOSCOTE LANE (GOSCOTE LODGE CRESCENT), WALSALL

Proposal: 407 NEW DWELLINGS WITH ASSOCIATED LANDSCAPING AND PARKING FOR PRIVATE SALE, AFFORDABLE RENT AND FOR OLDER PERSONS (WELLBEING) (AMENDMENT TO APPLICATION 16/1515) (SITE AFFECTING PUBLIC FOOTPATHS WAL 26 & 28).

Application Number: 18/0865

Applicant: Walsall Housing Group

Agent: BM3 Architecture Ltd

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

Case Officer: Stuart Crossen

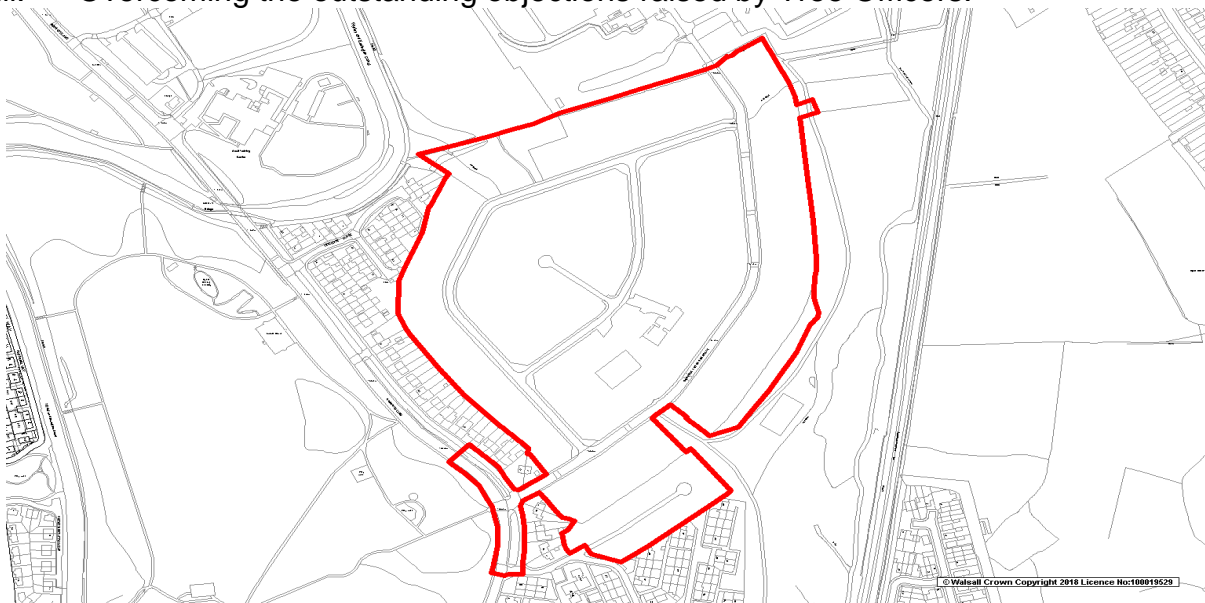
Ward: Blakenall

Expired Date: 29-Oct-2018

Time Extension Expiry:

Recommendation Summary: Planning Committee resolve to delegate to Head of Planning, Engineering & Transportation to grant planning permission subject to conditions and a 106 agreement for affordable housing and subject to:

- i. The amendment and finalising of conditions;
- ii. No further comments from a statutory consultee raising material planning considerations not previously addressed;
- iii. Overcoming the outstanding objections raised by Tree Officers.



Proposal

The application is for 407 new dwellings with associated landscaping and parking. Of these 281 units (69%) are for private sale to be built by Keepmoat Homes, 102 units (25%) are for social rent 24 units (6%) are for affordable rent. The key change to the scheme is the omission of the flats and wellbeing unit which has reduced the number of units by 19.

The accommodation comprises the following:

- 16 X 1 bed bungalows
- 16 X 2 bed bungalows
- 80 x 2 bed houses
- 227 x 3 bed houses
- 68 x 4 bed houses

The layout of the proposed development would be broadly similar retaining the existing road network but includes 9 other through roads and cul-de-sacs. The application site boundary includes the road junction of Goscote Lodge Crescent to facilitate highway improvements to serve the proposed development. All new housing has off-street parking either at the side or in front of the dwelling and across the site parking provision averages at 1.6 spaces per dwelling.

There are a mix of houses proposed being single, double and three storeys with between 1 and 4 bedrooms. All houses face the street. Tree planting is proposed on frontages and in rear gardens.

The gardens to the houses would predominantly exceed 68m², 79 of the houses would fall below this threshold, however where this is the case they are usually bungalows or smaller house types.

The appearance of the dwellings is a combination of brick and rendered properties with pitched roofs. There is a variety of house types that include plinth details, timber cladding, gables and dormer windows, porch canopies and Juliet balconies. The properties are of modern appearance and the materials schedule includes red, light grey, black, brown brick types, light stone surrounds and a mix of grey and brown roof tiles.

The application details confirm that the scheme will be built to secure by design standards and achieve full accreditation

The application submission defines all boundary treatments.

Junction between Goscote Lane and Goscote Lodge Crescent

Additional information and details have been provided to improve the access in this location including the relocation of the zebra crossing and to change one of the service roads to a one-way operation.

The Design & Access Statement – Describes the site and details of the development and relates to relevant national and local planning policies. It describes the character of the surrounding area and the design and layout, scale, appearance, landscape proposals, boundary treatments, materials and access.

Transport Assessment Update – A similar scheme is already approved at this site, the similarities are such that they agent does not consider that an updated assessment is required.

Flood Risk Assessment - Provides the following relevant information. The proposed development will not impede flood flow, will not result in a net loss of floodplain and will not adversely impact flood risk within or external to the Site. It is considered that the proposed development, subject to detailed design, will not increase the risk of flooding and planning permission should not be withheld on the basis of flood risk.

Coal Mining Risk Assessment – Provides the following relevant information. Specialist foundations are likely required for all proposed structures proven to lie above the mine workings, following treatment of these mine workings. There is one recorded abandoned mineshaft with, or within the 20m consideration zone around the property. Consideration should be given to locating and stabilising this mineshaft although it is acknowledged that the shaft lies outside the site boundary and therefore treatment may not be possible. If the shaft is not investigated then a nominal 30m stand-off to final, permanent development should be considered at this stage.

The Tree Survey Update – Additional work has been conducted to take account of ground level changes to the East of the site. A single tree has been identified as worthy of further survey work, in relation to bats if it is removed. Tree protection measures in accordance with British Standard 5837: Trees in relation to design, demolition and construction, should be implemented for all trees to be retained on site and those located within 5 m of the site boundary.

In addition the Following Reports have been submitted to assess and mitigate for potential Ecology impacts:

- Surface Water Drainage Pollution Prevention Strategy – October 2018;
- Construction and Ecological Management Plan – October 2018;
- Requirements to Mitigate against Ecological Impact of External Lighting – October 2018;
- Management and Maintenance Responsibility Plan – October 2018;
- Landscape and Habitat Enhancement and Maintenance Plan – October 2018;
- Detailed Landscape Design Plan Section A – F Revision c – February 2017;
- Planting Plan Section A – B Revision d – February 2017; and
- Biodiversity Metrics – October 2018.

Site and Surroundings

The application site is the former Goscote estate comprising of three roads, Goscote Lodge Crescent, Hildicks Crescent and Hildicks Place. Goscote Lodge Crescent provides access to Severn Trent's water treatment facility. The site is within the Goscote Lane Regeneration Area (GLRA), designated as site B and located approximately 2.7 miles north of Walsall Town Centre. The surrounding areas are predominantly suburban residential areas but include Blakenall Village Centre, Blakenall Community Centre, Rushall Local Centre, local shops and schools. There is a zebra crossing on Goscote Lane leading to the open space approximately opposite 22 Goscote Lane.

Chapter 3 of the GLRA document provides the following relevant history of the site:

“The former Goscote estate suffered for many years from a very high housing void rate. Properties became vacant and WHG, and previously the Council, as landlord, were unable to let the properties. As a result the area became a target for extreme vandalism, theft of materials and incidents of arson. The housing layout lacked many of the recommended principles of 'Secured by Design' and the estate became beset by issues of both anti-social behaviour and criminality.”

There are two public footpaths around the site Wal 26 and Wal 28. To the East are post war traditional semi-detached and terraced houses, the South modern post 1960s properties which utilise a mix of materials and to the West is the former railway line.

Relevant Planning History

16/1515 - 426 New dwellings with associated landscaping and parking – 312 for private sale, 74 affordable rent and 40 wellbeing units. (Site affecting public footpaths Wal 26 & 28). GSC & 106 17/12/17

13/1221/ND – Screening opinion for residential development of sites A, D and part of site J in Goscote Development Area including Shakespeare Crescent, Keats Road, Tennyson Road, Chaucer Road, Wordsworth Road, Dryden Road, Harden Road and Well Lane – Determined that an Environmental Impact Assessment was not required - 11/10/13

12/0036/OL – Outline permission for residential development on sites A, D & J (Goscote Lane Regeneration Corridor) – Approved Habitat Regulations Assessment and Granted subject to conditions and a S106 Agreement on 13/08/14.

11/1570/ND - Screening Opinion for Goscote Development Corridor residential/redevelopment (sites A, B, C, D and J) – Determined that an Environmental Impact Assessment was not required – January 2012

07/2335/OL/E11 – Outline: Proposed construction of 182 1, 2, 3 & 4 bed dwellings with garages and parking on land between Shakespeare Crescent/Chaucer Road/Tennyson Road/Wordsworth Road and corner of Well Lane and Shakespeare Crescent (now Site D) – Refused for 2 reasons broadly relating to (1) Failure to demonstrate that 182 residential units can be satisfactorily accommodated on the site and provide a satisfactory residential environment with good design and adequate parking and amenity space (2) Unacceptable demand on limited educational capacity, accessible community healthcare facilities, affordable housing and public open space provision in the locality.

There are several approved applications for prior notification for demolition of the former housing on the sites throughout 2005/2006.

Adjacent sites

Site G – Well Place

10/0864/FL – Erection of 32, 2 and 3 bed houses – granted subject to conditions – October 2011. This site is now complete.

Site H – Barracks Lane

10/1047/FL – Construction of 73 no. affordable dwellings comprising 39 apartments and 34 houses – granted subject to conditions – October 2011.

Site J – Shakespeare Crescent

13/1604/RM – Erection of 29 dwellings for affordable rent – approved Habitats Regulations Assessment and granted full planning permission subject to conditions 27/2/14.

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 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF says:

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

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

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

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 Design and Access statement confirms that considerations have been made to ensure that people with disabilities are catered for in the design. As such the scheme minimises disadvantages people with disability or restrictions due to age may encounter with residential development. Disability and age are characteristics that are protected by the Equality Act 2010.

Local Policy

www.go.walsall.gov.uk/planning_policy

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
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- 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
- WM1: Sustainable Waste and Resource Management
- MIN1: Managing and Safeguarding Mineral Resources

Saved Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- 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
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H1: Renewal of Existing Residential Areas
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T1 - Helping People to Get Around
- 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
- LC1: Urban Open Spaces
- LC5: Greenways

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 & Welcoming
 DW3: Character
 DW4: Continuity.
 DW5: Ease of Movement
 DW6: Legibility
 DW7: Diversity
 DW8: Adaptability
 DW9: High Quality Public Realm
 DW10: Well Designed Sustainable Buildings

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

Open space, sport and recreation

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

Affordable Housing

- AH1: Quality of Affordable Housing
- AH2: Tenure Type and Size
- AH3: Abnormal Development Costs
- AH4: Provision Location
- AH5: Off Site Provision

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

Transportation – No comments (The application raises no new highway concerns and the previous conditions are still relevant)

Pollution Control – No objections, details have been provided of previously discharged conditions or details submitted which were not acceptable and are considered in the report.

Environmental Health – No comments

Planning Policy – No comments, comments previously made in relation to the policy implications, ecology and in relation to the transport statement.

Coal Authority – No objections subject to conditions for the submission of a scheme of remedial works for approval and the implementation of those remedial works.

Flood Risk Officer – No objection subject to condition

Severn Trent Water – As a neighbour concerns raised about operation of treatment facility and potential conflict with occupants of housing. With respect to the development no objection subject to drainage conditions.

The Wildlife Trust – No objections subject to works being carried out in accordance with the submitted Ecology documents

Natural England – No objections

Local Access Forum (Walsall Ramblers) – Supports proposed improvements

Canal & River Trust – No objection subject to conditions as previously required.

Police – No objections subject to secure by design.

Cadent Gas – No objections

Fire Service – No objections

Environment Agency – No objections or comments in relation to this scheme.

Inland Waterways

Public Rights of Way Officer – No objections

The following consultees previously commented no objections and have not commented on this amendment any requirements however are carried over.

National Grid – No objections

Housing Strategy – No objections

Landscape – No objections subject to landscape condition.

Community Safety Officer – Supports secure by design comments by Police and identifies a number of potential issues.

Education – No objection or section 106 requirements for contributions.

Archaeological Officer – No objections subject to a condition for a program of archaeological work to be conducted. (Details have been agreed as part of 16/1515 which can be secured by condition)

Regeneration – No objections. Advice regarding previous investment in the open space in the area by the developers is highlighted.

Representations

1 objection has been received on the following grounds:

Too much traffic

Noise

Pollution

Impact on Wildlife

Will reduce property values

Determining Issues

- Principle of residential development
- Layout, scale and appearance
- Landscaping
- Relationship to surrounding properties
- Public Right of Way
- Access, parking and junction to Goscote Lane
- Security
- Archaeology
- Flooding
- Provision for affordable housing/urban open space/canal improvements
- Local Finance Considerations

Assessment of the Proposal

Principle of Residential Development

The principle of development to include a higher number of units was established through planning permission 16/1515. Since the permission was granted the National Planning Policy Framework was updated, however it is considered that in this instance there are no changes to this document which requires further assessment of the principle of the scheme.

Layout, scale and appearance

The layout is based around retaining the existing highway network with the introduction of new highways that dissect the perimeter blocks to reduce their size and make the site more permeable. All new dwellings face the street and have off street parking and secure rear gardens.

The rear windows of plot number 33 are between 10 and 13 metres from the blank rear elevation of plot 34. Although in part this is below the minimum standards between habitable room windows and blank walls, the window most affected is one to a ground floor lounge at plot 33 but this room also has a larger window at the side. The first floor bedroom window of number 33 would face the top part of the blank wall of plot 34, however the blank wall is not 3 metres above the floor level of this room.

Plot 34 includes a blank rear elevation which are considered would be prominently visible when travelling along the highway. The mass of brick which could be overbearing to the public space can include secondary obscure glazed windows which not only provide additional light but would also soften these blank elevations and can be conditioned.

Plot 100 is a three storey design, the side elevation of which is over 21 metres from the side of plot 101 and would be a prominent elevation when travelling along Middle Crescent North to South. The design only includes 2 small bathroom windows and it is considered that this is not sufficient to ensure this does not result in a significant overbearing impact on users of the highway. These windows are also not aligned which is contrary to the character of the elevations of the houses which are symmetrical. A condition can be

attached to revise the design of this plot to include additional side elevation windows and to align them.

Plots 79, 80, 85 – 90, 96 – 99, 117, 118, 220 – 244, 341 – 381, 388 – 391 and 404 - 407 would all have between 19 and 21 metres of separation between habitable room windows, some would be three storey houses. This level of separation falls below the Council's minimum standards between habitable room windows. This shortfall is not significant and is considered to reflect the proposed high density character of this development, the east to west orientation is favourable and on balance this relationship is considered provides sufficient amenity for occupants.

Plots 358 to 364 all face plots 371 to 376 with habitable room windows facing one another between 13 and 20 metres away, up to 10 metres below the Council's minimum standards. However, these plots are bungalows and overlooking would be interrupted by the boundary fencing which is considered sufficient to prevent overlooking and that the single storey construction would not result in any significant loss of light.

The rear elevation of plots 47 and 48 are just 10 metres from the side elevation of plot 76. Plot 47, due to the angle in relation to plot 76, predominantly faces the front parking area and is considered would not significantly harm the amenities enjoyed by occupiers of this house. Plot 48 is also at a slight angle and has the advantage of a larger garden than plot 47. Taking account of the high density character this shortfall on balance is considered acceptable that occupants of these houses would have sufficient levels of amenity.

Plots 200 and 203 are approximately 45 degrees in relation to one another. The garden of plot 203 is just 8 metres deep and has potential to overlook the garden of plot 200. Although this relationship is not ideal it is considered that on balance because only the first floor windows of 203 could result in overlooking which combined with the proposed separation, and because windows would serve bedrooms which are likely to be occupied at night, the proposal would still provide sufficient amenity for occupiers.

The rear lounge window of plot 302 would have some shading from the side elevation of number 301, however this is considered not significant taking account of the favourable orientation, this elevation being to the North West. In relation to the 45 degree code the quarter point from the lounge window would meet the final metre of the rear elevation of plot 300, however in the context of the estates character this small breach is considered acceptable. The garden area too would have some impact however it will be possible for occupiers to utilise an area of the garden which is not affected by the staggered relationship.

Although plots 377 - 381 are within 18 metres of the rear of plots 350 – 357, they are single storey and it is considered that the boundary fence would ensure satisfactory window to window relationship with no significant overlooking potential from first floor to ground floor to justify refusal.

Plot 370 is a bungalow and there would only be an 8 metre gap to the blank gable wall of plot 371 which measures between 2.5 and 5.5 metres high. This could have a significant impact on the bedroom and dining room window of plot 373 and falls 5 metres below the Council's minimum standards. The blank brick elevation could have an overbearing impact

which is considered can be mitigated for through a condition which requires that elevation is rendered white and would break up the mass of brick and reflect light.

The houses are off-set where possible so there will not be significant potential for overlooking or lack of privacy. Some plots such as plot numbers 40 and 41 are staggered significantly in relation to one another which is considered would be part of the character and design of the proposed houses in relation to the traffic calming measures which have been integrated into the scheme. On balance it was previously considered that the 8 private units it affected was not significant and potential purchasers would decide whether or not to accept the compromise, which in some instances can be considered to provide a sense of privacy. This scheme has reduced the affected number to just 2 which represents a significant improvement.

Landscaping

As part of the submission details have now been provided of landscaping. There are no objections from Canal & River Trust in respect of the proposed planting near to the canal and taking account of the limited space between the house plots and land adjacent the scheme is considered satisfactory maintain the appearance and biodiversity of the waterway. In accordance with previous Landscape Officer comments, the scheme includes new tree planting. The implementation of these submitted details will be secured by condition.

Relationship to surrounding properties

The proposed dwellings maintain an adequate distance between existing properties surrounding the site and respect the existing street pattern. The proposal does not have any significant impact on the outlook, daylight or privacy of surrounding occupiers.

The nearest dwellings are those on Harden Road, including a garage and nursing home. The proposed new housing is no nearer to these properties than existing dwellings on Harden Road despite minimal separation at the rear.

49 and 50 Goscote Place are the nearest houses to the south of the development just 12 metres from the proposed southern boundary houses. However, the orientation of the houses in Goscote Place are angled at 45 degrees and are to the South ensure the relationship is acceptable not to result in any significant harm to existing amenity. This relationship is similar along the Northern boundary to the nearest house number 9 Goscote Close which is 15 metres away and at 45 degrees to the nearest plot of the development and considered acceptable.

The proposed development layout in all other respects maintains an acceptable relationship to surrounding occupiers.

The sewage treatment works in Goscote is visited frequently by tankers and the site operates on a 24 hour a day basis. The only access to the site is via Goscote Lodge Crescent, which forms a key route through the proposed development and the proposed layout has many new properties fronting it. Pollution Control and Environmental Health are aware of potential disturbance to residents by way of noise through the comings and goings of Severn Trent operatives and have suggested conditions to mitigate for this.

Public Rights of Way

The amendments to the scheme are considered to raise no new issues in respect of Public Rights of Way. The Public Rights of Way Officer supports the inclusion of the previous conditions in relation to Public Rights of Way.

The Walsall Group of Ramblers support the retention and improvement of the existing paths.

Access, parking and junction to Goscote Lane

The scheme is very similar to the previous approval in respect to access, parking and the junction onto Goscote Lane. The reduction in units represents an improvement overall and raises no new issues which were not already assessed in application 16/1515. Relevant highway conditions can be carried over to this scheme and amended where necessary to take account of the changes to the scheme, however the principle of the conditions remain as before.

Highways have asked for the condition to ensure adoptable highway works are implemented which is now amended to include reference to the submitted phasing plan.

Security

The scheme raises no new issues that were not considered as part of the assessment of 16/1515. The application proposed to achieve secure by design in accordance with the Police recommendations and the same conditions in relation to security can be attached to this permission.

Archaeology

The scheme raises no new issues that were not considered as part of the assessment of 16/1515. In relation to the archaeology conditions, details have been provided and any relevant conditions to be carried over to this scheme can be amended which is considered below.

Flooding

The Flood Risk Officer previously proposed a condition to mitigate flood risk concerns. Notwithstanding the Flood Risk Assessment (FRA), dated 02 July 2018, reference number: 16051, Rev 02, compiled by Banners Gate, the drainage scheme remains still to be agreed. Whilst not everything has been covered in detail, the Flood Risk Officer considers that the proposals are achievable however, full detail of the scheme are still required before commencement. The Flood Risk Officer has suggested an amended condition which requires the relevant information to mitigate flood risks.

Provision for affordable housing/urban open space/canal improvements

Provision for affordable housing

In accordance with Policy HOU3 of the BCCS, 25% of the development should be provided as affordable housing. The requirement would be to provide this affordable housing as part of the development site which can be secured through a section 106 agreement.

Urban Open Space

In accordance with BCCS policy DEL1 and UDP policies GP3, and policy LC1 (d) of the UDP and SPD: Urban Open Space the proposals also require the developer to contribute towards provision for urban open space. The open space contribution for this development would be £811,725.00.

It has been confirmed by Regeneration Officers that the applicant has made a significant contribution to The Lea and Swannies Field development, in excess of what is required for the open space contribution for this scheme. The Council has benefited from £1.3m of the LGF grant funding (out of the £8.8m grant award to WHG from the Black Country LEP through the Local Growth Fund to support development viability and delivery) to undertake open space improvements on the Lea and Swannies Field. These improvements commenced in September 2016; with most of the hard landscaped play facilities having already been handed over/complete. These two open space areas are directly adjacent the application site and would serve residents of this proposed development. The applicant also considers that this previous contribution is acceptable and is not willing to provide any additional contributions.

In taking account of the existing open space improvements undertaken by the applicant and the benefits of the scheme to the wider area, officers consider that further open space contributions should not be sought in this instance.

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 407 new homes.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 792 new homes during 2010-2011 the award of £1,095,219 (which included a premium for affordable housing but also a deduction for an increase in vacancies) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards might be offset against reductions in the 'formula grant' the Council will receive from Government.

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

Conditions

As part of planning permission 16/1515 the agent has already part discharged conditions which are relevant to this scheme. The amendments made are as follows:

Condition 3, previous requirements are omitted and the scheme of investigation for an archaeological watching brief prepared by Wardell Armstrong, dated October 2017 and submitted as part of the discharge of conditions application for permission 16/1515 can be conditioned.

Condition 5 is updated to include additional details for construction traffic management.

Previously condition 7 required details of remediation and was attached with the intention that the condition would cover the requirements for ground contamination and ground stability mitigation. In respect of the ground stability no information has been received from the Coal Authority who require a remediation condition. For these reasons conditions 7a is removed in relation to the required remediation statement which the Council have received and a new remediation condition is attached in respect of ground stability.

Condition 20a is amended to ensure that the electric charging point meets with the requirements of the Air Quality SPD. Details previously submitted to discharge this condition were not of an acceptable specification.

Condition 22 is updated to require the new junction works prior to the completion and occupation of the 50th house, this reflects the changes to the scheme and the number accords with the proposed phasing.

Condition 24 in relation to highway works and legislation would not meet the 6 tests in the government guidance as it relates to separate legislation and is removed.

Condition 26 was for cycle parking for flats and is no longer required.

Condition 30b is amended to confirm the agreed motorcycle mitigation measures.

Condition 33d, 33e and 33f required security measures for flats, as the flat elements are now removed this part of the condition is longer required.

Condition 34 required landscape details of enhancement and maintenance to be submitted, the information submitted as part of the application has raised no objections and this can condition is amended to enshrine the measures proposed in the submitted Landscape and Habitat Enhancement and maintenance Plan.

Condition 37 in relation to hours of construction is removed. Statutory noise nuisance can be controlled through separate planning legislation and as such would not be a condition which would meet the government guidance to meet the six tests.

Conditions in relation to plots are updated to reflect the numbering of plots following the deletion of the flats.

Conclusions and Reasons for Decision

Planning Permission 16/1515 establishes the principle of housing at this site.

Although the proposed character of the estate will be in part defined by high density accommodation most of the plots exceed the Councils minimum space standards. Where this is not the case there is still sufficient amenity space to serve the property. The agent has provided a list of houses which do not meet the Council's garden space standards and in those instances permitted development rights can be removed for rear and side extensions, roof projections and outbuildings. Despite the compromises made the layout

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and design offers a reasonable high density development. The modern design is reflective of new developments elsewhere on Goscote estate. For these reasons the scheme is considered to be acceptable and accords with UDP policies GP2 and ENV32

The submitted landscaping scheme meet the requirements specified in planning decision 16/1515 and accords with UDP policy ENV33.

The relationship between houses and in relation to existing surrounding development provides satisfactory levels of amenity for occupiers. Conditions can be attached to ensure satisfactory noise mitigation in relation to Goscote Sewage Works. For this reason the scheme provides satisfactory levels of amenity in accordance with UDP policy GP2 and Designing Walsall SPD.

The amendments to the scheme are considered to raise no new issues in respect of Public Rights of Way.

The scheme is very similar to the previous approval in respect to access, parking and the junction onto Goscote Lane. The reduction in units represents an improvement overall and raises no new issues which were not already assessed in application 16/1515. Relevant highway conditions can be carried over to this scheme.

The scheme raises no new issues that were not considered as part of the assessment of 16/1515. The application proposed to achieve secure by design in accordance with the Police recommendations and the same conditions in relation to security can be attached to this permission.

The scheme raises no new issues that were not considered as part of the assessment of 16/1515. In relation to the archaeology conditions, details have been provided and any relevant conditions to be carried over to this scheme can be amended which is considered below.

Taking into account the above factors it is considered that the application should be approved.

Positive and Proactive Working with the Applicant

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 Head of Planning, Engineering & Transportation to grant planning permission subject to conditions and a 106 agreement for affordable housing and subject to:

- iv. The amendment and finalising of conditions;
- v. No further comments from a statutory consultee raising material planning considerations not previously addressed;
- vi. Overcoming the outstanding objections raised by Tree Officers.

Conditions and Reasons

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

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

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

Material Schedule Plots 1 – 95 (D04 rev E) received 31/10/18
Material Schedule Plots 96 – 187 (D05 rev E) received 31/10/18
Material Schedule Plots 188 – 294 (D06 rev E) received 31/10/18
Material Schedule Plots 295 – 314 (D07 rev E) received 31/10/18
Amended Proposed Site Layout (D10 Rev L) received 16/10/18
Changes diagram (D11 Rev A) received 30/07/18
Phasing Plan (D12) received 16/10/18
Boundary Plan (D106 Rev G) received 16/10/18
Amended Bungalow 2bB-1 (D220 rev H) received 16/10/18
Amended Bungalow 2bB-wc (D222 rev H) received 16/10/18
Affordable House 1001 C 3B5P (D226 rev D) received 16/10/18
Amended Bungalow 2bB-wc corner plot (D227 rev F) received 16/10/18
Amended Bungalow 1bB-1 (D228 rev E) received 16/10/18
Amended Bungalow 1bB-2 (D229 rev E) received 16/10/18
Amended Bungalow 1bB-3 (D231 rev A) received 16/10/18
House Type 651 (D300 rev C) received 24/09/18
House Type 764 (D301 rev E) received 16/10/18
House Type 832 (D302 rev C) received 24/09/18
House Type 832-A (D303 rev E) received 28/08/18
Amended House Type 850 (D304 rev C) received 16/10/18
Amended House Type 850-A (D305 rev C) received 16/10/18
Amended House Type 857 (D307 rev F) received 16/10/18
Amended House Type 867 (D308 rev G) received 16/10/18
Amended House Type 930 (D310 rev C) received 16/10/18
Amended House Type 1028 (D311b) received 16/10/18
Amended House Type 1028-A (D312 rev C) received 16/10/18
Amended House Type 1149 (D313 rev D) received 16/10/18
Amended House Type 1154-B (D317 rev C) received 16/10/18
Amended House Type 1216 (D318 rev C) received 16/10/18
Amended House Type 1224 (D319 rev E) received 16/10/18
Amended House Type 1224 (D319 rev E) received 16/10/18
House Type Holt 2B4P (D320 rev D) received 24/09/18
House Type Dalby 3B5P (D321 rev D) received 24/09/18
House Type Cardinham 2B4P (D322) received 30/07/18
House Type Holt 2B4P (D323 rev A) received 24/09/18
House Type Thetford 3B5P (D324 rev A) dated 24/07/18
House Type Dalby 3B5P (D325) received 24/09/18
House Type Rockingham 4B7P (D326) received 24/09/18
House Type Dalby 3B5P (D327) received 24/09/18
Street Elevations (D600 rev A) received 16/10/18
Street Elevations (D601 rev A) received 16/10/18

Street Elevations (D602 rev C) received 16/10/18
 Street Elevations (D603 rev B) received 16/10/18
 Street Elevations (D604 rev B) received 16/10/18
 Street Elevations (D605 rev A) received 16/10/18
 Street Elevations (D606 Rev B) received 16/10/18
 Street Elevations (D607 Rev A) received 16/10/18
 Street Elevations (D608 rev C) received 16/10/18
 Detailed Landscape Design Section A (L(9-)900 rev D) received 31/10/18
 Detailed Landscape Design Section B (L(9-)901 rev D) received 31/10/18
 Detailed Landscape Design Section C (L(9-)902 rev D) received 31/10/18
 Detailed Landscape Design Section D (L(9-)903 rev D) received 31/10/18
 Detailed Landscape Design Section E (L(0-)004 rev D) received 31/10/18
 Detailed Landscape Design Section F (L(9-)905 rev C) received 02/08/18
 Detailed Landscape Design Section G (L(9-) 906 rev B) received 31/10/18
 Flood Risk Assessment received 14/09/18
 Storm & Foul Water drainage Strategy Drainage Plan (16051/DS01D received 23/08/18
 Proposed Slab Levels Sheet 1 of 2 (16051/PL18-101 A) received 23/08/18
 Proposed Slab Levels Sheet 2 of 2 (16051/PL18-102 A) received 23/08/18
 Roads & Drainage Longitudinal Sections Sheet 1 of 9 (16051/201A) received 23/08/18
 Roads & Drainage Longitudinal Sections Sheet 2 of 9 (16051/202A) received 23/08/18
 Roads & Drainage Longitudinal Sections Sheet 3 of 9 (16051/203C) received 23/08/18
 Roads & Drainage Longitudinal Sections Sheet 4 of 9 (16051/204B) received 23/08/18
 Roads & Drainage Longitudinal Sections Sheet 5 of 9 (16051/205D) received 23/08/18
 Roads & Drainage Longitudinal Sections Sheet 6 of 9 (16051/206B) received 26/10/16
 Roads & Drainage Longitudinal Sections Sheet 7 of 9 (16051/207B) received 23/08/18
 Roads & Drainage Longitudinal Sections Sheet 8 of 9 (16051/208B) received 23/08/18
 Roads & Drainage Longitudinal Sections Sheet 9 of 9 (16051/209B) received 23/08/18
 Storm and Foul Manhole Schedules (16051/251C) received 23/08/18
 Surface Water Drainage Pollution Prevention Strategy received 31/10/18
 Management and maintenance responsibility plan received 31/10/18
 Requirements to mitigate against Ecological Impact of External Lighting received 31/08/18
 Landscape and habitat enhancement and maintenance plan received 31/10/18
 Coal Authority Report received 04/09/18
 Mining Risk Assessment received 04/09/18
 Ecological Appraisal dated 04/17
 Nesting Bird Check & Ecological Clerk of Works Letter dated 31/07/17
 Response letter to Birmingham & Black Country Wildlife Trust received 24/10/18
 Response letter to Birmingham & Black Country Wildlife Trust received 31/10/18
 Construction and Ecological Management Plan received 31/10/18
 Ecological statement regarding targeted tree removal to facilitate raising ground levels for drainage installation dated 09/06/16.
 Arboricultural Impact Assessment dated 29/06/18
 External lighting plan to mitigate against Ecological Impacts dates October 2018
 Biodiversity metric details received 31/10/18
 Transport Assessment dated July 2016
 Transport Assessment note received 08/11/18
 Design and Access Statement received October 2018 rev E

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

3. The [development shall be carried out in accordance with the](#) written scheme of investigation for an archaeological watching brief prepared by Wardell Armstrong, dated October 2017 and submitted as part of the discharge of conditions application for permission 16/1515 ~~shall be carried out~~.

Reason: To safeguard site of archaeological interest and to comply with UDP policies GP2 and ENV25

4a. No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority

4b. The scheme to be submitted shall demonstrate:

- The limiting of the surface water run-off generated by the 100 year plus 40% climate change storm so that it will not exceed calculated greenfield run-off rates for each sub-catchment of the site and not increase the risk of flooding off-site.
- Provision of attenuation storage for each sub-catchment on the site to a 100 year plus 40% climate change standard.
- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- The Simple Index Approach to the managing run-off water quality has been followed as detailed within the Ciria C753 SuDS manual.
- Finished floor levels are set no lower than 150mm above adjacent ground levels and higher if practicable;
- Confirm which responsible bodies will maintain the surface water systems over the lifetime of the development according to an acceptable and achievable maintenance schedule.

4c. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure the development is provided with satisfactory means of drainage to comply with UDP policy GP2 and UDP policy ENV10.

5a. Notwithstanding the submitted Construction Method Statement to Minimise Noise and Nuisance to Neighbours, prepared by Keepmoat received 15/06/17 additional details shall be submitted to include parking and turning facilities for site operatives and construction deliveries to be used during the period of construction, full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction throughout each phase of the development and approved in writing.

5b. The approved updated Construction Management Plan shall be fully implemented upon commencement of works and shall be maintained until the site is completed.

5c. Notwithstanding the information provided in the submitted Construction Method Statement to Minimise Noise and Nuisance to Neighbours, prepared by Keepmoat, the development shall also be carried out in accordance with British Standard BS6472- 1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting'. This Standard specifies vibration levels that are associated with Low Probability of Adverse Comment, which shall not be exceeded during ground stabilisation/piling works.

Reason: To ensure the satisfactory amenity of residents and to comply with UDP policy GP2 and ENV10 and In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety.

6a No development shall take place until a Method Statement detailing all proposed earthmoving, and construction works (including foundation details) has first been submitted to and agreed in writing by the Local Planning Authority.

6b. The development shall thereafter only be carried out in accordance with the agreed Method Statement and the mitigations measures identified therein.

Reason: In the interests of minimising the risk of any adverse impacts upon the structural integrity of the adjacent Wryley & Essington Canal, this needs to be required prior to commencement of development, and to comply with the guidance contained in Paragraphs 120-121 of the National Planning Policy Framework March 2012.

7a. Notwithstanding the submitted information prior to commencement of a scheme of remedial works in relation to Coal mining legacy risks shall be submitted to and approved by the Local Planning Authority.

7b. Any required remedial works shall be carried out prior to commencement.

Reason: To ensure land stability and public safety in accordance with UDP policies GP2 and ENV14

8a. The remedial measures as set out in the approved 'Remediation Statement' required by condition 7a) of permission 16/1515 shall be implemented in accordance with the agreed timetable.

8b. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation is encountered development shall cease until an updated 'Remediation Statement' to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

8c. A phasing schedule and a validation report confirming the details of the measures implemented for each development phase together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

Reason: To ensure safe development of the site, protect human health and the environment and to comply with UDP policy GP2 and ENV10

9a. Prior to the commencement of the development full details of all external lighting including phasing details for the installation of the lighting, shall be submitted to and agreed in writing by the Local Planning Authority.

9b. The agreed scheme shall be fully implemented and thereafter retained in accordance with the agreed details.

9c. No additional lighting shall be installed other than that approved in condition 9a.

Reason: To protect the visual amenities of the area and ensure proper regard is taken to the impact on protected species and to comply with BCCS policies ENV1, ENV2 and ENV3 and UDP policies ENV10, ENV23 and ENV32.

10a. Prior to the commencement of the built development above dampcourse level of any building a scheme to provide bat boxes, bat tubes and bat bricks incorporated into new buildings shall be submitted for approval in writing of the Local Planning Authority.

10b. The approved scheme shall be fully implemented and retained thereafter.

Reason: To ensure proper regard is taken to the impact of development on protected species and to comply with BCCS policy ENV1 and UDP policy ENV23.

11. Prior to the commencement of the development a Highway Stopping Up Order, under S247 of the Town and Country Planning Act 1990, shall be confirmed and fully implemented to the satisfaction of the Highway Authority for those areas of existing publicly maintainable highway no longer necessary to allow the development to be carried out in accordance with this planning approval.

Reason: To enable the satisfactory completion and operation of the development and in accordance with Statutory Procedure for stopping up of highway.

12a. A 2.4m x 25m visibility splay shall be provided at all times at the junction of Hildicks Crescent and Goscote Lodge Crescent, in a northerly direction towards the Severn Trent Water treatment plant entrance across the frontage of plots 340 and 341, within which no structure of planting shall exceed 600mm in height above carriageway levels.

12b. The details approved under condition 12a shall be fully implemented prior to occupation.

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

13a. Prior to the commencement of any phase of the development shown on Phasing Plan D12, full engineering details of any new or reconstructed estate roads, footways and footpaths, to be offered for adoption or improved within the S38/278 Agreement, within that phase of the development, shall be submitted to the Local Planning Authority for technical approval including layouts, alignments, widths and levels, together with all necessary drainage arrangements and run off calculations.

13b The details approved under condition 13a shall be fully implemented prior to occupation.

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

14a. Prior to the commencement of any development, the following details shall be submitted and approved in writing by the Local Planning Authority in conjunction with the Highway Authority;

(i) An overarching Masterplan/Programme and proposed phasing of intended highway improvement works on the adopted/adoptable roads and other private links to the wider area.

(ii) Full engineering details and location of the proposed highway improvement proposals as agreed in the phasing point (i).

14b. The approved details in relation to condition 14a shall be fully implemented.

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

15a. Prior to the commencement of development a site management statement shall be submitted to and approved in writing by the Local Planning Authority, detailing where parking and turning facilities for site operatives and construction deliveries and the storage of materials will be provided during the period of construction.

15b. The approved details shall be fully implemented prior to the commencement of the development and thereafter retained and kept available during construction of the development.

Reason: To prevent indiscriminate parking, deliveries and storage in the interest of highway safety.

16a. Prior to the commencement of the development, details, shall be submitted for the creation of a liaison group between the occupants, local community and ward members (Details shall include the duration the group would operate and the frequency and location of its meetings) and shall be approved in writing by the Local Planning Authority.

16b. The approved details shall be complied with as set out.

Reason: To ensure the satisfactory implementation of the development and to comply with UDP policies GP2 and ENV32

17. All site clearance shall take place outside the bird breeding season unless carried out under the supervision of a qualified and experienced ecologist.

Reason: To ensure proper regard is taken to the impact of development on protected species and to comply with BCCS policy ENV1 and UDP policy ENV23.

18. During construction all open trenches or hazardous areas should be secured to prevent animals becoming trapped.

Reason: To ensure proper regard is taken to the impact of development on protected species and to comply with BCCS policy ENV1 and UDP policy ENV23.

19. Notwithstanding the submitted plans and documents the first floor en-suite and Bedroom 2 of plot 34 shall have rear facing windows to be obscurely glazed to meet Pilkington level 4 or equivalent and be retained thereafter.

Reason: To ensure the satisfactory appearance of the development and to comply with UDP policy ENV32

20a. Prior to any development above damp course level of any building details of an acoustic survey to deal with noise from the nearby Sewerage Works and their site access shall be submitted to the Local Planning Authority.

20b. Acoustic mitigation measures shall be agreed in writing with the Local Planning Authority.

20c. The agreed acoustic mitigation measures shall be implemented prior to occupancy.

Reason: In the interests of occupiers amenity and comply with UDP policies GP2 and ENV10.

21a. Prior to occupation of any dwelling within each phase of the development in accordance with the approved phasing plan (D12) an electric charging point shall be installed in all of the approved houses which meets the following specification:

An external weatherproof and lockable covered 32 Amp external 7 pin charging socket to comply with EN 62196-2 and be compatible with a J1772 Type 2 connector.

The charging unit shall feature a Mode 3 (IEC 61851) communication module.

The power supply and charging point shall be phase 3 compatible and be located near the parking area for each dwelling.

Each charging unit to be supplied by its own independent radial circuit.
All wiring shall comply with BS 7671 or equivalent replacement standard.

21b. The agreed electric vehicle charging points shall be fully implemented in accordance with the approved details of condition 21a before the development is first brought into use.

Reason: To improve air quality and comply with UDP policies GP2 and ENV10

22a. Prior to the first occupation of any dwelling on the development, details of all adoptable street lighting shall be submitted to and approved in writing by the Local Planning Authority in conjunction with Walsall Council's Street Lighting Manager.

22b. The approved details of condition 22a shall be fully implemented and retained thereafter.

Reason: Reason: To ensure the safe and satisfactory use of the development and in the interest and of highway safety.

23. Prior to the completion and first occupation of the 82nd dwelling on the development as a whole (the equivalent number of dwellings on Phases 1 and 2 combined), the modification and signalisation of Goscote Lane/Goscote Lodge Crescent junction shall be fully implemented, commissioned and brought into operation in accordance with the details illustrated on Banners Gate drawing no. 16051/400F (or any subsequently approved revised or modified proposal and subject to Road Safety Audits), full engineering details of which shall be submitted to and approved in writing in advance by the Local Planning Authority.

Reason: To ensure the satisfactory completion and operation of the main access point to the development and in the interests of highway safety and UDP policy GP2

24. Prior to first occupation of the development, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained with the submitted Banners Gate Framework Residential Travel Plan dated September 2016, shall be fully developed into a Full Travel Plan and implemented, monitored and reviewed for the lifetime of the development, in accordance with the approved Plan.

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

25. Prior to the occupation of any dwelling within each phase of the development in accordance with the approved phasing plan (D12) all internal adoptable highway works and works within the existing highway including layouts, alignments, widths and levels, together with all necessary drainage arrangements, hereby approved which serve that dwelling shall be fully implemented

Reason: To ensure the satisfactory completion and operation of the public highway and in the interests of highway safety and UDP policy GP2

26a. Prior to the occupation of any dwelling on the development, all access ways, parking and vehicle manoeuvring areas serving that dwelling shall be fully consolidated, hard surfaced and drained so that surface water run – off from these areas does not discharge onto the highway or any highway drain.

26b. 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.

27. All individual vehicular access points on the development shall provide 2.4m x 3.4m pedestrian visibility splays, measured from the centre of each access at the back of the reconstructed footway, within which no planting or structures exceeding 600mm in height above footway levels shall be permitted at any time.

Reason: To provide adequate inter-visibility at the proposed remodelled access points in the interests of highway safety and UDP Policy GP2.

28a. Prior to the occupation of the 50th unit the newly surfaced public paths shall be implemented in accordance with drawings D164A Boundary Plan Mitigation Measures, D160A Boundary Plan and D161A Boundary Treatment Details, which show the location of “K” and “P” motorcycle barriers on the adjoining public Rights of Way footpaths/greenway in conjunction with approved boundary treatments, and boundary plan D160,

28b. K Barrier dual adjustment barrier shall be installed to prevent motorcycles from accessing the public paths around the site.

28c. The Public Rights of Way Footpaths specification shall be submitted to and agreed in writing with the Local Planning Authority

28d. Specification for bollards or other measures to prevent vehicle access over the square shall be submitted to and agreed in writing with the Local Planning Authority

28e. Details of the approved knee rail to serve the proposed development, in accordance with drawing D164A and D160a, is to be submitted to and approved in writing with the Local Planning Authority.

28f. Details of existing/proposed fencing to be retained or renewed to serve the proposed development, in accordance with drawing D164A and D160a, is to be submitted to and approved in writing with the Local Planning Authority.

28g. The details approved in conditions 29a to 29f shall be carried out and retained thereafter.

Reason: In the interests of public highway and in accordance with UDP policy T1, T8, T11 and LC5.

29. Notwithstanding the submitted plans and documents the side elevation of plot number 371 shall be rendered white prior to plot 370 being occupied and shall be retained thereafter.

Reason: To ensure the satisfactory appearance of the development, to safeguard neighbouring amenity and to comply with UDP policies GP2 and ENV32

30. Development works shall include a 10 m stand off from the canal throughout the construction. Materials, fuel, machinery and parking areas shall not be located within close proximity to the watercourse to prevent pollution and litter from entering the canal. Details of contingency plans to deal with accidental spillages shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and rubbish or spoil piles should not be formed within the stand off zone.

Reason: To safeguard the amenities of the area and minimise pollution to the canal and to comply with UDP policy ENV10.

31a. The development shall be completed to include the following security measures:

31b. Notwithstanding the submitted details all rear perimeter fences shall be 2.1m high and erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide.

31c. All side entry gates shall be 2.1m high and be key lockable from both sides, positioned flush with the front of the building line, shall not butt against a lower height wall or fence and shall be designed so not to provide climbing aides.

31d. The measures detailed in conditions 32a to 32c shall be fully implemented and retained thereafter.

Reason: To ensure the security of occupants and comply with BCCS policy ENV3.

32a. The development shall be implemented fully in accordance with the approved Landscape and habitat Enhancement and Maintenance Plan dated October 2018 and received 31/10/18 prior to the end of the first planting season following the completion of the 50th unit.

32b. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period, any trees shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same size and same species as that originally required to be planted,

Reason: In order to safeguard the visual amenity of the area and maintain the integrity of the wildlife corridor.

33. Notwithstanding the submitted details 200 x 200mm gaps shall be provided no further than 50m apart at the base of fences to allow hedgehogs to pass through.

Reason: To safeguard wildlife and the SLINC and to comply with BCCS policy ENV1 and UDP policy ENV23.

34. Japanese knotweed shall be treated in accordance with recommended guidelines as prescribed by the Environment Agency.

Reason: To ensure the satisfactory implementation of the development and to comply with UDP policy ENV10.

35. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, E and F of Part 1 Schedule 2 of the said Order shall be carried out to plots 02, 27, 42, 43, 52, 53, 55, 57, 67, 72, 73, 75, 76, 82, 83, 84, 86, 87, 88, 89, 110, 111, 139, 148, 157, 163, 164, 166, 167, 194, 195, 206, 216, 245, 250, 251, 252, 255, 257, 258, 259, 261, 265, 270, 273, 277, 288, 289, 302, 303, 305, 310, 322, 323, 324, 325, 327, 328, 329, 330, 331, 336, 337, 338, 339, 340, 343, 344, 345, 346, 347, 348, 351, 352, 353, 354, 355, 356, 358, 359, 370, 376, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407 hereby approved.

Reason: To protect the character and amenities of the area and to comply with policies GP2 and ENV32 of Walsall's Unitary Development Plan.

Notes for Applicant:

Severn Trent

As with any development, we advise that external levels fall away from property to minimise the flood risk from a variety of sources. Any overland flows generated by the proposed development must be carefully controlled and detailed design must consider whether infiltration is effective for proposed site catchments. We would advise that the use of infiltration techniques with a rate less than 10-5m/s should not normally be considered.

Severn Trent Water should be consulted on the acceptability of draining surface water at 5l/s at three points to their combination sewer network.

Pollution Control

CL1

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

CL2

When making assessments of any contaminants identified as being present upon the land, considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report - SC050021/SR3 'Updated technical background to the CLEA model' and Science Report - SC050021/SR2

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'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

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

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.

Although the outline Remediation Strategy has been agreed, it is recommended that the Applicant confirm precise measures in writing with the Local Planning Authority. For example, which gas membrane is to be installed, how it is to be installed, how the Applicant will validate the correct installation of the membrane, ensuring the geotextile layer to be used, source of top soil and certification that soil is suitable for use and is not contaminated etc.

Canal and Rivers Trust

The applicant/developer is advised to contact the Works Engineering Team in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust".

National Grid

Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.

The Wildlife Trust

The Trust urges that the applicant supports these particular requirements by further measures to improve nature within the development site through:

- appropriate landscaping design and management using native species in keeping with local character,
- connecting natural environment features within and to those beyond the development,

- innovative habitat creation such as wild flower meadow verges benefitting pollinators for example,
- incorporating sustainable drainage and permeable surface solutions to benefit the management of the water environment (particularly for car parks),
- smaller scale features such as bird boxes and nesting platforms and holes, and resting and hibernating structures for invertebrates,
- bat roosting and resting provision,
- and, foraging habitat.

Police

The development should be completed to include the following Secure by Design requirements:

All ground floor windows and any accessible windows should have at least one pane of 6.4mm laminated glass. This includes French doors and patio doors and should improve the standard of security to the more vulnerable ground floor windows.

The frontages and accessible windows of the houses and apartments/wellbeing units shall have defensible planting under them. This can be created by dense low level shrubbery with a mature height of no more than 1m and shall be approximately 1m in depth. The defensible space shall overlap the whole length of the window at least. Planting should be suitable for the light and soil environment at its location. .

Doors shall be PAS 24:2012.

Where euro profile cylinder locks are used in doors or shutters they shall achieve a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification.

Thumb locks shall not be of a type that can be 'by passed'

Garage doors must be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or WCL 2 BR 1

Where concrete post and panels are to be used the fence panels must be tied using galvanised metal straps.

All fencing shall be treated wood with guarantee life span of 25yrs.

No Lead or metal should be used on the ground floor, including outside taps to the front of properties.

Entrance and exit doors and frames to the apartments shall be of a robust vandal resistant material, with vandal resistant viewing panels.

Letterboxes in communal areas shall be DAD UK Ltd DAD009 1.5mm steel letterboxes.

Secured by Design cycle stand shall be installed near to the apartments. The security anchor for the bike must be certified to Sold Secure Silver standard or LPS 1175 issue 7:2010 SR1 and be securely fixed to the concrete foundation in accordance with manufacturers specifications.

Entrances to the apartments shall be well lit both internally and externally.

The bin store shall remain locked when not in use.

Considerations in relation to gas pipeline/s identified on site:

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: plantprotection@cadentgas.com Tel: 0800 688 588



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 29-Nov-2018

Plans List Item Number: 4.

Reason for bringing to committee: Major Application

Location: W H MARREN LTD, TEMPLE BAR, WILLENHALL, WV13 1SD

Proposal: ERECTION OF 51 RESIDENTIAL UNITS INCLUDING ACCESS, PARKING AND AMENITY AREAS

Application Number: 18/0867

Applicant: RICHARD CARROLL

Agent: Otto de weijer

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

Case Officer: Stuart Crossen

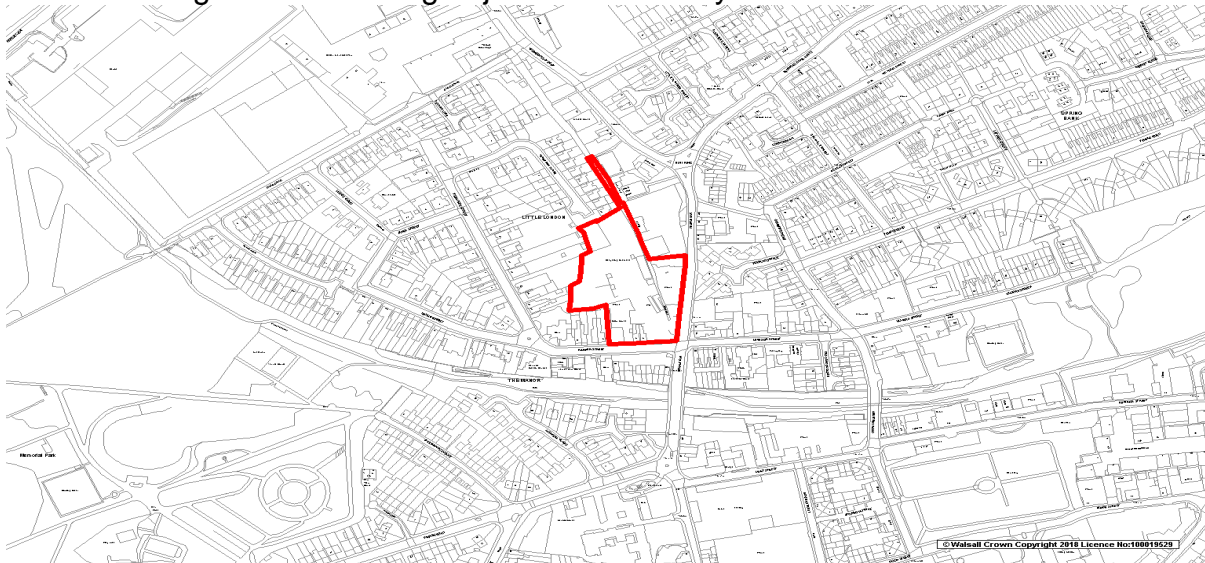
Ward: Willenhall South

Expired Date: 26-Sep-2018

Time Extension Expiry:

Recommendation Summary: Planning Committee resolve to delegate to Head of Planning, Engineering & Transportation to grant planning permission subject to conditions and a 106 agreement for affordable housing and open space contributions unless a viability assessment demonstrates that the requirements render the scheme unviable, subject to a section 106 agreement for ongoing landscape management and subject to:

- vii. The amendment and finalising of conditions;
- viii. No further comments from a statutory consultee raising material planning considerations not previously addressed;
- ix. Overcoming the outstanding objections raised by Tree Officers.



Proposal

The application proposes to erect 33 houses and 18 apartments at a former scrap yard. The application also proposes to re-route an existing public right of way (bridleway) through the site. The application follows a previous demolition application to clear the site and these works are currently being undertaken.

There would be three apartment blocks.

Apartment plots 1-9 are L-shaped, 3 storeys in height with a hipped roof, bay windows and contains 3 x 2 bedroom flats and 6 x 1 bedroom flats each with kitchen/living rooms and bathrooms. This apartment block is located next to the terraced houses on Harper Street.

Apartment plots 28-35 are 2 storey, 2 bedroomed with a hipped roof, bay windows and each have with kitchen/living rooms, downstairs toilets and single bedrooms and bathrooms on the first floor. This apartment block is located in the centre of the application site.

Apartment plots 43-51 are L-shaped, 3 storeys in height with a hipped roof, bay windows and contains 9 x 1 bedroom flats each with kitchen/living rooms and bathrooms.

Plots 10 – 12 are a row of terraced houses with a central feature gable and hipped main roof. Each house has a lounge, kitchen, toilet and utility room on the ground floor and 2 bedrooms, en-suite and bathroom on the first floor. The end two houses have access doors to the side.

Plots 13 – 18 are a row of 6 terraced houses with 4 being 2 storey and 2 being three storey with a higher eaves and roof ridge height and with rear facing dormer windows. All include front doors to the front with mono-pitched canopies above. The 2 storey houses have lounge/kitchen, toilet and storage rooms on the ground floor with 2 bedrooms and a bathroom on the first floor and the 3 storey houses have a lounge, kitchen and toilet on the ground floor with 2 bedrooms on the first floor, one with en-suite and a bathroom, on the second floor is a third bedroom with en-suite and storage.

Plots 19 – 21 are three terraced houses with hipped roofs, front access doors with mono-pitched canopies. On the ground floor would be lounge/kitchen, toilet and storage and on the first floor 2 bedrooms and a bathroom.

Plots 22 – 24 are a row of 3 terraced houses with 2 being 2 storey with front access door and 1 being three storey with a higher eaves and roof ridge height with a rear facing dormer window and side access door. All doors to the houses have mono-pitched canopies above. The 2 storey houses have lounge/kitchen, toilet and storage rooms on the ground floor with 2 bedrooms and a bathroom on the first floor and the 3 storey houses have a lounge, kitchen and toilet on the ground floor with 2 bedrooms on the first floor, one with en-suite and a bathroom, on the second floor is a third bedroom with en-suite and storage.

Plots 25 – 27 are a row of 3 terraced houses with 2 being 2 storey with front access door and 1 being three storey with a higher eaves and roof ridge height with a rear facing

dormer window and side access door, the end 2 storey house has a feature gable design. All doors to the houses have mono-pitched canopies above. The 2 storey centre house has a lounge/kitchen, toilet and storage rooms on the ground floor with 2 bedrooms and a bathroom on the first floor, the end two storey house has a lounge, kitchen and toilet on the ground floor with 3 bedrooms, one with en-suite and a bathroom on the second floor. The 3 storey house has a lounge, kitchen and toilet on the ground floor with 2 bedrooms on the first floor, one with en-suite and a bathroom, on the second floor is a third bedroom with en-suite and storage.

Plots 36, 39 and 42 are detached houses with a garage, gable roof design with feature front gable and would have a dining room/ kitchen, lounge and toilet on the ground floor and three bedrooms, one with en-suite and a bathroom on the first floor. Plot 39 differs in that there is a secondary side elevation gable window to the dining room facing Temple Bar.

Plots 37 and 38 are a pair of semi-detached houses with a main gable roof and one with a feature front gable, both have front access doors with mono-pitched canopies above. Each house would have a lounge, kitchen, toilet and utility room on the ground floor and two bedrooms, one with en-suite and a bathroom on the first floor.

Plots 40 – 41 are a pair of semi-detached houses with a main gable roof and one with a feature front gable, both have front access doors with mono-pitched canopies above. The feature gable property would have a lounge, dining room/ kitchen and toilet on the ground floor and 3 bedrooms, one with en-suite and a bathroom on the first floor, the other house would have a lounge/ kitchen/ dining room, toilet and storage room on the ground floor with two bedrooms and a bathroom on the first floor.

A design and access statement has been submitted with the application which raises the following key points:

The proposed residential development will make use of a currently vacant and underused land in a sustainable location.

It will remove an incompatible site use, the former metal reclamation yard, and will replace this with residential houses enhancing the overall visual appearance of the area.

The scale and overall appearance of the proposed dwellings will complement the existing dwellings

The houses will have a strong active frontage with private amenity to the rear of the dwellings.

Being situated within an existing residential area means that there is an existing sustainable infra-structure in place which will ensure that the site is well served by local facilities adding to the good sustainability of the proposal.

A SUDS and drainage strategy has been submitted which states that the proposed drainage scheme has been designed to manage water on site for a 1 in 100-year storm event plus 30% climate change effects, with the aim of achieving 30% betterment on the current storm water discharge rate and improving water quality where possible. New areas

of open car parking will be constructed using permeable paving, which will help to improve the water quality being discharged from the site.

An **Arboricultural Report** has been submitted which states that 10 individual trees, one group and two hedges were surveyed. The proximity of the house on plot 18 requires the removal of trees 9, 10 and hedge H2, all rated as being of low suitability for retention. Parking spaces for plot 17 will impinge into the RPAs of the hedge H1, which is off site. The hedge is of Leyland Cypress, and has been rated as being of low suitability for retention. Parking spaces for plot 22 will impinge very slightly into the RPA of tree 6, rated as being of moderate suitability for retention. The house on plot 23 will impinge slightly into the RPA of tree 5. The tree has been rated as being of low suitability for retention. The report makes recommendations for the undertaking of the works and does not require the layout to be amended.

A **Transport Statement** has been submitted which concludes, that the development would add 1.6% to existing daily flows on Temple Bar. It is expected that traffic would be divided to routes north and south and have a negligible effect on the road network. Research of personal injury accident statistics reveals details of 4 incidents in the local area. The development would create traffic flows that are comparable with previous activity at the site with a reduction in the movement of heavy goods vehicles. The proposals would increase junction spacing, improve visibility at the site access and adjacent junction of Harper Street and improve the turns from Harper Street to Temple Bar northbound. The project would reduce the road safety risks at this location.

An updated **archaeology report** was received on the 19/11/18 and will be reviewed by the Archaeology Officer prior to any decision being issued. The report concludes that when considering previous development which had previously occupied the site the indication is for negligible and low to medium potential for archaeological remains from the prehistoric to the modern periods to be present on the Site.

Site and Surroundings

The site is on the corner of Harper Street and Temple Bar is 0.89 hectares (approx 2.19 acres) and was a long established yard used for the sorting, cutting and storage of scrap metal (as defined in a certificate of lawful use in 1993). The entrance to the site is situated off Temple Bar. The yard operated from 0600 – 2000 hours daily and employed up to 50 full time staff. The yard had extended over the years and incorporated Orion House to the south of the site and the Jackdaw Works building to the east of the site. The Jackdaw Works building is separated from the main yard by Calves Croft Bridleway (Will 55).

To the south (in Harper Street), to the west (in Thompson Street) and to the north (in Thompson Close) are residential properties that bound the site, to the east in Temple Bar is a transport yard with a mix of residential and commercial properties on the opposite side of the road. The site is approximately 160m to the north of Willenhall District Centre.

The character of the area is defined by a mix of 2 and 3 storey terraced, semi-detached and detached houses and some 3 storey apartment blocks.

Relevant Planning History

06/1194/FL/W5 - Retrospective: Erection of a freestanding steel structure. Granted subject to conditions 6th September, 2006

06/1278/FL/W3 - Change of use of no. 3 Harper Street from residential to commercial offices. Granted subject to conditions 1st November, 2008

07/1764/FL/W5 - Change of use of former Jackdaw Building to the scrap yard. Refused 10th October, 2007

07/2165/FL/W5 - Car park and fence. Granted subject to conditions 21st November, 2007.

07/2164/FL/W5 - New windows and new roof. Granted subject to conditions 21st November, 2007.

07/2226/FL/W5 - Erection of 4.9 metre boundary fence along the boundary with properties in Thompson Street. Refused 15th January, 2008

08/0432/FL - Redevelopment of site to include new buildings, modifications to existing buildings, revised access, change of use of Jackdaw Works building and land at rear of 10/11 Thompson Street to extend scrap yard, change of use to offices (Orion House), closure of part of Calves Croft footpath, landscaping, boundary treatments and retention of the existing sleeper wall at the end of Thompson Close. Granted subject to conditions 11th November 2011.

14/0425/WA - - Change of use, extension and reroofing of Jackdaw Works building as an extension to the existing use for sorting, cutting and storage of scrap metal, revised access to the site, demolition of buildings within the yard, stopping up of Calves Croft public right of way, extension of sleeper wall across Calves Croft and treatment of sleeper wall with featheredge boarding facing rear garden of 31 Thompson Close. – Refused 20/06/14

18/0033 - - Prior notification of demolition of former scrap metal warehouse – Refused 19/02/18. The application fails to clarify the location of the demolition or sufficiently demonstrate that the works which would be undertaken would not have a detrimental impact on a public right of way.

18/0513 - Prior Notification of demolition of former offices and storage buildings. Granted 23/05/18

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 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF says:

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

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

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

Reducing Inequalities

The Equality Act 2010 (the ‘2010 Act’) sets out 9 protected characteristics which should be taken into account in all decision making. In this instance the scheme raises no concern that people of characteristics that are protected by the Equality Act 2010 would be disenfranchised.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- CSP5: Transport Strategy
- DEL2: Managing the Balance Between Employment Land and Housing
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- 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
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV25: Archaeology
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- JP8: Bad Neighbour Industrial Uses
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T4 - The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Site Allocation Document Policies

- Policy IND4: this addresses land that is currently in use for employment but which may become vacant and surplus to employment requirements during the period of the Plan.
- Site IN70.7

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

Affordable Housing

- AH1: Quality of Affordable Housing
- AH2: Tenure Type and Size
- AH3: Abnormal Development Costs
- AH4: Provision Location
- AH5: Off Site Provision

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

Pollution Control – No objection – Subject to the implementation of a Construction Environmental Management Plan, further contaminated land investigation, remediate the

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land where necessary, to provide precautionary measures to protect future occupants, a noise and vibration survey, to agree and implement acoustic mitigation measures and the provision of electric-vehicle charging points and install ultra-low NOx boilers.

Local Access Forum – No objections

Archaeology Officer – No objection subject to a condition which requires further survey work in accordance with the recommendations of the submitted report.

Environment Agency – No objection subject to a condition to protect water courses from contamination.

Housing Standards – No objections

Severn Trent – No objections subject to drainage condition

The Coal Authority – No objection, subject to mitigation condition.

Fire Officer – No objections

WM Rail – No objections

Police – No Objections - Secure by Design recommendations

Highways England – No objections

Public Rights of Way – No objection subject to conditions.

Transportation – No objection subject to conditions.

Tree Officer – No objection in principle however an amendment is required to safeguard protected trees.

Representations

4 Objections have been received on the following grounds:

The positioning of the apartments directly overlooking Harper Street would be over bearing.

The tenure of the blocks would bring social problems.

The public right of way would run alongside number 8 Harper Street.

Access on & off proposed site.

Area is becoming too overcrowded with houses.

Lack of communication between Tatton Hall homes & residents when taking down wall separating the backs of existing properties without proper consultation to whether the wall could have remained cutting down noise & dust pollution and which provided security.

On street parking issues due to flats.

Flats are not in keeping with Victorian Estate.

Determining Issues

- **Principle of Development**
- **Archeaology**
- **Design and Character of the Area**
- **Amenity**
- **Contaminated Land and Air Pollution**

- **Public Right of Way**
- **Security**
- **Protected Trees**
- **Section 106 Contributions**
- **Local Finance Consideration**

Assessment of the Proposal

Principle of Development

Residential development of the site is supported in principle. The existing scrap yard use has resulted in a number of amenity complaints to the Council for many years and the scheme represents the chance to remove a bad neighbour use as identified in policy JP8 of the UDP. The proposed density of 68 dwellings per hectare is higher than the maximum envisaged for this area by BCCS Policy HOU2, however this high density is not reason to refuse a planning application provided a satisfactory design and residential amenity can be achieved. The site lies close to Willenhall District Centre and is on a frequent bus route so is considered to be a sustainable location.

Policy IND4 identifies the WH Marren site, together with that of RK Transport, as Local Industry Consider for Release Site IN70.7. The policy states that redevelopment for housing will be acceptable in principle provided any remaining industry can be relocated to suitable alternative premises, there are no physical constraints that would make the site unsuitable, and other relevant requirements of Walsall's Local Plan are satisfied, notably the need to ensure that any alternative use does not constrain any existing industry.

Site IN70.7 does not include the two existing dwellings at 3 and 4 Harper Street. However, incorporating these within the site help to achieve a comprehensive development.

Archaeology

An amended archaeology report has been received. The archaeology officer comments supports further archaeological investigation in the form of a two staged evaluative works including a review of geo technical data followed by trial trench evaluation with a Written Scheme of Investigation, post submission as a condition to planning consent. These works would be undertaken to determine the presence/absence of archaeological remains and, if present, their character, extent, quality and preservation, and to enable an assessment of their worth in a local, regional, national or international context as appropriate. This would allow for further archaeological investigation if archaeological deposits of significance are found to be present.

Design and Character of the Area

The character of the area is defined by a mix of residential and industrial. The housing to the rear of the site forms the character of this part of Willenhall which historically predominantly traditional Victorian/ Edwardian semi-detached and detached houses, however the emerging character is more mixed with modern detached houses to the North and nearby modern blocks of flats.

The proposed scheme is high density, this is not in keeping with development to the West but is more so with that to the East and towards Willenhall District Centre. The flats facing Harper Street would provide a transition between the larger houses found here and the higher densities expected in the District Centre which is less than 90 metres away. The

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houses to the North West of the site provide a transition to the larger modern houses to the North.

The existing site is a scrap yard which is a historical use which is no longer in keeping with the emerging residential character. The objection about too many houses is noted but the alternative is the existing 'bad neighbour' use and as explained elsewhere in the report the density is considered acceptable here.

Amenity

Apartment plots 28-35, although single aspect are not of significant depth to result in a lack of light to the habitable rooms.

Plots 22 and 23 between 11 and 14 metres from the side elevation of plot 21, however the design has placed plots 22 and 23 at an angle which is considered sufficient to minimise any overbearing impact or significant loss of light.

Apartments 1-9 are 19 metres from the side elevation of number 10, however the design has placed the hall way and stairwell along this elevation and the nearest habitable room windows serve bedrooms which do not directly face the side elevation of plot 10.

Apartments 43-51 at their nearest would be 17 metres from the rear habitable room windows of plots 40 and 41. The nearest elevation of the apartments would not be a blank elevation and although they include lounge windows these are not the sole windows to these rooms. For these reasons the design ensures there would not be any unacceptable overlooking. Rear extensions built under permitted development could result in potential for overlooking and permitted development rights for such extensions are recommended to be restricted by condition.

In terms of the neighbouring houses around the site, the layout proposes sufficient separation which ensures there would be no significant overlooking or loss of light. The proposed 3 storey flats are situated across the highway from houses along Temple Bar and Harper Street, the nearest are 9 metres away to the side of flats 1-9 and it is considered that although three storey the relationship between the proposal and houses which face the proposal do not raise any significant additional amenity impacts on these existing residents as the public highway intervenes between the two sites.

The block plan illustrates a number of trees to be planted however it is considered unlikely that the number shown can be achieved and that may result in loss of amenity to neighbours of occupying houses. A condition that requires landscaping details would ensure that there is sufficient detail so that proposed landscaping is acceptable in amenity terms.

It is recognised that plots 10, 11, 12, 13, 14, 15, 19, 20 and 26, have gardens below the Councils recommended amenity space requirements of 68m² or 12m minimum depth. The shortfall is not significant and what is proposed would provide an acceptable level of amenity for what is a high density scheme and taking account of site constraints and the potential removal of an existing bad neighbour use and on balance these plots are supported. Conditions can be attached to restrict permitted development rights for extensions which would have potential to significantly reduce their amenity.

Concern has been raised about the tenure and type of accommodation in relation to the flats. The scheme is for flats and not a House in Multiple Occupation. Anti-social behaviour can be resolved through separate legislation and whether a property is rented or bought cannot be attributed as being the cause for such issues to warrant refusal of a planning application.

The proposed re-routing of the public right of way has been amended and does not now follow a route along the side boundary to number 8 Harper Street.

Pollution Control Officers require a condition prior to any works commencing the applicant will need to agree Control Measures to manage dust, noise, and vibrations to protect the amenities of surrounding neighbours. Pollution Control Officers are aware of the issues raised by residents in this respect and a construction management plan condition can be attached.

As part of the Control Measures, it is recommended that on-site monitoring be undertaken by trained/qualified personnel to determine levels of dust, noise and vibration.

Pollution control have stated that working hours need to be agreed for the entire development scheme to ensure that nearby residential premises will not be adversely affected during sensitive hours. However this can be controlled through separate legislation would not be a condition which would meet the 6 tests specified in the planning guidance.

It is noted that a Geo-Technical investigation has not been undertaken to determine the suitability of foundation design and ground stabilisation. If ground stabilisation works are required then vibration monitoring will be necessary to ensure nearby residential premises are not affected.

A noise and vibration impact assessment, due to road traffic and proximity of premises to the road, will need to be undertaken to ensure a good acoustic environment will be provided for future occupants. The assessment will need to consider noise from road traffic, and, nearby commercial and industrial activities.

Acoustic consultants will need to consider 'Professional Practice Guidance (ProPG) on Planning and Noise', May 2017 and British Standard BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings'.

The Environment Agency consider that the submitted information appears to confirm their understanding of the site in terms of environmental setting and previous usage, i.e. a former scrapyards and metal recycling site situated on Pennine Middle Coal Measures strata which are designated a Secondary A Aquifer. Ground contamination is thus reasonably expected and further investigations should look to quantify its extent, as well as the risks this may pose to the Controlled Waters nearby. A condition to secure this information has been proposed and can be included in planning permission.

Contaminated Land & Air Pollution

The GIP contaminated land investigation ('Phase I and Phase II Ground Contamination Report for Potential Future Residential Development at WH Marren', by Ground Investigation & Piling Ltd, Ref. SJ/25887, 22nd June 2017) is accepted and acknowledged that the site is affected by contamination and ground gas.

Pollution Control concur with the consultants that there may be further contamination present on the site and advise the Applicant that once all structures and hard-standing (concrete) have been removed and/or lifted then additional investigation work will be required.

The Applicant will need to confirm that all buried tanks are excavated and the soils in the vicinity investigated for contamination.

Based on the current findings then a 600mm clean cover should be acceptable and the use of a gas (VOC/Hydrocarbon) resistant membrane and sub-floor ventilation should be acceptable for managing ground gases. Due to the need for gas protection membrane within the premises, Permitted Development Rights need to be removed for all extensions.

In relation to air quality, attention is drawn to the Black Country Air Quality Supplementary Planning Document (SPD) October 2016, which has been adopted by Walsall Council. Pollution Control is of the opinion that the site falls under the Type 1 category which requires installing electric vehicle charging points and low NOx boilers which can be conditioned.

Public Right of Way

In principle the public rights of way team is supportive of the proposed application and extinguishment order, however this is subject to additional details being submitted to ensure an extinguishment order can be taken forward and that a safe and secure walking/ cycling environment is provided. This may be dealt with as conditions for agreement prior to commencement.

Details of boundary treatments alongside the public right of way are to be submitted and agreed. Although not a direct public right of way requirement, the boundary treatments of the proposed parking areas alongside the proposed public right of way site should be considered as these areas could be particularly vulnerable.

Proposed planting alongside the public right of way must not encroach onto the highway (either roots or branches). The principles of secure by design should be applied to ensure good forward visibility. Details of the proposed landscaping and appropriate tree root protection as well as arrangements for regular maintenance in perpetuity need to be provided.

There is a history of crime and anti-social behaviour reports and requests for closure spanning more than 10 years. An adjoining resident has recently requested the full closure of Calves Croft during the current planning applications, to help to address crime and antisocial behaviour. Crime and ASB is not a statutory consideration for a S257 Stopping up Order and it is only possible to stop up areas affected by the proposed development. A full closure, incorporating areas which are not being built upon, would not meet the statutory criteria for closure and cannot be taken forward linked to this application. It is hoped that the proposed improvements to the path, good design, suitable boundary treatments and landscaping, lighting and additional footfall will help to address these issues. If crime and ASB problems still arise, the appropriate separate legal procedure would need to be considered.

The Public Rights of Way Officer has agreed with the agent the following requirements:

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Upgrading of the path from the new proposed estate road by plot 29 to Park road to adoptable standards and to include a 3m wide tarmac surface. A Grampian condition would secure this.

Details of vehicle barrier, bollards or motorcycle barriers. Can be secured by condition.

Sings and/or way marker posts to be provided or retained. Can be secured by condition.

Confirmation of level and inclusive access with the use of appropriate dropped kerbs for cycling and disabled access from the proposed route between Temple Bar and Park Road. Can be secured by condition.

A section 278/38 agreement to be arranged to demonstrate a through route for all path users. This is subject to separate legislation and cannot be conditioned as it would not meet the planning guidance 6 tests.

The retained section between plot 29 and Park Road shall be included within the site lighting survey. A lighting survey condition to ensure this is met.

Landscaping details are also requests and a condition to secure this detail can be attached.

Access & Parking

Parking provision across the development would be 167% (85 spaces).

The site is within reasonable walking distance of Willenhall Town Centre which has a range of public, community and retail facilities as well as good public transport links.

Notwithstanding the concerns raised about on street parking, Transportation Officers consider that the level of parking is acceptable. Amended plans have been received which ensure that the visibility for accessing the site is now acceptable.

Transportation have requested a condition to ensure that adoptable street lighting is acceptable to the Council's lighting contractor Amey. This condition would not meet the Council's 6 tests and can be resolved outside the scope of a planning application.

Transportation have also asked that road infrastructure works are carried out prior to occupation or an agreed phasing plan. The condition cannot have options as this would not be clear and would fail to meet the Government's 6 tests for applying conditions. The condition has been agreed with the agent to be "prior to occupation".

Security

The shared parking areas are exposed and require security measures, discussion has taken place with the agent in regard to security gates to be fob operated. This solution is supported by Highways provided that the gates are of a sliding type to prevent gates opening onto the highway or footpath and can be conditioned.

The police recommend all ground floor windows and any accessible windows should be fitted with BS EN 356 grade P1A glass. The frontages and accessible windows of the houses and apartments need to have defensible planting under the windows which can form part of the landscape design which is to be conditioned.

Doors should be PAS 24:2016 standard. Where euro profile cylinder locks are proposed in doors, shutters etc. a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification should be used instead of the

standard 1 Star cylinder. Also where thumb turn locks are to be installed considerations should be given to the use of the 'BY Pass' method of entry by offenders. There are thumb locks on the market that cannot be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks.

Garage doors must be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or WCL 2 BR 1

Most properties are attacked from the rear therefore perimeter security needs to be effective in order to protect the most vulnerable area. A 2.1m on all rear perimeter walls/fences and should be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. This can include 300mm anti-climb (Criss Cross) trellis topping. The trellis should not be of a robust construction as this will create a climbing aid, rather than create a topping that will break, crack, and create noise if climbed, as intended. Where concrete post and panels are to be used the fence panels need to be secured together using galvanised metal straps, so that the panels cannot be lifted by offenders as a means of entry. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. The fencing needs to be treated wood with guarantee life span of 25yrs.

All side entry gates should be the same height (2.1m) and be key lockable from both sides, they should be positioned flush with the front of the building line. Their design and construction should not provide climbing aides to offenders. The perimeter wall or fence needs to be located as near to the front of the building as possible but should not butt up next to a fence or wall of differing height forming a step ladder. The gates that give access to rear of a number of houses such as gate beside plots 18, 19 and between 24 and 25 need to be self-closing and self-locking so that one resident cannot forget to lock them leaving other premises vulnerable.

No Lead or metal should be used on the ground floor, this includes outside taps to the front of properties as the West Midlands is suffering high levels of metal theft where possible lead substitute products should be used.

All properties should have a suitable intruder alarm, with a siren box front and back, and should have dual or quad technology sensors and auto dialler function.

The parking spaces both on the apartments and some of the houses should not be marked or numbered to allow offenders to associate a particular parking space with a particular residence. This stops offenders knowing when a residence is empty or if there is an expensive sporty car parked there they assume the residence will contain goods worth stealing. They can be marked as long as it is random.

On any communal entry to the apartments it is recommended they are to be fitted with an access control system. This may be a proximity access control system, a door entry phone system and electronic lock release or a combination of these to discourage casual intrusion by non-residents; this should involve CCTV coverage to the flats. Entrance and exit doors and frames to the apartments should be of a robust vandal resistant material, with vandal resistant viewing panels. Entrances should be well lit both internally and externally.

If there are communal areas for letterboxes I recommend the DAD UK Ltd DAD009 1.5mm steel letterboxes which can be mounted in rows and are secure and anti-identity theft proof.

A Secured by Design cycle stand should be installed The security anchor for the bike must be certified to Sold Secure Silver standard or LPS 1175 issue 7:2010 SR1 and be securely fixed to the concrete foundation in accordance with manufacturers specifications and consideration should be given to using the Secured by design shed which can be used as a shed, cycle storage or mobility

Storage sheds should be made of TPR; an award-winning alternative to concrete that is manufactured using waste diverted from landfill, having a low carbon footprint. It has been successfully tested to **LPS1175 Issue 7: 2010 SR1** Specification for testing and classifying the burglary resistance of building components, strong points and security enclosures. It can be manufactured to any size and is ideal for scooters and cycles not just as a shed. This has a guaranteed maintenance free 80 year life span therefore would not be added cost replacing or repairing this for residents. A note for applicant can be attached to secure this.

The security measures outlined above by the Police can be secured through conditions in relation to fencing landscaping and specifically security.

Trees

Plot 22 – is located 2.5m from a protected tree in third party ownership (T5). It has been assessed as being of low suitability for retention in the Tree Report although the Councils Tree Officer disagrees with this. It is marked on the plan for retention although the proximity of Plot 22 indicates that its stability will be severely compromised through excavations for foundations and service runs, and the crown will be severely pruned back to allow construction of the building and to maintain a suitable clearance between the tree and the building. This would place the Council, and the tree owner, under pressure to allow significant pruning works or felling that are undesirable on a tree that provides a useful amount of amenity value to the area and is not supported by the Tree Officer. Officers recommend that the scheme is amended to accommodate a protected tree outside of the applicant's control. In addition, and in its simplest form, it is unlikely that the Council would have granted consent for the removal of T5 had a separate application been submitted.

There are two other off-site protected trees (T3 and T4) whose crowns have a significant effect on the shading to the private amenity space to the rear of the plot. They have been assessed as B class trees in the Tree Report and offer a significant amount of amenity value to the area. Their proximity to the site is likely to lead to the Council being placed under pressure to allow significant pruning works that will be detrimental to their health, condition, shape and form, and be detrimental to the amenity, aesthetic and landscape value of the area.

Also near to trees T3 and T4 were three protected trees (labelled as T12, T13, and T14 in the TPO) were allowed to be removed under Regulation 14(c) of the Town and Country Planning (Tree Preservation)(England) Regulations 2012 as an exemption in 2014 and 2015. Under Section 206 (1b) of the Town and Country Planning Act if you fell a tree because it is dead or dangerous, it is your duty to carry out replacement planting of

appropriate size, and species at the same place (i.e. at or adjacent to the site of the stump) as soon as you reasonably can. The location and species of the replacement trees was discussed on site with the previous owners and a plan detailing the location and species of 3 replacement trees was attached to the Council's approval. Non-compliance with the duty to replant is enforceable under Section 207 of the Town and Country Planning Act and attaches to the person who is from time to time the owner of that land. The area identified for the replacement planting lies immediately adjacent to the house and parking spaces for Plot 22 and cannot be accommodated without amendments to the layout in this area. The tree officer recommends that consideration be given to the re-design of the proposal to accommodate the replacement tree planting in its original location. Officers seek to resolve this prior to issuing a decision.

Plots 20-21 – there are 3 protected trees in this area. T6 and T7 are marked on the plan although the third protected tree has not been identified in the Tree Report. T6 and T7 are close together and form a single large canopy that covers a significant part of the private amenity space to Plot 21. The third tree is also in close proximity to Plot 21 and will contribute to the overall shading to Plots 20 and 21. Their proximity to the site is likely to lead to the Council being placed under pressure to allow significant pruning works that will be detrimental to their health, condition, shape and form, and be detrimental to the amenity, aesthetic and landscape value of the area. The tree officer recommends that the private amenity space for Plot 21 is increased in size to reduce the impact of shading from the existing trees, either now or in the future.

Plot 18 - there are 2 young London Plane trees of good shape and form located between the proposed building and the site boundary that were planted as part of a condition to replace two protected trees that were felled with consent in 2009. They have grown considerably since that time and now stand 8/9m tall and with radial crown spreads averaging 4m. They offer a useful amount of amenity in the locality and their retention is deemed highly desirable by the Tree Officer. The location of the building on Plot 18 will result in their removal which is considered unjustified and unacceptable, partly due to the lack of suitable locations in close proximity for replacement planting but mainly for the loss of the amenity value that has taken 10 years to present and has significant potential to increase for the next 100 years+. The Tree Officer recommends that Plot 18 is removed from the design scheme to allow sufficient separation between the trees and the nearest building and to allow them to mature unhindered in their present location of high public amenity. Officers seek to resolve this prior to issuing a decision.

Section 106 Contributions

Full contributions to affordable housing and open space in accordance with policy is required unless a viability study demonstrates that these would make the site undevelopable. A viability study has been provided and is being considered by the district valuer.

Affordable Housing - Housing Strategy will be seeking 25% affordable housing contribution on site. This would consist of 13 houses. The tenure would be 10 social rent and 3 shared ownership.

Open Space – contribution is calculated as per the SPD: Urban Open Space
Based on the proposal the open space contribution required is £60,984.

The application includes areas of landscaping which are not associated with any single property. To ensure the future ongoing management of these spaces a section 106 is required to secure this management.

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 51 new homes.

The Government has indicated that, for 2018-19, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2018-19 the total payments, taking account of completions over the last 4 years, are expected to amount to £3,637,301.

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

Conclusions and Reasons for Decision

Residential development of the site is supported in principle. Concerns about the proposed density of 68 dwellings per hectare which is higher than the maximum envisaged for this area by BCCS Policy HOU2, is outweighed by the benefits of removing a bad neighbour use and is in accordance with the emerging Site Allocation Document in which Policy IND4 identifies the WH Marren site, together with that of RK Transport, as Local Industry Consider for Release Site IN70.7.

The Archaeology Officer support the scheme and the revised archaeology survey subject to a condition to require further survey work which is considered acceptable in accordance with UDP policy ENV25.

The Design would integrate with the emerging Character of the Area and is considered to accord with UDP policy ENV32 and Designing Walsall SPD.

The amenity shortfalls identified in the report are not significant and through creative design would achieve satisfactory amenity levels for occupants. In addition the scheme is considered to be a significant improvement to neighbouring amenity than the existing scrap yard use. For these reasons the scheme is acceptable and accords with UDP policies GP2 and ENV32 and meets the requirements of appendix D of the Designing Walsall SPD.

Sufficient detail has been provided for Pollution Control and Environment Agency Officer to conclude that the scheme is viable and any outstanding concerns can be mitigated through recommended conditions in accordance with UDP policies ENV10, ENV14 and ENV40, and the Air Quality SPD.

Public Right of Way issues are not yet fully resolved, however officers are confident that a positive solution can be achieved with the proposed layout and that only acceptable technical details are now required. The resolutions asks that delegated authority is given to the head of service to resolve this outstanding issue in accordance with UDP policy GP2 and T4.

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

The Police have no objections and their recommendations can be included as conditions to ensure the safety of occupiers of the houses in accordance with BCCS policy ENV3 and UDP policy ENV32

Protected tree issues are yet to be resolved however officers are confident that a positive solution can be achieved with minor modification of the proposed layout, through either the deletion of 2 houses or their relocation. The resolutions asks that delegated authority is given to the head of service to resolve this outstanding issue in accordance with UDP policy ENV18.

Subject to resolving potential impact on protected trees, resolving the Environment Agency objection and taking into account the above factors it is considered that the application should approved.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding the layout, amended plans have been submitted and the agent is committed to resolving all outstanding matters to enable full support to be given to the scheme.

Recommendation

Planning Committee resolve to delegate to Head of Planning, Engineering & Transportation to grant planning permission subject to conditions and a 106 agreement for affordable housing and open space contributions unless a viability assessment demonstrates that the requirements render the scheme unviable, subject to a section 106 agreement for ongoing landscape management and subject to:

- vii. The amendment and finalising of conditions;
- viii. No further comments from a statutory consultee raising material planning considerations not previously addressed;
- ix. Overcoming the outstanding objections raised by Tree Officers.

Conditions and Reasons

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

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

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

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Site Location Plan (9711/PL01B) received 22/06/18
 Site Survey (9711/PL03) received 22/06/18
 Site Layout Proposed Showing Phasing of Construction (9711/PL100) received 17/11/18
 Amended Plans and Elevations Plots 13-18 (9711/PL06 Rev B) received 13/09/18
 Amended Plans and Elevations Plots 43-51 (9711/PL16 RevB) received 13/09/18
 Plans and Elevations Plots 10-12 (9711/PL05 Rev A) received 22/06/18
 Plans and Elevations Plots 40-41 (9711/PL14 Rev A) received 22/06/18
 Plans and Elevations Plots 28-35 (9711/PL10 Rev A) received 22/06/18
 Plans and Elevations Plot 36 (9711/PL11 Rev A) received 22/06/18
 Plans and Elevations Plot 42 (9711/PL15 Rev A) received 22/06/18
 Plans and Elevations Plots 1-9 (9711/PL04 Rev A) received 22/06/18
 Plans and Elevations Plots 19-21 (9711/PL07 Rev A) received 22/06/18
 Plans and Elevations Plots 22-24 (9711/PL08 Rev A) received 22/06/18
 Plans and Elevation Plots 25-27 (9711/PL09 Rev A) received 22/06/18
 Plans and Elevations Plots 37-38 (9711/PL12 Rev A) received 22/06/18
 Plans and Elevations Plot 39 (9711/PL13 Rev A) received 22/06/18
 Proposed Site Sections and Street Scenes (9711/PL17) received 22/06/18
 Arboricultural Report received 02/08/18
 Environmental Noise Assessment received 11/10/18
 SUDS and Drainage Strategy received 22/06/18
 Design and Access Statement received 22/06/18
 Transport Statement received 22/06/18
 Remediation Method Statement and Validation Plan received 07/09/18
 Phase 1 Desk Study Report received 30/10/18
 Environmental Noise Assessment (CH0404185NRrev3) received 16/11/18

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

3a) No development shall take place until details are provided of an upgraded adoptable path between plot 29 and Park Road, to be 3 metres wide is submitted to and approved by the Local Planning Authority.

3b) The approved details shall be carried out prior to the commencement of the development.

Reason: To safeguard the amenities of users of the public footpath and to comply with UDP policy T8.

4a) Prior to the commencement of any development in relation to the dwellings hereby approved, details of vehicle barriers, bollards and motorcycle barriers, signs and way marker posts to safeguard users of the public right of way, level and inclusive access with the use of appropriate dropped kerbs for cycling and disabled access from the proposed route between Temple Bar and Park Road shall be submitted to and approved by the Local Planning Authority.

4b) The approved details shall be carried out prior to the commencement of any development in relation to the dwellings hereby approved

Reason: To safeguard the amenities of users of the public footpath and to comply with UDP policy T8.

5a) Prior to commencement of the development a proposed lighting survey which covers the application site and the public footpath between plot 29 and Park Road, and a phasing plan of its implementation shall be submitted to and approved in writing by the Local Planning Authority.

5b) The approved details shall be carried out in accordance with the approved details of part a of this condition.

Reason: To safeguard the amenities of users of the public footpath and to comply with UDP policy T8.

6a) Prior to commencement details shall be provided of a Construction Environmental Management Plan to control noise, vibration, dust, flying debris, and drag-out from demolition, engineering and construction activities at the site and shall be agreed in writing with the Local Planning Authority.

6b) The agreed Construction Environmental Management Plan shall be carried out and maintained throughout the duration of demolition, engineering, remediation and construction activities.

Reason: To reduce or mitigate adverse impact on the amenity of surrounding residential development and infrastructure.

7a) Prior to the commencement of the development the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

7b) The scheme shall be carried out as approved.

Reason: To ensure that the development will be protective of Controlled Waters at all times, notably the underlying Secondary A aquifer and in accordance with UDP police ENV40.

8) Notwithstanding the submitted details including the 'Phase I and Phase II Ground Contamination Report' by GIP, prior to the commencement of the development the following details shall be provided to and approved by the Local Planning Authority:

- i) Undertaking of an additional contaminated land investigation after the site has been cleared of buildings and hardstanding has been lifted site investigation, ground contamination survey and assessment of ground gas having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- ii) Prior to built development commencing a copy of the findings of the additional 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)
- iii) Prior to built development commencing a 'Remediation Statement' setting out details of remedial measures to deal with all of the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- iv) The remedial measures as set out in the 'Remediation Statement' required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- v) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered, development shall cease until the 'Remediation Statement' required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- vi) A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

Reason: To ensure safe development of the site and to protect human health and the environment to comply with UDP policies ENV10 and GP2.

9a) Prior to commencement the development hereby permitted drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority.

9b) The scheme shall be carried out in accordance with the approved details before the development is first brought into use.

Reason: This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

10a) Prior to any construction works commencing the Applicant shall undertake an acoustic assessment with consideration of 'Professional Practice Guidance on Planning and Noise for New Residential Development'.

10b) The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 2 months of completion for approval in writing.

10c) As part of the assessment an Acoustic Mitigation scheme shall be submitted to and approved in writing with the Local Planning Authority.

10d) The agreed acoustic mitigation measures shall be implemented and a written validation documents shall be submitted to and approved by the Local Planning Authority that confirms implementation of the agreed mitigation measures prior to occupation.

Reason: to protect the health and amenity of future occupants in accordance with UDP policy GP2.

11a) Prior to the commencement of the development, a Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

11b) This provision shall be retained during construction in accordance with the approved details.

Reason: In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety and to accord with UDP policy GP2.

12a) Prior to the commencement of the development, full engineering details of all adoptable highway works and works within the existing highway including:-

- i) the proposed access road, footways and new bellmouth access point onto Temple Bar,
- ii) the widening of the highway footway along Temple Bar,
- iii) the reinstatement of all redundant existing vehicle footway crossings,
- iv) the modification of the Harper Street northern radius,
- v) the installation of a tactile pedestrian crossing point across the Harper Street junction.

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

12b) Prior to the first occupation of any new dwelling on the development the highway infrastructure works detailed under part (a) of this condition shall be fully implemented in accordance with the approved details.

Reason: To ensure the satisfactory completion and operation of the public highway and in the interests of highway safety and UDP policies T5 and T8.

13a) Prior to the first occupation of any dwelling on the development details shall be submitted to and approved by the local planning authority of sliding, fob operated gates to secure each of the shared parking area.

13b) The approved details shall be carried out prior to occupation of the development.

Reason: To safeguard the amenities of users of the public footpath and to comply with UDP policy T8.

14a) Prior to the first occupation of any dwelling on the development, all access ways, pedestrian routes and parking spaces serving that dwelling shall be fully consolidated, hard surfaced and drained so that surface water run-off from these areas does not discharge onto the highway or into any highway drain.

14b) All parking spaces shall thereafter be retained and used for no other purpose.

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

15a) Prior to the development first coming into use, full details of the proposed cycle shelters 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.

15b) The cycle shelter shall be covered, illuminated and the stand itself achieve Secure by Design standard the security anchor for the bike must be certified to Sold Secure Silver standard or LPS 1175 issue 7:2010 SR1 and be securely fixed to the concrete foundation in accordance with manufacturers specifications.

15c) 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 ENV32 and T13 and Black Country Core Strategy ENV3 and TRAN4.

16) The 2.4m x 51m visibility splays at the new road junction onto Temple Bar and the 2.4m x 43m visibility splay at the Harper Street and Temple Bar junction, shown on drawing no. 9711/PL02 Rev J, shall at all times be kept free of all structures and planting exceeding 600mm in height above carriageway levels.

Reason: In the interests of highway safety and in accordance with UDP policy GP2.

17a) Prior to occupation Ultra-Low NO_x boilers which have maximum dry-NO_x emission no greater than 40 mg/kWh for gas and liquefied petroleum gas (LPG) boilers, and a maximum of 120 mg/kWh for oil-fired boilers shall be installed into each property hereby approved.

17b) The Ultra-Low NO_x boilers shall be fully implemented in accordance with the approved details of condition 8a before the development is first brought into use.

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

18a) Prior to occupation an electric charging point shall be installed in all of the approved houses which meets the following specification:

An external weatherproof and lockable covered 32 Amp external 7 pin charging socket to comply with EN 62196-2 and be compatible with a J1772 Type 2 connector.

The charging unit shall feature a Mode 3 (IEC 61851) communication module.

The power supply and charging point shall be phase 3 compatible and be located near the parking area for each dwelling.

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

All wiring shall comply with BS 7671 or equivalent replacement standard.

18b) The agreed electric vehicle charging points shall be fully implemented in accordance with the approved details of condition 9a before the development is first brought into use.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy and to comply with UDP policies GP2 and ENV10

19a) The development shall be completed to include the following security measures:

19b) Notwithstanding the submitted details all rear perimeter fences shall be 2.1m high and erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide.

19c) All side entry gates shall be 2.1m high and be key lockable from both sides, positioned flush with the front of the building line, shall not butt against a lower height wall or fence and shall be designed so not to provide climbing aides.

19d) All ground floor windows and any accessible windows shall be fitted with BS EN 356 grade P1A glass.

19e) All doors should be PAS 24:2016 standard.

19f) Euro profile cylinder locks shall meet a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification

19g) All thumb turn locks shall not be of a type which can be 'by passed' such as the ASB Thumb turn 3 star cylinders or the Ultion Locks.

19h) Garage doors must be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or WCL 2 BR 1

19i) Where all concrete post and panels to be used the fence panels need to be secured together using galvanised metal straps, so that the panels cannot be lifted.

19j) No Lead or metal shall be used on the ground floor.

19k) All properties shall have an intruder alarm, with a siren box front and back, and shall have dual or quad technology sensors and auto dialler function.

19l) The parking spaces both for the apartments and some of the houses shall not be marked or numbered to identify which properties they relate to.

19m) Any communal entry shall be fitted with an access control system. (This may be a proximity access control system, a door entry phone system and electronic lock release or a combination of these) the system shall include CCTV coverage to the flats.

19n) Entrance and exit doors and frames to the apartments should be of a robust vandal resistant material, with vandal resistant viewing panels.

19o) Communal areas for letterboxes shall be DAD UK Ltd DAD009 1.5mm steel letterboxes.

19p) Entrances shall be lit both internally and externally.

19r) The measures detailed in conditions 15a to 15p shall be fully implemented and retained thereafter.

Reason: To ensure the security of occupants and comply with BCCS policy ENV3.

20) Prior to occupation a landscaping scheme which includes defensible planting in accordance with Secure by Design Principles shall be submitted to and approved in writing by the Local planning Authority.

Reason: To ensure the satisfactory visual amenities of the area and to ensure a safe and secure environment for occupiers and footpath users in accordance with BCCS policy ENV3 and UDP policies ENV32 and T8.

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

Reason: To safeguard occupiers of houses from ground gas risks, to protect the character and amenities of the area and to comply with policies GP2, ENV10 and ENV32 of Walsall's Unitary Development Plan.

Notes for Applicant

Contaminated Land CL1

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 +A2:2017 'Investigation of potentially contaminated sites –

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Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2

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

CL3

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

Noise surveys may need to adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation point, and may also need to take account of changes in noise levels on account of height above ground floor level to account for noise exposure at sensitive receptor points. Additionally, a noise survey may have to take into consideration changes in noise climate between normal weekdays, and weekends, effects of holiday periods, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys may be required to corroborate a single noise survey.

Submitted noise measurement data should include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of performance verification checks, recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum. Sound level measuring instrumentation shall conform to either: 'Type 1' of either British Standard BS 5969: 1981 'Specification for sound level meters', and/or BS EN 60651: 1994 'Specification for sound level meters', and/or BS 6698: 1986 'Specification for integrating-averaging sound level meters', and/or BS EN 60804: 1994/2001 'Specification for integrating-averaging sound level meters' and/or 'Class 1' of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications' (or any superseding standards as applicable).

Instrumentation shall have been verified either in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' or BS EN 61672: 2003 'Electroacoustics - Sound Level Meters - Part 3: Periodic Tests' within a preceding 2 year period of measurements being conducted, or else verified with a multifunction acoustics calibrator that has been UKAS certified within a preceding 2 year period.

In regard to specifying suitable noise mitigation measures to protect internal and/or external residential areas, reference can be made to guidance and criteria contained in:

'Professional Practice Guidance on Planning and Noise for New Residential Development', ProPG, is available from the websites of the Institute of Acoustics (IOA), Chartered Institute of Environmental Health (CIEH), and/or the Association of Noise Consultants (ANC).

British Standard BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings'

British Standard BS 4142 'Method for Rating industrial noise affecting mixed residential and industrial areas'

World Health Organisation 'Guidelines for Community Noise 2000'

British Standard BS6472-1:2008 'Guide to evaluation of human exposure to vibration in buildings – vibration sources other than blasting'

Water supplies for firefighting should be in accordance with "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK: <https://www.dropbox.com/s/5s5i45fxr3m3hrt/national-guidance-document-on-water-for-ffg-final.pdf?dl=0>

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

Vehicle access route to meet the requirements of ADB Volume 2, Table 20, noting that WMFS appliances require a carrying capacity of 15 tonnes

The approval of Building Control will be required with regard to Part B of the Building Regulations 2010 for the apartment blocks, plots 1 to 9 and 43 to 51.

Air Quality SPD

Ultra-Low NO_x boilers have maximum dry-NO_x emission no greater than 40 mg/kWh for gas and liquefied petroleum gas (LPG) boilers, and a maximum of 120 mg/kWh for oil-fired boilers.

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

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

Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-

phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded.

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

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

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

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

Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to either enter into an agreement under S38/278 of the Highways Act 1980 with the Highway Authority or obtain a Road Opening Permit from the Highway Authority for all works within the existing public highway. For further advice please contact Highway Development Control Team on 01922 655927.

3. All adoptable street lighting shall be with the agreement in writing with Walsall Council's street lighting partner Amey.

Security

Storage sheds shall be made of TPR; an award-winning alternative to concrete that is manufactured using waste diverted from landfill, having a low carbon footprint. It has been successfully tested to **LPS1175 Issue 7: 2010 SR1** Specification.

Planning Committee

Report of Head of Planning, Engineering and Transportation on 29-Nov-2018

Plans List Item Number: 5.

Reason for bringing to committee: Significant community interest

Location: 74 & 75, STAFFORD STREET, WILLENHALL, WV13 1RT

Proposal: DEMOLITION OF EXISTING RETAIL UNIT AND OUTLINE PLANNING PERMISSION (TO CONSIDER THE ACCESS, APPEARANCE, LAYOUT AND SCALE) FOR THE ERECTION OF A TWO STOREY DEVELOPMENT COMPRISING OF A RETAIL UNIT AND 9 APARTMENTS FRONTING STAFFORD STREET AND FOX AVENUE.

Application Number: 15/1883

Applicant: Mr R Gupts

Agent: Mr Paul Lees

Application Type: Outline Permission: Minor Application

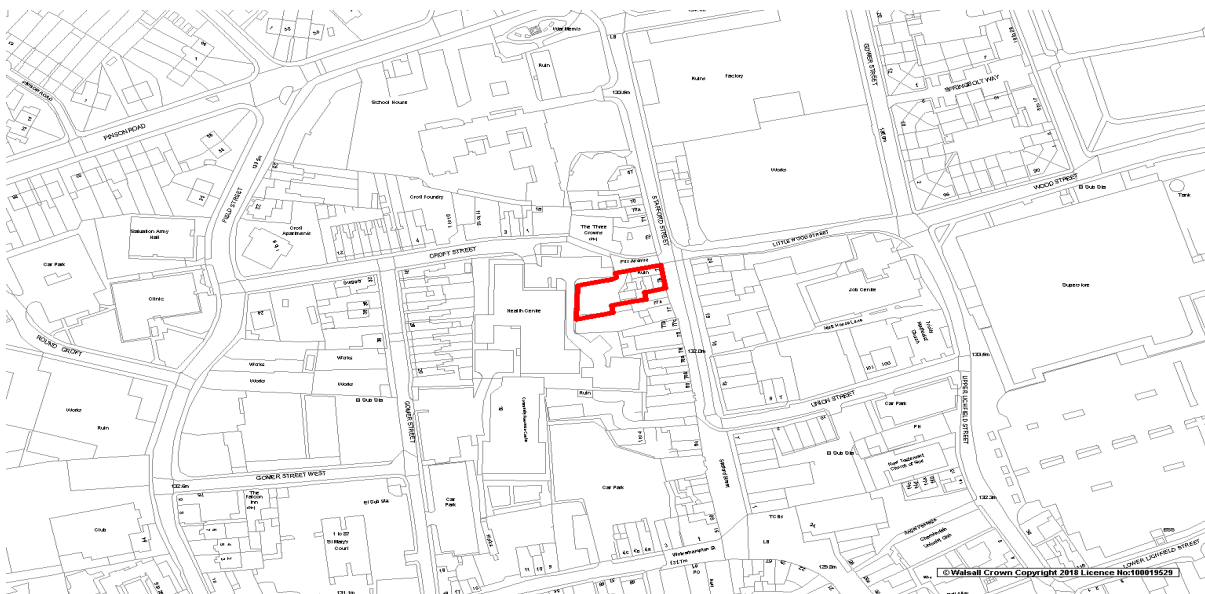
Case Officer: Devinder Matharu

Ward: Willenhall South

Expired Date: 27-Mar-2016

Time Extension Expiry: 29-Jul-2016

Recommendation Summary: Planning Committee resolve to delegate to Head of Planning, Engineering & Transportation to grant outline planning permission subject to conditions and subject to the receipt of the structural survey justifying the loss of the existing buildings and to amend and finalise the planning conditions.



Proposal

The proposed development seeks the demolition of existing retail unit and outline planning permission (to consider the access, appearance, layout and scale) for the erection of a two storey development comprising of a retail unit and 9 apartments fronting Stafford Street and Fox Avenue.

The proposed development would be undertaken in two sections with the first section fronting both Stafford Street and returning onto Fox Avenue. This part of the development would be set at the back of pavement and would be 'L' shaped with the majority of the built development being located to the north and east part of the site. The submitted floor plans show a retail unit fronting Stafford Street with a storage area and ancillary facilities to the rear and residential development fronting Fox Avenue.

The retail unit would have a traditional shop front on the ground floor, extending almost the whole length of the building and would include transom windows, recessed door way, pilasters and stall risers together with large glazed windows. An open walkway adjacent this proposed retail unit and number 76 Stafford Street would allow pedestrian access from Stafford Street into the rear courtyard. The building would have a gable feature at the focal point at the junction with Stafford Street and Fox Avenue. At first floor two pitched roof dormers in the main building and a window in the gable would be included. The Stafford Street frontage would be rendered. The height of the main part of the building fronting Stafford Street would be 5.3m to the eaves and 7.9m to the pitch with the gable feature being slightly higher at 5.9m to the eaves and 8.6m to the pitch.

The part of the development fronting Fox Avenue would rendered and the height of the development along here would stagger to break up the mass of built development. The building has windows at both ground and first floor with brick and stone flat arch and brick arches above the windows and stone cills.

The second section of the development towards the rear of Stafford Street would comprise of an irregular shaped building positioned in a courtyard style development. The layout plan shows the habitable rooms of apartments 6 and 7 having access to a private amenity area in front of these apartments. In front of these amenity areas would be two parking spaces for these apartments. The development would include windows at both ground and first floor. The building would be finished in render and brick with brick arches and stone flat arches above the windows and stone cills. The height of the development in the rear part of the site is staggered to break up the mass of built development. The highest part of the development would measure 4.9m to the eaves and 8.9m to the pitch.

The rear part of the development would be set 1m off the boundary with Fox Avenue and 2.1m off the rear boundary at the closest point. The rear boundary on the western side would consist of a 2m close board fence and fronting Fox Avenue, a dwarf wall with hooped top railings.

Vehicular access to the site would be from Fox Avenue. Towards the rear of number 76 and the proposed retail unit three car parking spaces would be provided for apartments 1 and 2 and a car park space for a neighbour. Apartment 1 would have habitable room windows facing towards the car park, however, the scheme would include an area of

amenity for this apartment which would be set metre away from the parking space for this apartment.

The apartments would be accessed from the rear of the site. The living rooms of these apartments would be open plan with the kitchen and would have windows in the front and rear of the buildings with the bedrooms having a single aspect either fronting the street or fronting the rear of the site.

A single storey bin store located adjacent the vehicular access would be provided. Cycle storage would be provided within the communal stair well.

The following documents have been submitted in support of the application:

Design and Access Statement which concludes;

- The majority of the property has been vacant for some time and previously utilised as a retail outlet, the first floor of the premises was used for family accommodation.
- Proposed to demolish the existing premises and provide rented accommodation.
- the applicants do not wish to operate the premises as a shop (this is contradictory to the submitted scheme)
- The proposed buildings are arranged around a courtyard
- All apartments are accessed from this courtyard via communal staircase.
- The apartments are single aspect.
- The proposed massing is in keeping with the existing building
- The proposals have been designed to blend in to the surroundings.

Heritage Statement which conclude:

- Willenhall is a medieval settlement centred on Market Place. Stafford Street represents a secondary phase of medieval expansion.
- Development to the north of the town centre is considered to have occurred mainly in the 19th and 20th Centuries.
- The whole area is designated as a conservation area.
- The site is of potential archaeological interest due to palstave being found during excavations in Stafford Street in mid-19thC.
- There is also a moated site to the north of the settlement off Stafford Road which may mark the site of a medieval home.
- The building appears to be in existence in the 1886-1889 OS maps
- Premises previously in commercial use on the ground floor, known as Dainty's and first floor utilised for accommodation.
- Dainty's ceased trading due to changes in retail buying patterns.
- A small annexe to the rear of the site is used as a taxi company until recently.
- Conserving the existing building is both uneconomical and would be dangerous for the site operatives
- The corner of the building is unsafe and the roof has half disappeared
- General state of disrepair has progressed too far for economic repair
- Fire and water damage are evident in the building
- The central courtyard is 750mm above surrounding street level, a 1:12 ramp would be provided.

Coal risk assessment which states:

- There are underlain coal mining issues where there are shallow unrecorded mining. Such workings could have the potential to adversely impact surface stability and should be investigated and if necessary stabilised by drilling and grouting. Following investigation and stabilisation the site would be suitable for the proposed development.

Parking Stress Survey which states:

- Stafford Street is a one way street
- Low level of parking along Stafford Street at night
- Single yellow line means there are at least 29 car parking spaces at night time.
- Croft Street, adjacent the site has 10 unused spaces on survey night.
- Gomer Street has 30 car parking spaces and 2 disabled spaces
- If the planned development was to go ahead there would be no shortage of parking

Response statement to officer's queries:

- The existing taxi business is a tenant of the applicant's and they operate on an informal rolling one month agreement.
- There will be no other commercial uses on the site with the exception of the proposed retail unit.
- The courtyard will be available to all occupiers with proviso that areas directly outside the windows of the ground floor apartment are exclusively for those particular units.
- Timber glazed doors have been added to the scheme with large area of glazing to allow sufficient daylight.
- The principle design idea is to create a development where as many of the apartments as possible face onto are accessed from the courtyard.
- The existing ground level where the courtyard is located higher than street level, resulting in the ground floor windows of the apartments at the back of footpath being at a higher level, creating privacy for occupiers without reducing the view.
- The boundary between the proposed site and 77 Stafford Street is to remain partly open to allow pedestrian access.
- The application does not include roof works to 76 Stafford Street.
- The structural survey produced by Dr Rutherford of ASC Structural Engineers has highlighted the building being subject to movement and a failure in its foundations resulting in the building being unsafe.
- The new designed building is to replicate the existing buildings frontage.
- It is impossible to undertake a noise survey because of the constant movement of vehicles from the taxi business. It is not expected that noise would be an issue in developing the site for residential use.
- All rooms shall be fitted with acoustic glazing.
- The taxi firm will be relocated elsewhere
- The bicycle stores are located under the stairs to the first floor, secure behind the communal doors.
- Part of the application site is owned by the applicant's brother, the owner of 77 Stafford Street. No one has a legal right across the application site, only right has been gained over usage over a long period. The legal right is disputed. It is not the intention to curtail any of these informal rights. The scheme allows for pedestrian access to 77 and emergency egress from 76.
- Fox Avenue is un-adopted and not maintained by the Council.

Site and Surroundings

The site is within Willenhall Conservation Area and the townscape heritage initiative area. 74 and 75 Stafford Street are two modest buildings likely dating to the 18th century or early 19th century. Both properties have had the front elevations bricked up, part of the awning of 74 remains. The bracket, fascia board, cornice, flashing and transom light of the shop frontages remain. There are three dormer windows on the first floor. The first floor has cream render and timber beams. The buildings sit at the back of the pavement on both Stafford Street and part of Fox Avenue.

Number 75 is a mid-terrace building with number 74 sitting at the junction of Stafford Street and Fox Avenue. The rear of the building has a two storey return wing that sits parallel to Fox Avenue; this elevation has three large windows at first floor and a large ground floor window. Fox Avenue is a cul de sac with rear access for numbers 74, 75 and 76 Stafford Street.

Both 75 and 74 have rear single storey brick extensions with an additional standalone building located towards the rear of 75 and 76 Stafford Street, this building is used as a taxi business. The rear area of the premises is hard standing which is used to park taxis.

There are windows at first floor on the rear elevation of 75 and 76, 77a Stafford Street. The windows on the rear elevation of 76 Stafford Street overlook the rear of the application site. Numbers 77 and 77a Stafford Street have long rear gardens.

Numbers 77 to 77a are locally listed and located to the south of the application site. Number 24 is also locally listed and located opposite (east) number 74.

Towards the rear of number 74 to 80 consecutive Stafford Street is a two storey health centre with consulting rooms at both ground and first floor. Access to the health centre is from Croft Street. Croft Street is a cul de sac located towards the rear of the Three Crowns Public House, a pedestrian access links Croft Street to Fox Street. The health centre is set off the boundary with the application site with the driveway and parking areas to the centre being adjacent the application site boundary.

The health centre and Fox Avenue are classed as a business park in the UPD. There are double yellow lines outside Stafford Street. There are no parking restrictions along Fox Avenue.

On the opposite corner of Fox Avenue is The Three Crowns Public House, a two storey cream rendered building. The building is locally listed. The side elevation facing the side of 74 has windows at both ground and first floor.

Opposite the application site on Stafford Street is a hot food cafe, number 24 which is a single storey building, the adjacent building, number 20 is a traditional gable building and adjacent to that a two storey flat roof concrete building dating back to the 1960's.

To the east of Fox Avenue at the junction of Stafford Street is Little Wood Street, a one way street. At this prominent corner location, east of the application site is a factory.

Relevant Planning History

13/0626/FL - 74 & 75 Stafford Street - Renovation of building to provide 1 retail unit, 3 flats and 2 bedsits - grant permission subject to conditions 10/12/2013

13/0638/CC- 74 & 75 Stafford Street - conservation area consent: renovation of building to provide 1 retail unit, 3 flats and 2 bedsits - grant conservation area consent 10/12/2013

14/0739/FL- Demolition of 74 & 75 Stafford Street and erection of 10 no. 1 bedroom flats in a two storey and three storey apartment development with parking, landscaping and ancillary facilities. Refused 05-Sep-2014 for the following reasons:

1. Land stability issues in that the land stability of the land to accommodate new residential development has not been adequately demonstrated to justify the principle of new development.
2. Demolition and loss of 18th Century and early 19th Century vernacular building in a prominent corner plot is entirely unjustified in the absence of a structural survey and would be significantly harmful to the character and appearance of the Willenhall Conservation Area.
3. Design and layout of the proposed development utilises a mock period style that is inaccurate in its proportion and detailing and fails to relate to its context and as a result the appearance constitutes poor design by virtue of:
Design - The composition fails to order the windows so as to generate a good quality composition. Windows are of different sizes having different proportion and introducing a poor solid to void ratio. The side elevation overlooking Fox Avenue has an unnecessarily formal (symmetrical) composition which is unwarranted in an area of organic development.
Orientation - The principal elevation of the building has now moved from the principal street (Stafford Street) to the secondary street (Fox Avenue).
Roof Configuration – Introduction of a number of dominate gables in the design of the building which would elevate or make prominent this building over its neighbours.
The proposal therefore fails to relate to the special character of the Willenhall Conservation Area
4. Proposed development has failed to demonstrate:
 - ☐ through the absence of any noise survey information that the site is suitable for residential use due to potential noise impacts from commercial and social sources which would unduly impact upon the amenities of the occupiers of the flats.
 - ☐ the use of the proposed car park and driveway in terms of vehicles coming and going at all times of the day and night in close proximity of ground floor flats and the parking of vehicles in Fox Avenue in close proximity to ground floor apartments would unduly impact upon the amenities of the occupiers of the ground floor flats.
 - ☐ how the retained taxi office use would operate in relation to the proposed residential use without unduly impacting upon the amenities of the occupiers of the ground floor flats.
 - ☐ how the isolated position of the bicycle store and recycling bin store would not result in anti-social activity detrimental to the amenities of the occupiers of the proposed flats by way of lack of natural surveillance from the development.

5. The proposed development fails to meet the Council's separation distances between:
 - the bedroom window of apartment 3 and the rear wall of 76 Stafford Street
 - the habitable rooms windows of 76 Stafford Street and the proposed three storey element of the development. Furthermore, the proposed development fails to provide adequate amenity space.
6. The development fails to:
 - Provide adequate pedestrian access to the main building entrances and car park, to the safe and satisfactory operation of the site and to highway safety.
 - Demonstrate that there is sufficient parking to meet the needs of the residential development as well as the retained taxi office element on the site, to the safe and satisfactory operation of the site and to highway safety.
7. The applicant has failed to demonstrate how the proposed development would secure appropriate provision for urban open space contribution.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF says:

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

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of

planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

Reducing Inequalities

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

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP1: The Growth Network
- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN4: Regeneration of Town Centres
- CEN5: District and Local Centres
- CEN8: Car Parking in Centres
- 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
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning Obligations
- GP6: Disabled People
- ENV10: Pollution
- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows

- ENV28: The 'Local List' of Buildings of Historic or Architectural Interest
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- S8: Housing in Town Centres
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T4 - The Highway Network
- T7- Car parking
- T8 - walking
- T7 - Car Parking
- T10: Accessibility Standards – General
- LC1: Urban Open Spaces
- WH4: Development / Investment Opportunities

Supplementary Planning Document

Conserving Walsall's Natural Environment

The natural environment and new development

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

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

- SF2: Shop front proportions
- SF3: Materials in shop fronts
- SF4: Colour finishes
- SF5: Access to shops
- SF6: Advertisements
- SF7: Illumination
- SF8: Shop front security

- SF9: Canopies

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

Building Conservation Officer- No objection

Cadent – No objection but comments there are apparatus in the vicinity of the site which may be affected.

Coal Authority – No objection subject to a planning condition relating to intrusive site investigations.

Environmental Health – No objection but advises if the future occupier operate a food business from the retail unit, it will be necessary to comply with Food Safety and Hygiene (England) Regulations 2013.

Local Access Forum – No objection but recognise Fox Avenue right of way may be temporarily closed during construction works for safety but care taken to prevent it becoming blocked during these operations and ensuring it is maintained in a useable condition during construction works. Also raises concerns over number of apartments and limited parking and the use of sustainable transport.

Landscape – No objection subject to landscape condition

Police – No objection subject to secure by design but makes comments on who the five parking spaces would be for, as they are not allocated leading to disputes, controlled pedestrian gate supported, gates considered for vehicular access and concerns over anti-social behaviour from pedestrians on the pavement to the ground floor occupiers.

Pollution Control – No objection subject to the need to investigate and remediate any localised ground contamination and ground gas issues associated with the site, and determine noise mitigation measures and implement the measures prior to any occupancy. An electric vehicle charging point is required to comply with the Air Quality UDP.

Public Rights of Way – No objection

Severn Trent Water – No objection subject to drainage condition and note for applicant regarding public sewers.

Representations

Four letters of have been received from neighbouring occupiers and Cllr D Coughlan objecting to the proposal on the following grounds:

- Owners have let the building fall into despair
- Number of residential units in town centre will increase to 72 in around 8months
Access rights including: Numbers 77 and 77a Stafford Street are rented out and pedestrian access for landlord and tenants of 77 and 77a Stafford Street required as set out in the title deeds, number 76 has access rights over rear car park and a right to park at the rear of their property, require confirmation access rights will not be obstructed or affected? Rights of access need to be amended, title deeds of land ownership for 77 and 77a Stafford Street submitted.
- Car parking as existing required to undertake checks to the land and buildings to 77 and 77a Stafford Street
- Application site includes third party land
- Applicants cannot legally build on the land

Determining Issues

Whether the proposal over comes the previous reasons for refusal in respect of:

- Land Stability
- Justification of the loss of the loss of the building
- Design and layout
- Noise impacts including use of car park and driveway and delivery vehicles in close proximity to ground floor flats, clarification of the operation of the taxi firm business operation, isolation of the bin and cycle store
- Failure to comply with the Council's separation distances
- Pedestrian access and car parking
- Urban open space contribution

Other matters:

- Principle of development
- Impact upon the conservation area and locally listed buildings
- Archaeological implications
- Impact upon the amenities of the proposed occupiers
- Impact upon the amenities of adjoining commercial uses
- Landscaping
- Local Finance Considerations

Assessment of the Proposal

Land Stability

A coal mining risk assessment report has been submitted which concludes that coal mining legacy relating to this site potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The coal Authority concur with this recommendation and have recommended a suitable worded planning condition.

The proposal overcomes this previous reason for refusal

Justification of the loss of the loss of the building

Although it would be preferable to retain the existing facade the structure has been subject to a fire and much of the internal historic fabric has been destroyed. The shopfront is also no longer in situ. No financial information or structural surveyors report have been submitted with this application, which would demonstrate the retention is unviable or is beyond repair. When considering the demolition of the building which is considered to have a positive appearance to the conservation area, the replacement scheme will have some bearing on the appropriateness of the demolition. The replacement scheme would maintain a retail frontage along Stafford Street, which is important, as well as mimicking the shopfront details of 77 Stafford Street, which was a recipient of grant funding and represents one of the better shopfronts along this section of Stafford Street. In this particular circumstance the replacement shopfront scheme has some benefit to the Conservation Area which would outweigh the retention of the existing facade where much of the historic fabric has been lost.

Although the planning agent submitted a structural survey under 14/07389 after the application was refused, this survey was not formally submitted as part of this application. The planning agent has been approached for this survey to be submitted and considered as part of this application to establish whether or not the proposal overcomes this reason for refusal under 14/0739. Members will be updated via the supplementary paper, or seek delegation to the Head of Planning, Engineering and Transportation.

Design and layout

The design and layout of the proposed development from the previously refused scheme under planning reference 14/0739 has altered significantly. The development under the current application has been split into two elements with an element of two storey development to the front of the site fronting Stafford Street and returning onto Fox Avenue. The rear part of the site would also be redeveloped with two storey apartments.

The new shopfront to Stafford Street would mimic the quality of materials and styling of No.77 would have benefits to the preservation and enhancement of the conservation area. A full materials schedule including cross section plans would be required as per condition to ensure the shop front is appropriate.

The Stafford Street frontage has been redesigned to reflect the existing street pattern along this part of Stafford Street. The gable feature at the corner of Stafford Street and Fox Avenue creates a prominent focal feature, which adds character to this part of the street scene. The overall development is to be constructed out of brick and render, given the prominence of this building on the street frontage, in close proximity to locally listed buildings and being in the conservation area details of all facing materials, rainwater goods, fascia's, soffits etc will be sought by way of condition.

The main entrance to the scheme is from Stafford Street which is also appropriate, as it remains on the principal street. The retention of the ridge height as existing is appropriate and blends in with the street scene. The use of lime render instead of the mock timber cladding is also appropriate and illustrates the new meeting the old appropriately.

The windows, doors and surrounds in the development are proposed to be timber, with brick arches and flat stone arches stone cills which are considered appropriate as they generate a good quality composition. The roof coverings vary from slates to tiles which add variety to the design and break up the development as it turns into Fox Lane which is considered appropriate.

The design, mass, scale and appearance of the proposed development would overcome the previous reasons for refusal in respect of design.

Noise impacts including use of car park and driveway and delivery vehicles in close proximity to ground floor flats, clarification of the taxi firm business operation, isolation of the bin and cycle store.

The submitted documents state that the taxi firm have a rolling one month rent to utilise the existing buildings at the rear of the site and the taxi firm will no longer be on site once the development is constructed.

The amended scheme has been redesigned to ensure all habitable room windows face towards the street frontage or rear courtyard. There are four car parking spaces for the ground floor occupiers of the flats and each of these parking spaces has been located adjacent the apartments, which would reduce any loss of amenity for ground floor occupiers by way of comings and goings from the use of these spaces at all times of the day and night.

Deliveries to the retail unit via the vehicular access off Fox Avenue could be restricted to Mondays to Fridays during normal opening hours, to protect the amenities of these ground floor occupiers.

The bin store has now been designed into the scheme with a single storey element adjacent the vehicular access way. This forms part of the overall development and would be open to surveillance from the site and the public realm. The cycle store has also been redesigned into the stairwell for each part of the proposed development.

The submitted documents in support of the application states noise shall be agreed in writing with the LPA. The planning agent has focussed on noise from the movement of vehicles from the taxi company, advising that a sensible noise impact survey cannot currently be undertaken due to the taxi company and are advising that it is their intention to install glazing that achieves a sound reduction (Rw) of 36 dB in order to meet the requirements of BS8233:2014. Pollution Control have advised in the absence of a noise survey habitable rooms should have acoustic glazing and acoustic ventilation that achieves a minimum sound reduction of 38 Db, which can be secured by way of condition.

Pollution Control also raise concerns for the potential noise disturbance from the pub opposite, particularly during summer months when drinkers and smokers tend to gather in the pub beer garden and outside on the road side in the vicinity of the proposed ground floor flat. Any noise impact assessment will be required to consider minimising impacts upon future residents from such social gatherings.

Overall, it is considered the amended design of the scheme from the previously refused scheme under 14/0739 overcomes this previous reason for refusal.

Failure to comply with the Council's separation distances

Through the redesigned scheme, the layout of the proposed scheme is materially different. The only part of the development where the Council's residential standards would apply are between the rear of number 76 Stafford Street and the habitable room windows, kitchen and bedroom of apartments 6 and 8. The separation distance between the kitchen windows of these apartments and the rear of 76 Stafford Street would be 23.1m and the separation distance between the bedrooms windows and the rear of 76 Stafford Street would be 21.7m. Whilst there would be a shortfall between this existing rear window of 76 and the proposed new windows of apartments 6 and 8 by 2.3m to the bedroom and 0.9m to the kitchen. It is considered that whilst the proposal marginally fails to meet the 24m separation distance, the deliverability of the overall scheme would help regenerate this part of both Stafford Road and Fox Avenue from further decline and other related problems with anti-social behaviour and an untidy site. Furthermore, the views between habitable room windows would be interrupted views across a courtyard.

The ground floor apartments 1, 2, 6 and 7 would have their own private amenity space. Policy H8 of the UDP recognises that housing in town centres may not have the level of amenity as you would expect in a suburban area. The provision of this amenity space would be welcomed. The remainder of the units no amenity space would be provided, whilst this does not comply with the Council's Residential Standards, it is considered the overall balance of redeveloping this site for regeneration purposes outweighs the need to provide private amenity space for each apartment.

On balance, it is considered that the proposal has been amended significantly from the previously refused scheme, to provide a redevelopment scheme that makes better use of the site and by reducing the number of units. The amended scheme to regenerate the area outweighs the shortfall of these habitable room windows.

Pedestrian access and car parking

The proposal seeks to provide five off road parking spaces which equates to 56% of parking with the rear of the site with vehicular access off Fox Avenue. No parking for the retail unit is proposed. Taking into account the existing premises had no parking and that the site is located within Willenhall district centre, a relatively sustainable location, the Highway Authority considers the level of parking provision acceptable in this instance. On balance the Highway Authority considers the will not have severe transportation implications and is acceptable.

The area known as Fox Avenue is private land and not a publicly maintainable highway. There is a definitive public right of way along its northern boundary alongside the pub. The ownership of Fox Avenue is unknown being unregistered at the HM Land Registry. Whilst improvements to Fox Avenue would be desirable to enhance the area not only for the development but also to the wider public, it is private land and not under the control of the applicant. Whilst it would be desirable to secure improvements to upgrade Fox Avenue, this is not possible due to the land being outside of the applicant's ownership. The Public Rights of Way Officer has no objection to the proposal.

Urban open space contribution

The proposal seeks to reduce the number of apartments from 10 under the previously refused scheme under planning reference 14/0739 to nine. Developments under ten residential units do not qualify to provide contributions for public open space.

The proposal for nine units overcomes this previous reason for refusal, as a contribution towards public open space is not required.

Principle of development

The revised NPPF says that decisions should encourage the effective use of land by re-using land that has been previously developed. The application is mostly on garden land, which is not defined as brownfield land, in this context the proposal is considered not to be an effective use of land. The NPPF also says that housing applications should be considered in the context of the presumption in favour of sustainable development.

There are three elements to sustainable development, economic, social and environmental. For economic: the need to ensure that sufficient land of the right type is available in the right places and at the right time; for social: providing the supply of housing required to meet the needs of present and future generations and environmental: contributing to protecting and enhancing our natural, built and historic environment. In Walsall, the five year requirement of housing supply is currently being met through the allocation of housing land and granting of planning permission (which is significantly brownfield land). However, even though this housing need is being met some housing development on windfall sites is supported provided it meets the requirements in respect of sustainable development.

The application site is located on the western side of Stafford Street with both properties fronting Stafford Street and number 74 returning onto Fox Avenue. The site is within Willenhall District Centre, policy WH4(i) identifies 74 and 75 Stafford Street as a potential investment opportunity either into larger retail units or residential units. From the previously refused scheme under 14/0739, the proposal now seeks to include a retail unit fronting Stafford Street, the provision of this in the district centre to replace the existing retail units would be encouraged and welcomed.

Policy H3 of the UDP supports the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved, there is no overriding need for the buildings for employment use, the proposal would have good transport links and residential development would not constrain the development of adjacent sites. Furthermore, policy S8 supports housing in town centres provided a satisfactory residential environment can be achieved, although it is recognised that particular benefits of living in a centre could mean the level of residential amenity may not be the same as that expected in suburban areas. These issues are considered elsewhere in the report.

Cllr Coughlan has raised an objection to the proposal on the grounds that the number of residential units in the town centre will increase. There are no policies within the adopted Development Plan that restricts the number of residential units within an established town centre. The proposals are weighed up against the policies highlighted elsewhere in the report.

The site is in an established town centre where retail and housing developments are supported in principle in this sustainable location.

Impact upon the conservation area and locally listed buildings

Stafford Street along with Market Place form the core area of the Conservation Area and the town centre. The special interest of this Conservation Area is that it includes an important example of a Victorian Black Country town centre with fine examples of its commercial and industrial heritage within an area that has suffered less from redevelopment than other towns in the area. The Conservation Area has previously been listed in the Heritage at Risk Register as 'at risk' which was and still is an important consideration in the determination of planning applications. The significance of this Conservation Area has however been recently strengthened by the recent Willenhall Townscape Initiative grant which have restored a number of shopfronts in the town centre.

The current property is a late 19th Century building with mock Tudor timber cladding type detailing with retail frontage and two storey with dormer windows fronting Stafford Street. As mentioned in the Willenhall Conservation Area Appraisal, the building does represent a good building group of historic merit particularly with adjoining buildings 76-77 Stafford Street. The subject building is however derelict and has been subject to fire which has destroyed much of the historic fabric of the building. The building currently is derelict with no windows and a bricked-up shopfront. Despite this there is merit in having a photographic record undertaken of what remains of the existing building which can be deposited in a local archive.

The subject site lies opposite two non-designated heritage assets, the locally listed Three Crowns Public House and 23 Stafford Street. The significance of these buildings lies predominantly in their evidential value (being one of the original buildings which represent the development along the main spine road of Stafford Street) and their aesthetic value (being good and early examples of local Victorian vernacular). Taking this into account, it is considered that the development of the subject site would not affect the setting of these locally listed buildings which would maintain their significance if the proposal would be approved.

The proposal is however within the Willenhall Conservation Area, whereby the proposed demolition and new build will require to be assessed regarding the harm caused to the character and appearance of the Conservation Area. The demolition of the existing building would cause 'less than substantial' harm to the Conservation Area as a whole. In accordance with the NPPF, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. There is also the additional requirement under the Planning (listed buildings and conservation areas) Act to preserve and enhance the character and appearance of the Conservation Area.

Although it is regrettable to see the demolition of this Victorian building, much of the historic fabric has been lost by fire and has laid derelict for a number of years. The replacement scheme utilises appropriate quality materials and represents a scheme which will preserve and enhance the characteristics of the conservation area, and can be used as an example for new proposals and the use of appropriate materials. The proposed scheme and mitigation imposed will outweigh the harm caused to the conservation area by the demolition of the existing building.

Archaeological implications

Willenhall is a medieval town and there is potential archaeological interest due to a palstave being found during excavations in the early 20thC, as detailed in the Black Country Sites and Monuments Records. There is also a moated site to the north of the

settlement off Stafford Road which may mark the site of a medieval home. Given the importance of the site and town as a former medieval town, the Black Country Archaeologist and the British Council for Archaeology have been consulted on this application. Members will be updated via the supplementary paper, or seek delegation to the Head of Planning, Engineering and Transportation.

Impact upon the amenities of the proposed occupiers

The ground floor occupiers have private amenity areas, which would provide a relatively good level of amenity. Whilst the occupiers of the first floor flats and apartment 2 have no private amenity areas, there are public open spaces around the town centre potential occupiers could utilise.

The proposed bedrooms in each of the apartments are single aspect facing into the site and towards the street allowing surveillance of the private and public realm in and around the site.

The proposed living rooms are open plan providing a kitchen within them, these rooms have three windows allowing ambient light into these habitable rooms.

On balance it is considered the level of amenity provided to these [potential occupiers] would be sufficient.

Impact upon the amenities of adjoining commercial uses and neighbouring occupiers.

The submitted plans show land to the southern part of the site being in the curtilage of 77 Stafford Street. The occupiers of number 77a Stafford Street have raised objections over the application site including land that is within their ownership and impacting upon their rights of way across the site. The occupiers of number 76 Stafford Street also raise concerns over access rights of the rear car park, stating they have a right to park and have concerns over access rights and potential obstructions. The planning agent has completed certificate B and served notice on the land owners, as part of the site to the south within the red line is not within their client's ownership. Access rights are a civil matter to be resolved outside the planning legislation, these issues do not prevent the LPA from making a planning decision.

Objectors also state that the applicants cannot legally build on the land, this is a matter to be resolved outside of the planning legislation.

The plans show neighbouring windows and doors to commercial properties, 76 Stafford Street and rear of 77a Stafford Street. The door to the building rear of 77 Stafford Road opens onto the application site. The development would not change this and access from this door across the courtyard would be available, should it need be to Fox Avenue. There are existing taxi's parked outside this building, the submitted plans show parking up against one of the windows to this neighbouring building, the proposal would be no different to the existing situation.

Towards the rear of the site is a health centre, the application site is set at a higher level than this neighbouring site. The proposed building would be set in close proximity to this neighbouring site. However, a driveway to the neighbouring site would provide a separation between the proposed building and the health centre. It is considered that the

construction of the proposed development would not unduly harm the amenities of the professional staff utilising this building.

Landscaping

The application is an outline one where landscape would be sought at reserved matters stage. The Landscape Officer has advised that a landscaping condition seeking landscaping is required despite there being limited landscaping opportunities within the site due to the density of the development.

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 9 new homes.

The Government has indicated that, for 2018-19, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2018-19 the total payments, taking account of completions over the last 4 years, are expected to amount to £3,637,301.

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

Conclusions and Reasons for Decision

The proposal overcomes the previous reason for refusal in respect of land stability. The demolition of the building which is considered to have a positive appearance to the conservation area, the replacement scheme will have some bearing on the appropriateness of the demolition. The design and layout of the proposed development from the previously refused scheme under planning reference 14/0739 has altered significantly. The development under the current application has been split into two elements with an element of two storey development to the front of the site fronting Stafford Street and returning onto Fox Avenue. The rear part of the site would also be redeveloped with two storey apartments. The design, mass, scale and appearance of the proposed development would overcome the previous reasons for refusal in respect of design.

The amended scheme has been redesigned to ensure all habitable room windows face towards the street frontage or rear courtyard. There are four car parking spaces for the ground floor occupiers of the flats and each of these parking spaces has been located adjacent the apartments, which would reduce any loss of amenity for ground floor occupiers by way of comings and goings from the use of these spaces at all times of the day and night. The bin and cycle facilities have been incorporated into the development.

The amended scheme to regenerate the area outweighs the shortfall of the habitable room windows between the rear of 76 Stafford Street and the proposed apartments.

The five off road parking spaces which equates to 56% of parking with the rear of the site with vehicular access off Fox Avenue. No parking for the retail unit is proposed. Taking into account the existing premises had no parking and that the site is located within Willenhall district centre, a relatively sustainable location.

The proposal for nine units overcomes this previous reason for refusal, as a contribution towards public open space is not required. The site is within Willenhall District Centre, policy WH4(i) identifies 74 and 75 Stafford Street as a potential investment opportunity either into larger retail units or residential units. From the previously refused scheme under 14/0739, the proposal now seeks to include a retail unit fronting Stafford Street, the provision of this in the district centre to replace the existing retail units would be encouraged and welcomed.

The demolition of the existing building would cause 'less than substantial' harm to the Conservation Area as a whole. In accordance with the NPPF, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. There is also the additional requirement under the Planning (listed buildings and conservation areas) Act to preserve and enhance the character and appearance of the Conservation Area. Although it is regrettable to see the demolition of this Victorian building, much of the historic fabric has been lost by fire and has laid derelict for a number of years. The replacement scheme utilises appropriate quality materials and represents a scheme which will preserve and enhance the characteristics of the conservation area. The proposed development would not affect the setting of locally listed buildings in the vicinity.

The proposed development would provide a reasonable level of amenity for proposed occupiers and would not unduly harm the amenities of neighbouring commercial and residential occupiers.

The proposal complies with the NPPF, policies CSP1, CSP4, HOU2, CEN1, CEN2, CEN3, CEN4, CEN5, CEN8, TRAN1, REAN2, TRAN4, TRAN5, ENV2 and ENV3 of the BCCS, Saved Policies GP2, ENV10, ENV11, ENV14, ENV17, ENV28, ENV29, ENV32, ENV33, S1, S3, S4, S8, H3, T4, T7, T8, T7, T10 and WH4 of the UDP, Policies NE5 and NE6 of Conserving Walsall's Natural Environment SPD, Policies DW1 to DW10 of the Designing Walsall and the Air Quality SPD.

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

Approve

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

Recommendation

Planning Committee resolve to delegate to Head of Planning, Engineering & Transportation to grant outline planning permission subject to conditions and subject to the receipt of the structural survey justifying the loss of the existing buildings and to amend and finalise the planning conditions.

Conditions and Reasons

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

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

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

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

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

a) Landscaping

The detailed landscaping scheme illustrating planting within the site shall including:

- detailing planting densities
- planting numbers
- size of plants to be planted
- soil depth and specification

3b. The approved scheme shall be implemented within 12 months of any part of the development being brought into use.

3c. Any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed within the first 5 years shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted.

Reason: Pursuant to Article 3 (i) of the Town & Country Planning (General Development Procedure) Order 1995 and in visual amenities of the area and the proposed site in accordance with Policies ENV17 and ENV33.

4. The development shall not be carried out otherwise than in accordance with the following approved plans:

- location plan drawing number 0869.01 submitted 16-10-17
- Block Plans drawing number 0860.02A submitted 26-09-17
- proposed ground floor plan drawing number 0869.06/C submitted 05-06-18
- proposed first floor plan drawing number 0869.07A submitted 05-06-18

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- proposed elevations drawing number 0869.10B submitted 12-02-18
- proposed roof plan drawing number 0869.08 submitted 16-10-17

Reason: To ensure 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 require).

5a. No development or demolition of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title, has secured the implementation of a programme of photographic building recording from an accredited historic building specialist. The photographic building recording shall be undertaken in accordance with Section 5.5 of Understanding Historic Buildings A guide to good recording practice 2006, By Historic England. A written scheme of investigation of how the photographic recording will be undertaken should include provision for the deposit in a local archives and a methodology for any 'new finds' of historic importance and shall be submitted to and approved in writing by the Local Planning Authority.

5b. The development shall be carried out in a manner that accommodates the approved programme of building recording.

Reason: Necessary to enable an appropriate recording of Walsall's heritage in accordance with Saved Policy ENV29 of the UDP.

6a. The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows and details demonstrating how surface water from the development, in particular at the bottom of the two proposed access ramps, shall be prevented from discharging onto the public highway or into any highway drain have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: Necessary to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and in the interests of highway safety in accordance with Saved Policies GP2 and ENV40 of the UDP.

7a. Prior to the commencement of this development, the following shall be submitted to and approved in writing by the Local Planning Authority.

- The submission of a scheme of intrusive site investigations for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission of a report of findings arising from the intrusive site investigations;
- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works.

7b. The development shall be completed in accordance with the details approved in part 7a and retained and maintained at all times.

Reason: Necessary to understand any mining related issues with the site and to ensure suitable remedial measures are implemented in accordance with Saved Policy ENV14 of the UDP.

8i. 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).

8ii. Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2).

8iii. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)

8iv. The remedial measures as set out in the "Remediation Statement" required by part (iii) of this condition shall be implemented in accordance with the agreed timetable.

8v. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

8vi. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3).

Reason: Necessary to ensure safe development of the site, protect human health and the environment with saved UDP policies GP2 and ENV10.

9a. Prior to the commencement of this development, a Demolition and Construction Methodology Statement shall be submitted to and approved by the Local Planning Authority detailing where detailing measures for controlling noise, dust, flying debris, and drag-out from engineering and construction activities at the site, where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

9b. The approved Demolition and Construction Methodology Statement shall be retained during construction in accordance with the approved details.

Reason: Necessary to ensure safe development of the site, protect local infrastructure and the local amenity and in order to minimise on street parking by site operatives and the

potential disruption to the free flow of traffic along the public highway due to the access constraints to the site, in the interests of highway safety in accordance with Policy GP2, T4, T7 and T13 of the UDP.

10a. Prior to the commencement of this development, the following details listed below shall be submitted to and approved in writing by the Local Planning Authority:-

- Samples of facing materials to be used for the construction of the walls including bricks, black brick plinth, lime render and lime mortar
- Sample of roofing materials to be used for the rooves,
- Sample details of the stone cills
- Details of proposed timber sash windows at a scale of 1:20 including cross sections and details of any timber staining to be used for sash windows
- Cross sections of
- details of the shopfront at 1:20 and a cross section plan of the proposed shop front including cornice, console, pilasters, plinth, , stall riser, entablature,
- details of the type of timber to be used in the construction of the shop front
- details of the materials to be used for the stall riser,
- details of the proposed transom windows in the shop front
- the external colour finish of the shop front
- details of the hardstanding in the courtyard and the materials to be used to construct the hardstanding;
- Details of the proposed external doors including the type of material and the external finish of the doors
- Details of rainwater goods and soffits

10b. The development shall be completed in accordance with the details approved under part 10a of this conditions and retained and maintained at all times.

Reason: Necessary to preserve the character and appearance of the Willenhall Conservation Area and in accordance with Saved Policy ENV29 of the UDP.

11a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved acoustic mitigation measures shall ensure that the requirements of British Standard BS8233: 2014 -Guidance on sound insulation and noise reduction for buildings can be achieved for all rooms. The sound reduction performance between commercial and residential premises shall be a minimum of Rw 60 dB. Acoustic mitigation measures shall be submitted to and agreed in writing with the Local Planning Authority.

11b. ☐ Agreed acoustic mitigation measures shall be installed prior to occupancy and a validation statement shall be submitted in writing to the Local Planning Authority confirming all mitigation measures have been implemented as agreed.

Reason: To protect the amenities of potential occupiers in accordance with Saved Policy ENV32 of the UDP.

12a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved a scheme setting out full details, including heights, extent of the boundary treatment, materials and finishes of the proposed

boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority.

12b. The development shall not be carried out otherwise than in accordance with the approved scheme and shall thereafter be retained.

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.

13a. Prior to the commencement of development, above damp proof level details of any external lighting including the type of lighting to be installed including the type of lamps, the exact location of the lighting to be installed on the proposed development, the exact location of any external lighting to be installed, details of any lighting columns, height and external finishes of any lighting columns, the level of illumination and a light spillage plan showing the light spillage from any external lighting to be installed around or within the development shall be submitted to and approved in writing by the Local Planning Authority.

13b. The development shall be completed with the approved details and retained and maintained at all times.

Reason: Necessary to prevent light pollution and to protect the amenity of surrounding residential occupiers in accordance with Saved Policies ENV11, ENV29 and ENV32 of the UDP.

14a. Prior to the commencement of development, above damp proof level details of any CCTV to be installed in or around the site shall be submitted to and approved in writing by the Local Planning Authority.

14b. The development shall be completed in accordance with the approved details and retained and maintained at all times.

Reason: Necessary to preserve the character and appearance of the Willenhall Conservation Area and in accordance with Saved Policies ENV29 and ENV32 of the UDP.

15a. Prior to first occupation of the apartments hereby approved details of electric vehicle charging points, to be provided for the new development shall have first been submitted to and agreed in writing of the Local Planning Authority.

15b. Prior to first occupation of the development the approved electric vehicle charging point shall be installed in accordance with the approved details and shall be retained and maintained for the life of the development.

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

16. Prior to the first occupation of any flat on the development, the under-stairs cycle stands/storage areas shall be fully implemented and thereafter retained and used for no other purpose.

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

17. Prior to the development first coming into use, the existing street lighting column in Fox Avenue shall be repositioned in accordance with the approved plan, be fully commissioned and be brought into operation, with the agreement of the Council's street lighting partner, Amey and at the full cost of the applicant.

Reason: To ensure the satisfactory completion and operation of the development and to maintain adequate public lighting of the outside realm in accordance with Saved Policies ENV11, ENV29 and ENV32 of the UDP.

18. All windows shall be constructed of timber and shall remain in timber in perpetuity

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

19. The deliveries to the retail unit of the proposed development hereby approved shall not take place outside the hours of 5pm to 8am Mondays to Sundays, including bank and public holidays.

Reason: To safeguard the amenities of the proposed neighbouring occupiers in accordance with Saved Policy ENV32 of the UDP.

Notes for applicant

Severn Trent Water

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

When submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

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

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.

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Police

http://www.securedbydesign.com/pdfs/SBD_Commercial_2015.pdf

[http://www.securedbydesign.com/wp-content/uploads/2016/03/Secured by Design Homes 2016 V1.pdf](http://www.securedbydesign.com/wp-content/uploads/2016/03/Secured_by_Design_Homes_2016_V1.pdf)

<https://www.gov.uk/government/publications/security-in-dwellings-approved-document-q>

Given that most of the ground floor bedrooms are directly adjacent to the surrounding public pavement I am concerned that the lives of the residents within these rooms could be adversely affected by acts of anti-social behaviour from pedestrians walking by on the pavement. Some of the rooms have some protection from defensible space created with planting schemes. For those residents there would appear to be very little, if any, defensible space to provide a buffer zone from issues on the public highway, however this is not true for apartments 1 and 2.

Environmental Health

Future occupier operate a food business from the retail unit it will be necessary to comply with the requirements of the Food Safety and Hygiene (England) Regulations 2013

Cadent

An assessment has been carried out with respect to Cadent Gas Ltd, National Grid Electricity Transmission plc's and National Grid Gas plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus. For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified. Can you please inform Plant Protection, as soon as possible, the decision your authority is likely to make regarding this application. If the application is refused for any other reason than the presence of apparatus, we will not take any further action. Please let us know whether Plant Protection can provide you with technical or other information that may be of assistance to you in the determination of the application.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations. This assessment solely relates to Cadent Gas Ltd, National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) and apparatus. This assessment does NOT include:

I Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.

I Gas service pipes and related apparatus

I Recently installed apparatus

I Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is YOUR responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>).

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications. Cadent Gas Ltd, NGG and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements. If you require further assistance please contact the Plant Protection team

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

I Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result it is highly

likely that there are gas services and associated apparatus in the vicinity)

Requirements

BEFORE carrying out any work you must:

I Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.

I Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or

National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.

I Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47

- 'Avoiding Danger from Underground Services' and GS6

– 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>

I In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

Pollution Control Contaminated Land

CL1 Ground investigation surveys should have regard to current "Best Practice" and the advice and guidance contained in the National Planning Policy Framework 2012; British Standard BS10175: 2011 "Investigation of potentially contaminated sites – Code of Practice"; British Standard BS5930: 1999 "Code of practice for site investigations"; Construction Industry Research and Information Association "Assessing risks posed by hazardous ground gasses to buildings (Revised)" (CIRIA C665); or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning

Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

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

CL3

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

Pollution Control Air Quality SPD

The mitigation measures within the SPD range from:-

- ☐☐Type 1 – installing electric vehicle charging points and low NOx boilers;
- ☐☐Type 2 – also consideration of travel plans, encouraging modal shift, designating parking for low emission vehicles, Fleet Operations strategy for considering and reducing emissions, etc.; and
- ☐☐Type 3 – for major developments also evaluation of contribution to increased ambient concentrations due to emissions and translating such additional emissions into damage costs.

Pollution Control is of the opinion that the Application falls under the Type 1 category, therefore the Applicant needs to install electric vehicle charging points within each residential unit and low NOx boilers.

The Air Quality SPD (Section 5.6) advises the following about Electric Vehicle Charging Points: An external weatherproof and lockable covered 32 Amp external 7 pin charging socket to comply with EN 62196-2 and be compatible with a J1772 Type 2 connector. The charging unit should feature a Mode 3 (IEC 61851) communication module. Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded.

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

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

- ☐☐West Midlands Low Emissions Towns and Cities Programme, Good Practice - Air Quality Planning Guidance,

- Black Country Air Quality Supplementary Planning Document (SPD),
- 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.

Pollution Control acoustics

Acoustic mitigation measures need to ensure that the requirements of British Standard BS8233:2014 will be achieved. The acoustic mitigation measures need to ensure that maximum internal noise levels do not regularly exceed 45 dB(A).

Building Regulation Approved Document E (resistance to passage of sound) considers residential to residential noise. For commercial to residential noise it is expected that sound mitigation measures exceed those required by Document E. In addressing requirements for sound the applicant may also be addressing requirements for Building Regulation Approved Document B (Fire Safety). Building Regulation Approved Document F, (Ventilation), will need to be considered if sealed glazing is to be installed and mechanical ventilation installed.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 29-Nov-2018

Plans List Item Number: 6.

Reason for bringing to committee: Significant Community Interest

Location: UNIVERSITY OF WOLVERHAMPTON, WALSALL CAMPUS, WALSALL CAMPUS, GORWAY ROAD, WALSALL, WS1 3BD

Proposal: INSTALLATION OF 10 SIGNS INCLUDING 2 X ILLUMINATED TOTEM SIGNS AT MAIN ENTRANCE, 2 X ILLUMINATED TOTEM DIRECTIONAL SIGNS AROUND CAMPUS, 2 X ILLUMINATED UNIVERSITY LOGO SIGNS TO THE PERFORMANCE HUB BUILDING, 2 X ILLUMINATED UNIVERSITY LOGO SIGNS TO THE SAMUEL JOHNSON BUILDING, 1 X NON-ILLUMINATED UNIVERSITY LOGO SIGN AND 1 X NON-ILLUMINATED BUILDING NAME SIGN TO THE SISTER DORA BUILDING

Application Number: 18/1189

Applicant: Mr Joseph Rebic

Agent:

Application Type: Advertisement Consent

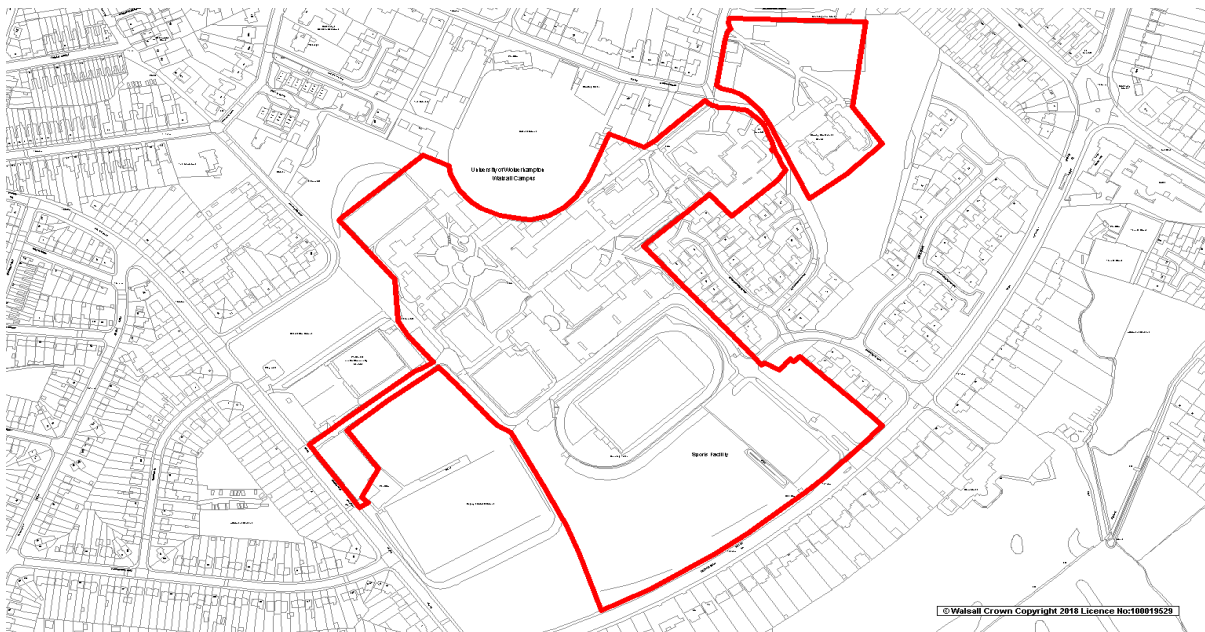
Case Officer: Helen Smith

Ward: St Matthews

Expired Date: 31-Oct-2018

Time Extension Expiry:

Recommendation Summary: Grant subject to conditions



Application Details

The University campus provides the Faculty of Health, Education & Wellbeing (which includes the Institute of Sport), and the Faculty of Arts (which includes Performing Arts).

The Walsall Campus is the University's 'hub' for sport and home to the recently opened Institute of Sport.

The University is situated on the main ring road around Walsall and is within and predominantly residential area.

This proposal is for 10 new and/or replacement signs including;

Entrance Totem Signs (Item no's 001 & 002 on plans)

Two externally illuminated triangular totem signs at the University campus main entrance off Broadway signed "Welcome to Walsall Campus". These would be 3 metres high, 1.1 metres wide and 1.2 metres deep. Colour Grey (Pantone 2138) and over coated with anti-graffiti lacquer. LED illumination which will wash light up the panels all around.

Car Park Totem Signs (Item no's 003 & 004 on plans)

Two externally illuminated triangular totem signs with directional information. 2.5 metres high 0.7 metres wide and 0.8 metres deep. Colour Grey (Pantone 2138) and over coated with anti-graffiti lacquer. LED illumination which will wash light up the panels all around. Includes directional car park information

Logo Signs (Item no's 005 & 006 on plans)

Two internally illuminated "University of Wolverhampton" logo signs to the Performance Hub building. One sign would face towards Broadway whilst the second would face towards Delves Road. The height from the ground to the base of the advertisement would be 10 metres and there would be a 0.14 metres maximum projection from the building. Sign no. 5 would be 4 metres High x 18.5 metres Wide x 0.14 metres Deep. Sign no. 6 would be 2 metres High x 9 metres Wide x 0.14 metres Deep.

Logo Sign (Item no. 007 on plans)

One illuminated "University of Wolverhampton" logo sign to the Samuel Johnson Building. The height from the ground to the base of the advertisement would be 3 metres and there would be a 0.08 metres maximum projection from the building. Sign no. 7 would be 1.8 metres High x 8.5 metres Wide x 0.08 metres Deep.

Logo Sign (Item no. 008 on plans)

One non- illuminated "University of Wolverhampton" logo sign to the Sister Dora Building. The height from the ground to the base of the advertisement would be 5 metres and there would be a 0.08 metres maximum projection from the building. Sign no. 8 would be 0.5 metres High x 2.5 metres Wide x 0.08 metres Deep.

Building Name Sign (Item no. 009 on plans)

One non-The Sister Dora Building” name sign. The height from the ground to the base of the advertisement would be 4 metres and there would be a 0.08 metres maximum projection from the building. Sign no. 9 would be 1.4 metres High x 2.2 metres Wide x 0.08 metres Deep.

Logo Sign (Item no. 010 on plans)

One illuminated “University of Wolverhampton” logo sign to the Samuel Johnson Building. The height from the ground to the base of the advertisement would be 6 metres and there would be a 0.08 metres maximum projection from the building. Sign no. 10 would be 1.3 metres High x 6 metres Wide x 0.08 metres Deep.

Sign no. 11 as identified on the site plan has been removed from the scheme.

The planning agent has confirmed that the luminance levels for all signs shall not exceed 375cd/m² and all lighting would be static.

Relevant Planning History

16/1524 - Re use existing floodlight columns with new lamp heads rather than complete replacement and retain two existing floodlight columns at the eastern edge but upgrade the lamps – Non Material Amendment granted subject to conditions 01/11/16

16/0153 - Replacement of all-weather pitch with new 3G synthetic grass football pitch together with associated fencing and floodlights and the retention of the current running track (in part). Approved 29/3/16

15/0165/FL - Construction of new access off The Broadway together with new car park and associated landscaping, plus closure of access from Magdalene Road. Granted 25/1/16

Relevant Legislation

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

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(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.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

environmental terms, and it emphasises a “*presumption in favour of sustainable development*”.

Key provisions of the NPPF relevant in this case:

- **NPPF 12 – Achieving well-designed places**

On **planning conditions** the NPPF 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.

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

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,

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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
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV11: Light Pollution
- ENV32: Design and Development Proposals
- ENV35: Appearance of Commercial Buildings

Supplementary Planning Document

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character

Other Relevant Policy

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

- E2 – Low district brightness areas (eg rural or small village locations)
- E3 - Medium district brightness areas (eg small town centres, urban locations)
- E4 – High district brightness areas (eg 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 |

Consultation Replies

Transportation – No objections

Pollution Control – No objections

Representations

(Officers' comments in italics)

Four objections have been received from residents on Broadway on the following grounds;

- Residential area and proposals are inappropriate and unacceptable
- Lighting arrangements at the newly created entrance from Broadway are causing severe nuisance to many residents opposite throughout the evening and night *(the new entrance to the University was assessed and determined by planning committee in 2016)*
- White vehicle lights across the car park, the illuminated red information sign of car parking spaces on the entrance drive and the red/green pedestrian signal lights are causing severe nuisance *(the impact of vehicle headlights were assessed as part of the previous application for the new access under reference number 15/0165/FL and does not form part of this proposal for signage. Pedestrian crossing lights are small in scale and have limited brightness on surrounding areas. These lights can be installed via the Highways Act without the need for planning approval. The current proposal relates to different signage. If residents have concerns about other signage on site, a separate planning enforcement enquiry may be made)*
- Existing lighting is intensive, penetrating, extremely intrusive and a huge nuisance *(This is outside the scope of the current planning application)*
- This is wasteful and totally unnecessary when the car park is completely not in use *(the University have confirmed, the site is occupied overnight and visitors to the site require signage defining the entrance to the campus)*
- The Council should not have authorised this ridiculous state of affairs in the first place *(Whilst the comments are noted, the Council is now dealing with a new planning application)*
- This proposal 11/1189 will make the situation worse by the addition of multiple, huge, bright and highly intrusive lighting displays throughout the night time hours.
- This will resemble a Las Vegas setting rather than a serious, sensible and measured educational institution surrounded by heavily inhabited areas *(the proposed replacement signage, plus additional signage for the University campus has been considered in the context of the scale of the University campus)*

- Greatest objection is to the two tall, prominently illuminated pillars by the new entrance
- Do not object to the installation of signs in principle but to their illumination
- Light pollution from the two totem signs opposite the entrance to their front living room and bedrooms interfering with their rights to quiet enjoyment and making it difficult to sleep
- Unnecessary as there is sufficient lighting from existing street lights for any visitors to see and read the signs and interfering with their right to privacy
- The new traffic lights have made our life difficult and the new illuminated signs will do more damage to their property value (*The traffic lights and property values are not material to the planning consideration of this planning application*)

Determining Issues

- Visual Appearance
- Highways and Public Safety
- Neighbour Comments

Assessment of the Proposal

Visual Appearance

New Entrance Totem Signs (Item no's 001 & 002 on plans)

The proposed two 3 metres high entrance totem signs are considered would deliver the university campus visual identity and directional wayfinding information at the main new entrance. Views of these two totem signs for vehicles approaching from both easterly and westerly directions along the Broadway are considered appropriate.

It is considered, this entrance signage at an established university to identify the use of the site to road users would be expected and appropriate. The entrance signage (no's 001 and 002) , at 375cd/m² lumens would be 38 metres from the houses opposite with Broadway between, which is considered appropriate in this location without causing a visual amenity impact to the neighbouring residential properties.

New Car Park Totem Signs (Item no's 003 & 004 on plans)

The two 2.5 metres high proposed car park totem signs (no's 003 and 004) would be set back 122 and 195 metres from Broadway respectively. It is considered, this separation between signs 003 and 004 signage (no's 001 and 002), at 375cd/m² lumens, would have no visual amenity impacts on the Broadway residents.

Sign no's 003 and 004 signage (no's 001 and 002), at 375cd/m² lumens, would be in excess of 34 metres from houses on St. Catherine's Close and would be screened from these properties by existing boundary treatments which would limit the impacts of this signage of nearby residents.

Logo Signs (Item no's 005 & 006 on plans)

Sign no. 005 is a replacement illuminated logo sign on the Performance Hub building and would be sited 10 metres above ground level facing the Broadway across a separation distance of 264 metres.

Sign no. 006 is a new illuminated logo sign on the side elevation of the Performance Hub facing houses on Delves Road across a separation distance of 285 metres. It is considered that the distance and signage illuminance of 375cd/m² lumens, would have no visual amenity impacts on Broadway or Delves Road residents.

Logo Sign (Item no. 007 on plans)

Sign no. 007 with a luminance level of 375cd/m² lumens would be replacement signage on the Samuel Johnson Building which faces into the University site. It is considered this signage would have no visual amenity impacts on residential properties.

New Logo Sign and Replacement Building Name Sign (Item no's 008 and 009 on plans)

These two signs would be non-illuminated and would be attached to the Sister Dora Building facing into the university site. It is considered this signage would have no visual amenity impacts on residential properties.

Logo Sign (Item no. 010 on plans)

Logo sign no. 010 is a replacement illuminated sign to be attached to the Samuel Johnson Building. The height from the ground to the base of the advertisement would be 6 metres high and would again face into the application site. The positioning and luminance level of 375cd/m² lumens is considered would have no visual amenity impacts on residential properties.

Consequently it is considered that the additional impacts on residential properties as a result of the siting of these proposed signs would be limited. It is considered, replacement sign no's 005, 007, 009 and 010 would have no greater visual amenity impacts over and above the existing situation.

All of the signage illuminance level shall not exceed 375cd/m² which is considered to be acceptable for zone E3 - Medium district brightness areas (e.g. small town centres, urban locations) which recommends maximum lighting levels of 800 cd/m² for signs below 10 m² and 600 cd/m² for signs above 10 m². These recommendations are made by the Institution of Lighting Engineers in their Technical Report Number 5: *Brightness of Illuminated Advertisements*. Consequently it is considered that the new illuminated signage would not be intrusive or harm residents' privacy.

Highways and Public Safety

Highways Officers have no objection to the signage proposals. In this respect it is considered there are no other reasons to suggest that the proposals would present a distraction to highway users or a cause a public safety issue. It is considered, the entrance totem signage would assist those visiting the campus via car, travelling either east or west along Broadway, would assist to easily identify the entrance or function of the site, contributing to highway safety.

There are facilities that are used by the community including the performing arts theatres, swimming pool, sports hall and all weather pitch which are used at evening times. These facilities, in the winter months when it is dark, would benefit from illuminated directional and informative signage defining the entrance to the campus. This is in addition to students living in the halls of residence during term times.

Neighbour Comments

Whilst the area around the University is predominantly residential, Broadway residents are separated from the University by a busy, well-lit strategic highway network through the borough. Furthermore the proposed new totem signage would be viewed against the floodlit previously approved all-weather pitch for part of the evening. Consequently it is considered that the addition of two totem signs at the entrance to the campus would have a limited additional impact on neighbours' existing amenity.

There would be separation distances of 38 metres between the proposed entrance totem signs and front habitable room windows in houses fronting Broadway which is considered would limit the impacts of this signage when viewed across a well-lit main road.

Conclusions and Reasons for the Decision

In weighing the material planning considerations, taking into account the local and national planning guidance, neighbour comments and the advice provided by the Institution of Lighting Engineers, it is considered the proposed new signage would integrate with the appearance of the application site. Whilst the surrounding area is largely residential in character the University is a long established site, located on a busy, well-lit, main road which forms part of the Strategic Highway Network, and the signage is considered would not harm the character of the area.

There are facilities that are used by the community including the performing arts theatres, swimming pool, sports hall and all weather pitch which are used at evening times. These facilities, in the winter months when it is dark, would clearly benefit from illuminated directional and informative signage defining the entrance to the campus. This is in addition to students living in the halls of residence during term times.

The proposal is considered would not have any detrimental impact on the character of the wider area and will not result in a loss of amenity for neighbouring occupiers. The use of safeguarding conditions will further ensure that the neighbours' 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 (para 127), policies CSP4, ENV2 and ENV3 of the Black Country Core Strategy and saved policies GP2, ENV11, ENV32 and ENV35 of Walsall Unitary Development Plan and policies DW2 and DW3 of the Supplementary Planning Document Designing Walsall.

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 and this development results will provide a positive opportunity to encourage community cohesion and integration.

Positive and Proactive Working with the Applicant

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

Recommendation

Grant subject to conditions

Conditions and Reasons

1. The adverts are hereby approved for 5 years from the decision date.

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:

- Boundary Layout, drawing no. 0175-05 Revision F, deposited 04/09/18
- Proposed Scheme Plan (excluding item no. 11) deposited 04/09/18
- Drawing no. 1, deposited 04/04/18
- Drawing no. 2, deposited 04/09/18
- Drawing no. 3, deposited 04/09/18
- Drawing no. 4, deposited 04/09/18
- Drawing no. 5, deposited 04/09/18
- Drawing no. 6, deposited 04/09/18
- Drawing no. 7, deposited 04/09/18
- Drawing no. 8, deposited 04/09/18
- Emails dated 19/10/18 and 01/11/18 from J Rebic of Faithful and Gould

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 375 cd/m² 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 saved Policies ENV11, ENV32 and GP2.



Planning Committee

Report of Head of Planning, Engineering and Transportation on 29-Nov-2018

Plans List Item Number: 7.

Reason for bringing to committee: Called in by Cllr Follows

Location: THE SNEYD, 67, VERNON WAY, BLOXWICH, WALSALL, WS3 2LU

Proposal: PROPOSED RE-DEVELOPMENT OF EXISTING FORMER CAR PARK TO PUBLIC HOUSE TO CONSIST OF THE ERECTION OF 3 NO. 5 BEDROOM DWELLINGS, INSTALLATION OF PUBLIC GREENWAY ROUTE, IMPROVEMENTS TO EXISTING BOUNDARY TREATMENTS AND LANDSCAPE WORKS.

Application Number: 17/0979

Applicant: Parbinder Kang

Agent: Jaspreet Bal

Application Type: Full Application

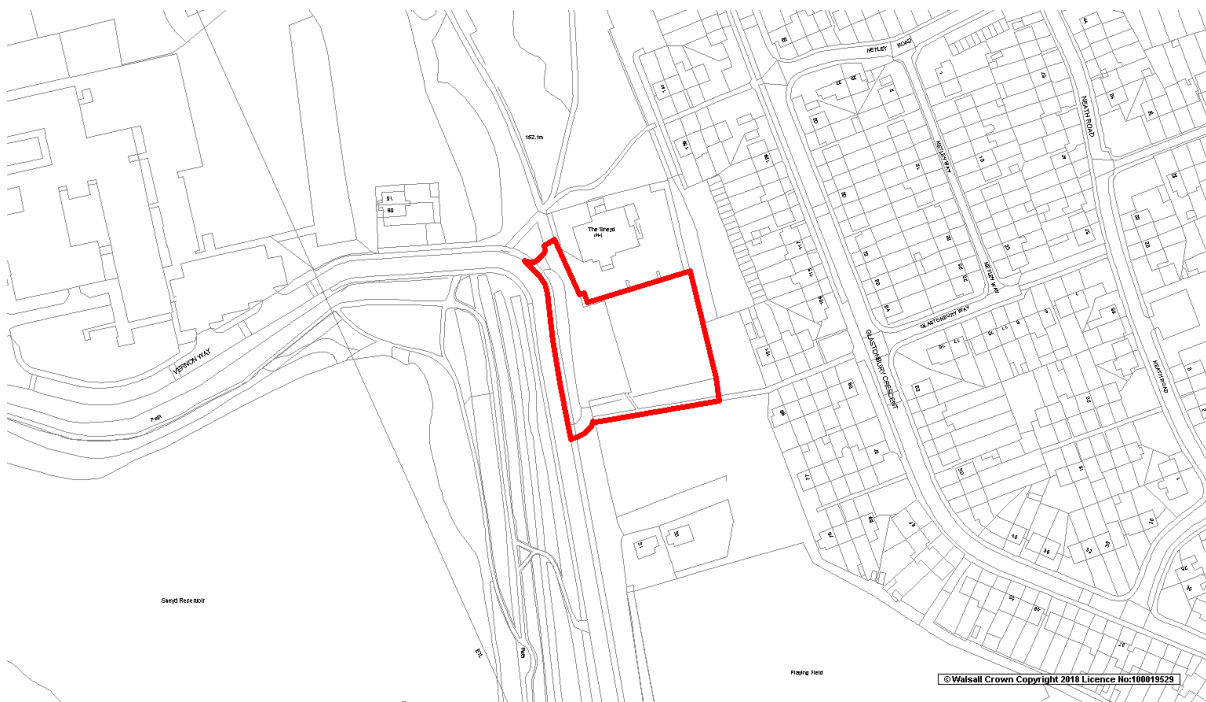
Case Officer: Stuart Crossen

Ward: Bloxwich West

Expired Date: 20-Sep-2017

Time Extension Expiry: 29-Mar-2018

Recommendation Summary: Refuse



Further Status Update

The application was deferred at the October 4th 2018 planning committee to enable officers to work with Councillor Samra and Councillor Allen to negotiate the very special circumstances for a development in the Green Belt.

A meeting was held between officers and the relevant Councillors. The very special circumstances suggested by members at the meeting were not supported by officers. The suggestions put forward were as follows with officer comments in italics:

- Site is in desperate need of redevelopment for the benefit of the wider community. *No evidence has been provided as to what the community benefit is.*
- This site has been redundant for a number of years. *This applies to many sites in the Borough.*
- The site has seen increased numbers of Antisocial Behaviour. *This is addressed in the original report but is not a material planning consideration as it is addressed by other powers.*
- The site has been a cause for numerous cases of fly tipping. *A Section 215 Notice would address this.*
- The site in questions is previously developed land, and is in desperate need for development. *Previously developed land is not a justification for development unless it contributes towards meeting an identified affordable housing need (paragraph 145(g) of the NPPF 2018)*
- Residents are fully in support of the application. *This is not a very special circumstance sufficient to outweigh the harm the development causes to the openness and character of the Green Belt.*
- The proposals demonstrate the best use of land, and bring forward the currently underused land. *There is no evidence of this and it is subjective. The “best use” criteria does not address the openness test in the NPPF. Green Belt sites are not intended by Government to be optimised for development.*
- There is no significant evidence to demonstrate that the much needed improvements to this site can be delivered by any means other than the current application. *A scheme for demolition of the public house which has planning permission for conversion to a 6 bedroom house and replacement with 2 no. 3 bedroom houses with large private gardens could provide improvements to the site with less harm to the openness. This potential has not be appraised.*

Officers cannot support the reasons put forward as they do not amount to very special circumstances to outweigh the harm the proposals have on the openness and character of the Green Belt.

If Committee were minded to consider the scheme as an exemption to inappropriate development under paragraph 145 (g) of the NPPF then they must be satisfied that the scheme would not cause substantial harm to the openness of the Green Belt, the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority. In these circumstances then an element of affordable homes would need to be secured through a Section 106 Agreement as none are currently proposed.

In addition in relation to the fifth refusal reason a Section 106 Agreement would be required to provide funding, management and maintenance to the greenway.

The original report from 4th October 2018 is repeated below and is unchanged from the October 4th planning committee.

Reason for bringing to committee: Called in By Councillor Follows

Updated Status

Councillor Follows has called the application in to Committee as it is considered that it is in the public interest to tidy a derelict site that is a nuisance to local residents.

Members resolved at March 22nd Planning Committee that planning application number 17/0979 be deferred for officers to discuss reasons for approval.

A report was published for committee on 7th June 2018 and the 7th July but was withdrawn from the agenda and deferred for consideration at these meetings. The report published on 7th June 2018 has been updated to reflect changes that the agent has made to the scheme which follows the status. Notwithstanding the positive changes the recommendation remains to refuse permission.

Proposal

The application proposes to use an overspill parking area of an existing public house and replace it with 3 detached houses (4 were originally proposed). A single access point is proposed in the centre of the site with the road extending in front of the proposed houses.

The houses would be two storey traditional hipped roof designs with the loft space used for extra room. Each house would have a projecting front gable and the key measurements are:

- 9 metres wide
- 14.6 metres maximum depth
- 5 metres high to the eaves
- 7.6 metres high

Each house would have:

- Entrance Hall
- Single Garage
- Living Room
- WC
- Kitchen/Dining
- Utility
- 5no. Bedrooms, 2 with En-suite
- Family Bathroom
- Storage

Plots 1 and 3 would have two car parking spaces to the front, plot would have a single space and there are 4 non allocated spaces at the front of the site opposite plots 1 and 4.

Councillor Follows has called the application in to Committee as it is considered that it is in the public interest to tidy a derelict site that is a nuisance to local residents.

Members resolved at March 22nd Planning Committee that planning application number 17/0979 be deferred for officers to discuss reasons for approval.

An Ecology Report was submitted on the 3rd May 2018 which made the following recommendations:

- Bird and bat boxes should be installed in the buildings.
- Only cowled low lux lighting should be used on site.
- Appropriate precautionary measures are recommended, in case badgers enter the working areas at night.
- To ensure no newts, other amphibians or reptiles are harmed as a result of this development, it is recommended appropriate precautions should be taken during development;
- All retained hedges and trees should be treated in accordance British Standard BS5837 (2012) Trees in Relation to Design, Demolition and Construction – Recommendations, to ensure require adequate root protection fencing.
- Bird breeding season is between mid March and mid August, although certain species can breed outside these months and if breeding birds are found then work should cease and the advice of an ecologist sought. If clearance is undertaken within the bird breeding season then all site features should preferably be checked immediately prior to clearance by a suitably qualified ecologist.
- Following the built development there will be opportunities for enhancement of the site's ecological value by on site landscaping measures designed to encourage wildlife into the site, including native planting, bird and bat boxes on built structures.

An arboriculture assessment has also been submitted which has graded the majority of trees on site as being low quality. It proposes to retain the London Plane and recommends mitigation measures.

An amended site plan was received on the 31st August 2018 which reduced the numbers of houses to three.

Amended plans were received on the 18/09/18 which now include a separate footpath between the houses and the public highway.

Site and Surroundings

The site is situated on the eastern side of Vernon Way near to the bend in the road. The site comprises a modern purpose built vacant public house and car park. The building is part single storey, part two storey with its main entrance on the southern elevation and has planning permission for the conversion into a house. The car park is the location for the proposed 4 houses.

The site is within the Green Belt with public open space to the north and North West, and an isolated pair of semi-detached houses further to the west. Immediately to the north is the former pub building, which does not form part of the application site boundary, there are two further isolated houses to the south. To the west on the opposite side of Vernon

Way is the Sneyd Reservoir SINC. A vacant unused garage court to houses in Glastonbury Crescent sits to the west of the site.

A design and access statement has been submitted which provided the following key comments:

The current condition of the site is not befitting for a 'Green Belt' site. The derelict and remote nature of the site has provided a neglected site which has been subject to dumping grounds, fly tipping and ASB occurring regularly on the site.

The proposal will encourage and propose openness and elements of public green spaces that will improve connectivity and visual permeability through and around the site. Existing links will be improved to encourage public activity along the greenway.

The locations of the dwellings have been set back toward the eastern edge of the site deliberately to create a focal point to the existing Maple Tree within the site.

In accordance with the Local Authority's vision for the proposed greenway which runs along the western edge of the site (within the former car park area), we have proposed a greenway runs along Vernon Way and connects into the landscape to the north.

Refuse collection will be in the form of wheelie bin collection in accordance with the Local Authority Waste Management Strategy. Residents will place wheelie bins along the footpath to the front edge of each plot for collection by refuse vehicle.

Relevant Planning History

BC24756P, extensions and alterations to pub, flat and car park, GSC 24-04-89

BC28324P, Demolition of existing pub and erection of new pub, flat and car park, GSC 04-04-90

BC28325P, outline for residential development, refused 04-04-90

BC32178P, display of illuminated signs, GSC 19-02-91

17/0152 - First floor extension and change of use of vacant pub to 6 bed dwelling. GSC 12-Apr-2017

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**

- **NPPF 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**

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.

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- TRAN2: Managing Transport Impacts of New Development
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV1: The Boundary of the Green Belt
- ENV2: Control of Development in the Green Belt
- ENV3: Detailed Evaluation of Proposals within the Green Belt
- ENV10: Pollution

- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV15: Forest of Mercia
- ENV16: Black Country Urban Forest
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T4 - The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis
- LC5: Greenways

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

The **Equality Act 2010** (the ‘EA 2010’) 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 Act imposes a Public Sector Equality Duty “PSED” on public bodies which imposes a duty 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 EA 2010 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.

Consultation Replies

Strategic Planning Policy – Objection, very special circumstances not demonstrated.
The Coal Authority – No objection subject to conditions for further intrusive site investigation condition.

Transportation – No objections subject to conditions for hard surfacing, footway crossing and dropped kerbs.

Severn Trent – No objections

Public Rights of Way – Details of boundaries, boundary treatment and motorcycle barriers are required.

New Consultation Replies

Tree Officer - The tree officer will provide comments prior to planning committee.

Transportation – Supports the proposed footpaths subject to them being hard surfaced which can be conditioned.

Representations

None

New Representations

Objection on the grounds that a children's play park is preferred.

Determining Issues

- Principle of residential development and impact on the openness of the Green Belt
- Character and appearance of the surrounding area
- Residential amenity
- Tree Protection
- Access and parking
- Greenway Provision
- Coal mining
- Safety and security of future occupiers
- Site of special scientific interest

The report has been updated to take account of recent policy changes receipt of an Ecological Report

Assessment of the Proposal

Principle of development and impact on the openness of the Green Belt

NPPF Paragraph 133 states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

NPPF Paragraph 134 sets out the five purposes of the Green Belt, these being:

- *to check the unrestricted sprawl of large built-up areas;*

The Green Belt here forms a clear boundary to the Mossley Estate

- *to prevent neighbouring towns merging into one another;*

The Green Belt here separates Bloxwich from New Invention but is only 500m wide, including the motorway corridor, so is highly sensitive to development that might reduce this gap

- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*

- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

NPPF Paragraph 143 states that inappropriate development should not be approved except in very special circumstances.

NPPF Paragraph 144 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt, with a limited list of exceptions. One of these is limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it (as set out in NPPF paragraph 80) than the existing development.

The proposal is to construct 3 new dwellings on the former garden and parking area to the pub. As the site is currently not developed, the proposal would have a greater impact on openness of the greenbelt and therefore is in direct conflict with NPPF Paragraph 145 and also saved Policy GP2: Environmental Protection as it would represent inappropriate development only acceptable if very special circumstances can be proved.

Very special circumstances are, by definition, circumstances that are unusual or which happen rarely. Issues of fly-tipping and anti-social behaviour whilst undesirable, are not very special circumstances to justify housing in the green belt. The majority of existing buildings in the Green Belt are isolated and the converted public house is not particularly remote or different to many other properties on the edge of the urban area. Indeed, there are two other dwellings to the south of the application site on Vernon Way which have been in place for a number of years which have not seen development within their grounds to address the concerns highlighted.

The Councillor's reasons put for calling the application before planning committee are; matters of fly-tipping and anti-social behaviour, which are associated with the visual appearance of the area. Whilst these concerns are noted, the principle of the Green Belt allocation is to focus the location of development into sustainable locations notably within the built up area and to encourage regeneration. It is not a policy, which seeks to preserve the attractiveness of a location for example like an Area of Natural Beauty or a Conservation Area. Accordingly, little weight can be given to the arguments in favour of improving the appearance of the site when considering harm to the Green Belt. The key consideration in this instance is the harm to the openness and whilst fly –tipping is a transitory problem, this can be addressed through the Council's enforcement legislation to address any short-term harm. The creation of four new dwellings will result in a permanent intrusion to the landscape which will be detrimental to the openness of the Green Belt.

The Council has a Strategic Housing Land Availability Assessment (SHLAA) which was published in December 2017 and demonstrates sites that are considered to be deliverable over the next 5 years and beyond from that date. The release of green belt should be through the development plan process.

The question of impact on views is not material to the question of whether a proposal is inappropriate in the Green Belt. A development does not even have to be visible to harm green belt openness. There has been recent case law (High Court [R (Boot) v Elmbridge

Borough Council [2017] where it was held (in the case of a new sports stadium in the Green Belt) that a development cannot “preserve” the openness of the Green Belt when it causes harm to openness. In this instance the site would be visually prominent being next to a public right of way.

Whilst it is recognised that the applicant has scaled back the scheme by reducing it from 4 to 3 houses, this still represents inappropriate development in the green belt and there are no very special circumstances for allowing the development. There is now also a need to incorporate an additional hard-surfaced path for the development to meet the Equality Act 2010. It should also be recognised that notwithstanding the amount of soft landscaping on the site plan the reality will be that residents will wish to bring boundary fences, domestic paraphernalia (sheds/kids toys/garden structures/cars/caravans/trailers etc all of this would also impact on the openness of the green belt. For these reasons on balance, it is considered, that it is not possible to demonstrate very special circumstances in this case, even taking account of the grounds suggested by the Councillor and that such a scheme would not meet any of the exceptions set out in NPPF paragraph 145. Accordingly, no material planning weight can be applied to the proposed very special circumstances. These concerns have been shared with the agent.

Character and appearance of the surrounding area.

The NPPF says that decisions should respond to local character, it is proper to seek to promote or reinforce local distinctiveness, address the integration of new development into the, built environment. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character. BCCS Policies CSP4, HOU2, ENV2, ENV3; saved policies GP2, 3,6 and ENV32 of the UDP and Supplementary Planning Document Designing Walsall, require development to be informed/influenced by their context and reinforce locally distinctive elements. Plot sizes and built density will relate to their local context.

The local character of the application site is predominantly defined by the existing pub car park green belt and open space. The public house has been converted into a large single house. The pubs conversion to a single house was considered that its appearance or harm to the openness of the Green Belt is not significantly greater to the previous pub. This single large property does not define the character of the area which is more rural than urban in form.

Although the proposal would in part be seen against the existing development in Glastonbury Crescent to the rear, the prevailing character is the rural character of Vernon Way. The existing density of Glastonbury Crescent is 47dph, the density of the proposal is 9dph. Although BCCS Policy HOU2 refers to achieving a minimum density of 35dph this is subject to instances where higher densities would prejudice green belt, historic character and local distinctiveness. In this instance, it is considered the immediate character of Vernon Way is defined by freestanding properties including the public house, the two dwellings to the south and the property to the west and not clusters of houses, which collectively have a density of approximately 1 dwelling per hectare. Although an improvement to the original scheme, the proposal is still a higher density than the local character and would therefore be considered to be inappropriate in this instance.

Residential amenity

The proposed dwellings are approximately 25.0m away from the side elevation of 101 Glastonbury Crescent and approximately 44.0m away from the rear elevation of 109 to 119 Glastonbury Crescent to the rear. The northern plot is also 20m away from the public house.

Taking into account the standards in the Council's adopted Designing Walsall SPD, it is considered that the proposed dwellings will not have an impact on neighbouring amenity levels.

Tree Protection

It is noted that there is a protected London Plane ref 27/2008 to the front of the site. The applicants are proposing to incorporate this into the development, and an arboricultural assessment has now been undertaken. Mitigation measures are proposed and replacement planting, however no landscape details have been provided.

Pollution Control

Pollution Control requires the applicant to undertake appropriate investigation in order to assess the extent of any ground contamination at the site and inform of any remedial measures that may be required.

Concerning air quality, Walsall Council has recently adopted a Supplementary Planning Document (SPD) setting out guidance on minimising air quality impacts, in particular the requirements for promotion of alternative travel choices. As part of Section 5, 'Minimising Unacceptable Air Quality Impacts through Mitigation and Compensation', the SPD states that 'as a minimum, new developments should include the provision of electric vehicle charging points' (Type 1). To allow future residents a readily available infrastructure to switch to environmentally sustainable transport in the future and having regards to the SPD, it is recommended that the Applicant make provision for future electric vehicle charging points. This could be conditioned if the scheme were to be approved.

Conditions could also be used to control construction impacts upon neighbouring residential premises and the highway and are therefore recommended and could be attached if the application was acceptable in all other respects.

Access and parking

Highways Officers have raised no objections, requiring further details and cross sections of the proposed road and parking areas. It is considered that this information could be conditioned and any required changes would not raise any new material considerations due to the relationship between the development and surrounding development.

In addition since the previous planning committee the Government has recently withdrawn the Local Transport Note relating to Spared Spaces and has called a moratorium on the design of all developments that encompass Shared Space areas as they are non-compliant with the Equality Act 2010, until further guidance on the matter is issued later this year. Since the previous application an amendment has been submitted to include a path, however the surfacing is not clear and Highways have requested a condition to include a consolidated and drained hard surface if permission is granted.

Greenway Provision

The application has raised a number of questions about the relationship between the proposal and the Greenway.

In principal though, the provision on a dedicated strip of land to the front of the site is welcomed in accordance with UDP saved policy LC5. The route though is severed by the proposed access into the site and, as it runs parallel to the existing pavement, is not considered to offer a substantial benefit to users of the Greenway. Whilst details of boundary treatment, motorcycles barriers and other engineering details could be dealt with by condition provided the application was acceptable in all other respects, the applicant has not provided details of measures to address part (c) of UDP policy LC5 which seeks to ensure appropriate maintenance arrangements are in place. Accordingly, little or no weight can be given to this aspect of the development.

Coal Mining

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition would require prior to the commencement of development:

- * The submission of a scheme of intrusive site investigations for approval;
- * The undertaking of that scheme of intrusive site investigations;
- * The submission of a report of findings arising from the intrusive site investigations;
- * The submission of a scheme of remedial works for approval; and
- * Implementation of those remedial works.

Site of special scientific interest

The land immediately to the east of the site across Vernon Way, is identified as the Sneyd Reservoir SIN in the UDP. Saved policies ENV23: Nature Conservation and New Development and ENV33: Landscape Design requires a landscape plan to be approved prior to determination by virtue of the following locational criteria set out in policy ENV23.

- VIII. Within or adjacent to Local Nature Reserves, Sites of Special Scientific Interest, Sites of Importance of Nature Conservation, parks, cemeteries or public open spaces.
- IX. Within or adjacent to Green Belt, agricultural or open land.

Because changes to the character of the area and the visual impact on the Green Belt are considered to be of significant importance, it is felt that these matters should not be conditioned as they cannot be assessed as part of the application. So that the development minimises any potential impact on the character of the area landscaping is a material consideration and the application fails to demonstrate that the existing countryside character of the area would be retained.

An Ecological Survey has been submitted which provides details of mitigation for potential loss of habitats as set out in the beginning of the report. ENV23 seeks habitat creation,

enhancement and the implementation of other appropriate measures to encourage the conservation of wildlife.

The submitted report recognises the potential harm that the development would have on the SLINC and the countryside character of the area and for these reasons is considered to re-enforce officers concerns that the development would be detrimental to the Sneyd Reservoir SINC. In the absence of any detailed landscape proposals and enhancements the refusal reasons previously recommended remain the same.

Safety and security of future occupiers

The proposed scheme is in a remote location, which has been subject to anti-social behaviour as confirmed by Councillor Follows. Whilst it is recognised, residential properties can bring a degree of natural surveillance to a location, it is considered in this instance, given the locational issues, this would put an undue strain on future occupiers, with them potentially becoming victims. Should all other matters of the development be acceptable, a planning condition for the development to be built to meet minimum-security measures including; windows, doors, alarms; boundary treatments; artificial lead and lighting would be imposed. This condition meets the Governments 6 tests for planning conditions

Other matters

The case officer notes the call in reason and would like to clarify that the Council has enforcement powers to minimise any public nuisance at the site and that such issues do not constitute very special circumstances.

Officers have received a complaint with regards to the untidiness and appearance of the site. We have assessed the impacts and consider that there is a detrimental impact on the amenity of the area and the site is in breach of planning control. We have written to the owners to invite voluntary undertake works to tidy up the site and address the breach. If this is not successful then officers would seek to issue a formal notice under S215 to address the condition of the land.

It is the applicant's decision what type of development is proposed through a planning application there are no policy grounds in particular for supporting a children's play area here.

Conclusions and Reasons for Decision

The proposal is contrary to paragraph 144 of the NPPF which regards such development as inappropriate. For the reasons outlined in the assessment the applicant has not provided very special circumstances and is a reason to refuse the application.

The proposed design, scale, density and mass is at odds with the character of the existing development in the area and is contrary to policy HOU2 of the UDP and a reason to refuse the application.

The level of amenity for occupants and its location 20 metres from the converted Public house is sufficient that all residents would receive adequate levels of light and that there would not be an overbearing impact.

Conditions can be attached to incorporate the mitigation and replacement planting proposed in the Arboriculture statement in accordance with Policy ENV18: Existing Woodlands, Trees and Hedgerows.

The access and parking subject to conditions as recommended would ensure satisfactory levels of parking and access for occupants and accords with UDP policies T7 and T13. Although the suggestion of a greenway to the front of the site is welcomed, the absence of any maintenance arrangements results in a conflict with Policy LC5 and therefore little or no weight can be attributed to this aspect of the development.

Conditions can be attached to mitigate for past ground mining works to safeguard the amenities of the area and to comply with UDP policy ENV14.

The potential domestic landscaping would be at odds with the existing open countryside character of the application site and no habitat improvements have been proposed as part of a landscaping plan contrary to the requirements of UDP policy ENV23 and is a reason to refuse the application. The absence of information on the impact on the protected Maple is also noted.

On balance therefore, it is considered that whilst there are some matters in support of the development notably, the delivery of four dwellings, these are significantly outweighed by the harm to the openness to the Green Belt that would be caused by the development for which no material planning grounds have been presented to establish very special circumstances as required by paragraph 89 of the NPPF.

Positive and Proactive Working with the Applicant

The agent has received pre-application advice and has been made aware of the Council's position on the principle of the development, no further justification of very special circumstances has been provided. Notwithstanding this advice the agent has chosen to amend the scheme, reducing the number of houses in an attempt to reduce the impact on the openness and character of the green belt. These changes fall short of the policy requirements and as there is little if any potential to amend this scheme satisfactorily no further survey work or information has been requested or is required to make a decision.

Recommendation

Refuse

Conditions and Reasons or Reasons for Refusal

1. The development due to its location and layout would result in significant harm to the openness of the Green Belt being visually prominent from houses along Glastonbury Crescent in particular to which very special circumstances have not been justified to outweigh any harm to the openness of the Green Belt. For these reasons the proposal would be contrary to the aims and objectives of the National Planning Framework in particular policies 133, 134, 143, 144, 145, 146 and 147. The Black Country Core Strategy policy CSP2, Walsall's Saved Unitary Development Plan policies, in particular GP2, ENV2 and ENV32.

2. The design of the proposal would not integrate with the existing built development due to the higher proposed density which would be at odds with the surrounding built development along Vernon Way, contrary to the expectations of BCCS policy HOU2. For these reasons the proposal would be contrary to the aims and objectives of the National Planning Framework in particular policies 117, 122, 123, 129, 130 and 131. The Black Country Core Strategy, policies CSP4, HOU2 and ENV3, and Walsall's Saved Unitary Development Plan policies, in particular GP2, and ENV32.

3. The application lacks sufficient ecology information to be able to assess the character of the proposed development and its impact on the openness of the Green Belt as follows:

- Ecological value of some of the existing features.
- Any proposed effective retention of existing features.
- Any proposed landscape measures.

For these reasons the proposal would be contrary to the aims and objectives of the National Planning Framework in particular policies 170, 175, 176 and 177 The Black Country Core Strategy, policy ENV1 and Walsall's Saved Unitary Development Plan policies, in particular ENV23, ENV32, and ENV33 and The Supplementary Planning Document Conserving Walsall's Natural Environment'.

4. In the absence of an arboricultural report to consider the impact of the proposed development on the protected Maple tree For these reasons the proposal would be contrary to the aims and objectives of the National Planning Framework in particular policies 170, 175, 176 and 177 and contrary to saved UDP policy ENV18: Existing Woodlands, Trees and Hedgerows.

5. The proposal fails to include details of the proposed funding, management and maintenance of the greenway. For these reasons the proposal would be contrary to the aims and objectives of the National Planning Framework in particular policies 170, 175, 176 and 177 and contrary to saved policy LC5 (c) of Walsall's Unitary Development Plan.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 29-Nov-2018

Plans List Item Number: 8.

Reason for bringing to committee: Significant Community Interest

Location: 161, ASTON ROAD, WILLENHALL, WV13 3BY

Proposal: DEMOLITION OF EXISTING BUNGALOW, CONSTRUCTION OF CLASS C2 CARE HOME TO ACCOMMODATE 4 ADULTS WITH PHYSICAL AND LEARNING DIFFICULTIES.

Application Number: 18/0828

Applicant: PW Developments (Midlands) Ltd

Agent: Richard Partington Architect

Application Type: Full Application: Minor
Use Class C2 (Residential Institutions)

Case Officer: Stuart Crossen

Ward: Willenhall South

Expired Date: 07-Sep-2018

Time Extension Expiry: 06-Dec-2018

Recommendation Summary: Grants Subject to Conditions



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Proposal

The application proposes the demolition of a bungalow and the construction of a care home to accommodate 4 adults with physical and learning difficulties (use class C2).

The ground floor of the property would have two self-contained living areas with bedroom, bathroom and living room/kitchen and a shared communal lounge at the rear, this is repeated on the first floor with the only difference being the communal lounge replaced with an office and toilet.

The design includes a front hipped projection near to number 155, hipped main roof with mono-pitched front canopy. The design due to the depth includes a large flat roof, the side of which are hipped.

The application confirms that there would be 6 staff.

3 car parking spaces and cycle storage are proposed to the front and a bin store. No plans have been provided of the bin store.

The rear garden measures 194m²

A **coal mining risk assessment** has been submitted which states that within 20 metres of, the boundary of the property there is 1 mine entry, the approximate position of which is shown on the enquiry boundary plot within the risk assessment.

The **design and access statement** makes the following relevant comments:

The needs for adult care are evolving and facilities must change to meet these needs.

There is an emphasis on encouraging individuals to live with greater independence whilst care and assistance are still provided 24/7 in a safe, supportive environment.

Cycle store and electric vehicle charging point will be provided.

Due to their diagnosis residents will not possess a driving licence so there will be no car ownership. There will be one people-carrier type vehicle kept at the property for residents to be taken on days out by care staff.

The home will be staffed 24/7 on a 12 hour shift basis.

A ramped approach will be provided to all external doors to facilitate level access for those with mobility issues. The two ground floor units will be available for those with mobility issues.

Site and Surroundings

Number 161 to be removed is a traditional styled detached bungalow which is the middle house of a row of three which are staggered in relation to one another. Between number 161 and 155 is a 3 metre wide track which leads to 159 and 157 which are built to the rear of the application site over 23 metres away (the proposed house would be 12 metres away).

The predominant character of this side of Aston Road is defined by semi-detached houses, however the application house is in a row of detached houses three of which are bungalows.

The opposite side of Aston Road are predominantly bungalows built on higher ground.

Relevant Planning History

None

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

On **planning conditions** the NPPF says:

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

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

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

Reducing Inequalities

The Equality Act 2010 (the '2010 Act ') sets out 9 protected characteristics which should be taken into account in all decision making. In this instance the scheme would benefit people of characteristics that are protected by the Equality Act 2010.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU5: Education and Health Care Facilities
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- H5: Housing for People with Special Needs
- T4 - The Highway Network
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

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

Transportation – No objections

Coal Authority – No objections subject to condition for intrusive site investigations.

Pollution Control – No objections subject to conditions for a pre demolition site survey to be carried out and the production of a method statement detailing actions to be taken and time scale to prevent or minimise environmental impact. Conditions for the incorporation of electric vehicle charging points and ultra-low NOx boilers are also required.

Environment Agency – No objections

Police - No objection subject to secure by design measures

Fire - No objections

Housing Standards – No comments to make

Representations

13 objections from 7 households including one from a Councillor.

Don't want a care home

The owners are not responsible and have allowed a squatter to live at the house.

This is a residential area and not suitable for a care home.

Application form incorrectly states there are no trees or hedges affected by the development. Would like the poplar tree to the front to be retained.

Inhumane too claustrophobic for residents

Lack of outdoor space

No privacy for residents

Building will be lit all night

Comings and goings of staff changeover noise and disturbance

Only stood empty for a year contrary to the application implications

Over development

Garden grabbing

Traffic disturbance

Not suitable for a modern care facility due to corridor widths, lack of lifts and internal doorway sizes and internally opening doors not suitable for wheelchairs.

Lack of parking for staff and visitors.

Overbearing

Loss of garden impact on wildlife

Flooding

Loss of light to neighbouring house

Loss of view

Overlooking

Light pollution

Side access not wide enough for fire service

Would prefer single storey.

Impact on the street scene.

Would affect house values.

Application form states use class C2 and is for four adults with physical and learning difficulties, the company profile states they provide care for adults with learning difficulties.

The office is a change of use

Drains not suitable

Construction disruption

Private project for financial gain

Loss of privacy

Out of character

Resident feels misled by pre-application consultation with the owner.

Determining Issues

- **Principle of Development**
- **Design and Character of the Area**
- **Neighbouring and Occupier Amenity**
- **Air Quality**
- **Ground Contamination**
- **Parking and Access**
- **Local Finance Considerations**

Assessment of the Proposal

Principle of Development

Policy H5 states that the Council will promote and encourage the provision of housing for people with special needs, including, people with disabilities. It is considered appropriate that the proposed use is provided within a residential area to ensure that occupants have access to community facilities.

Design and Character of the Area

The design is traditional and the proportions when viewed from the front reflect this design approach. The depth of the proposal is significant and there would be a large flat area to the roof, however the side elevation would not be prominent from the street scene and hipped roof design minimises any significant impact arising from the flat roof section sufficiently to support the scheme.

It is recognised that the proposal is substantially larger than what exists at the site currently. The existing bungalow is built up to the boundary with number 163, the application house would be two storey and there would be a 1.5 metre gap to the shared boundary with 163. The eaves height of the proposal exceeds the neighbouring house number 155, however the pitch is approximately the same, the scale of the house in terms of the width and height as seen from the street is similar to the existing near-by semi-detached houses. On balance the relationship between the proposal and the bungalow, taking account of the height and proximity is considered acceptable not to result in any significant harm to the street-scene to warrant refusal.

The police have made secure by design suggestions in relation to windows, doors, fencing, locks, gates, alarms, cctv, letterboxes, cycle anchors, bin store security and illumination which can be conditioned.

Neighbour and Occupier Amenity

The property would be staggered and would sit forward of number 163. The nearest window at 163 serves a bedroom and is 3 metres away, the plans incorrectly illustrate a 45 degree line from the mid-point of this window, for two storey development the line should be drawn from the quarter point, in any case the scheme meets the 45 degree code and the measurements have been checked on site. The existing bungalow with garage up to the boundary has an impact on light to the front of number 163, it is considered that the scheme, to be built 1.5 from the shared boundary would not result in a significant increase of loss of light or overbearing impact to warrant refusal.

The potential removal of the boundary planting is also recognised but this is not considered to have any significant bearing on the amenity assessment, however the neighbour at 163 could choose to retain boundary planting if they wish.

In relation to number 155 the proposal projects 14 metres further back. The side elevation is 5 metres from the nearest window of 155 which is also angled away from the application site which minimises any potential overbearing impact. The orientation of the scheme to the West would have the greatest impact on light during the evening, however for much of the day the proposal would not result in a loss of light to the rear windows or garden area of 155. There are no main habitable side elevation windows proposed by the development and a boundary fence would ensure privacy to private amenity areas. On balance the orientation and distances are sufficient that there would be an acceptable level of amenity for occupants of this house.

Concern has been expressed about the amenity for occupiers of the development. The shared amenity space is more than double the minimum requirements of Designing Walsall SPD and is considered acceptable to serve the development. The room sizes, corridor widths and door openings must meet building regulation requirements part M (confirmed in UDP policy H5) which ensure that new development must be accessible and there is no reason to believe that the layout would not meet their requirements.

The objection that lights may be left on at all times is noted, however this would be a residence and unlikely to raise any more amenity impact than anyone leaving an internal light on in any neighbouring house. Notwithstanding if permission was granted any statutory nuisance caused by artificial light could be investigated separately by the Council.

It is accepted that there would be comings and goings of staff changeovers which could potentially cause some noise and disturbance, however this would not be significant taking account that the building is to accommodate just 4 adults, a changeover at unsociable hours is unlikely to cause any more noise or disturbance than people returning from shift work to their homes.

Severn Trent have raised no objections to the scheme and recommend conditions for details prior to construction.

All development will result in limited construction disruption, this potential nuisance is temporary and not sufficient reason to refuse a planning application. Pollution Control Officers have recommended a restricted construction hours condition however there is already separate legislation to protect residents from statutory nuisance so such a condition for this reason would not meet the Governments 6 tests.

Air Quality

In respect of air quality, Walsall Council has adopted the Black Country Air Quality Supplementary Planning Document (SPD) and Pollution Control is of the opinion that this is a Type 1 application. The applicant therefore needs to install electric vehicle charging points and ultra-low NOx boilers in the development. Conditions to address these matters are provided in the interests of the amenities of the area.

Ground Contamination

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development.

Due to the nature and age of the building, Pollution Control will require a pre demolition site survey to be carried out to identify any potentially hazardous material and the production of a method statement (where necessary) detailing actions and time scales to be taken to prevent localised contamination. Conditions to ensure this have been provided by Pollution Control Officers.

Parking and Access

Concern has been raised about parking and traffic, the agent states that the occupants would not drive, however it is recognised that parking is required for the staff members for which there would be 3 car parking spaces. Policy T13 of the UDP requires 2 spaces for this scheme and on this basis the parking level is considered acceptable.

Cycle parking is proposed which provides opportunities for staff to cycle to work, the secure by design recommendations for this cycle parking would ensure that they are practicable.

Local Finance Considerations

Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications. In Walsall at the

present time this means there is need to take account of New Homes Bonus monies that might be received as a result of the construction of new housing.

This application proposes 4 new homes.

The Government has indicated that, for 2018-19, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2018-19 the total payments, taking account of completions over the last 4 years, are expected to amount to £3,637,301.

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

Other issues raised through consultation

The proposal is a private venture, the motive for the submission is not a material consideration and the Local Planning Authority can only assess what has been submitted.

The proposal would prevent further use of the existing building for squatters.

It is recognised that the application form incorrectly states there are no trees or hedges affected by the development. Notwithstanding this the application is assessed on the basis of the loss of trees which in any case are not protected.

The retention of an unprotected poplar tree is a matter for the land owner.

Regardless of how long the house has not been in use it is recognised that the house is not now in use and the owner has chosen to submit this application for a C2 use.

The existing footprint for the house and outbuildings is large, there is not sufficient green infrastructure here to require a bat survey and no reason to believe that there would be any significant impact on wildlife for this to be a determining issue of this application.

The Fire Service have no objections to the scheme and have raised no concerns about the access to the side.

The potential impact on house values is not a material consideration of any application.

The application is for a C2 use which would cover provision for people with physical or learning difficulties.

The office use would be ancillary to the main use.

Whether residents feel misled by pre-application consultation with the owner is a matter between interested parties and not a consideration of this application.

Conclusions and Reasons for Decision

It is considered appropriate that the proposed use is provided within a residential area to ensure that occupants have access to community facilities and for this reason accords with Policy H5.

The proposed traditional design would integrate with the existing designs along this part of Aston Road. The proximity and height difference to the bungalow at 163 is recognised but on balance this relationship is considered acceptable not to result in any significant harm to the street-scene to warrant refusal. For these reasons the scheme accords with UDP policy ENV32.

The proposed relationship between the new building and neighbouring houses is considered would not result in any unacceptable loss of amenity by way of light, overlooking or overbearing impact. The proposed living space and garden areas are sufficient to serve the development. For these reasons the scheme accords with UDP policy GP2, ENV32 and Designing Walsall.

In the interests of air quality conditions can be attached to require installation of electric vehicle charging points and ultra-low NOx boilers in the development in the interests of the amenities of the area to comply with UDP policy GP2 and the Air Quality SPD.

The scheme include a Coal Mining Risk Assessment. There is concern that legacy Coal Mining could pose risks on site and the Coal Authority and Pollution Control have recommended safeguarding conditions in accordance with UDP policy ENV10

Policy T13 of the UDP requires 2 spaces for this scheme and on this basis the parking level is considered acceptable. Cycle parking is proposed which provides opportunities for staff to cycle to work, the secure by design recommendations for this cycle parking would ensure that they are practicable.

Positive and Proactive Working with the Applicant

The agent has used the Council's pre-application service and the final submission takes account of the Council's advice which has enabled full support to be given to the scheme.

Recommendation

Grants Subject to Conditions

Conditions and Reasons

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

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

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

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Location Plan received 25/06/18
Block Plan received 25/06/18
Proposed plans (03 rev C) received 25/06/18
Design and Access Statement received 25/06/18
Coal Mining Risk Assessment received 25/06/18

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

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

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

Reason: This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution in accordance with UDP policy ENV40.

4a) Prior to the commencement of the development

- i) a scheme of intrusive site investigations to assess ground conditions and the potential risks posed to the development by past shallow coal mining activity shall be undertaken;
- ii) A report of findings arising from the intrusive site investigations, the results of any gas monitoring and a scheme of proposed remedial works for approval shall be submitted to and approved by the Local Planning Authority;

4b) The development shall be carried out in accordance with the approved scheme of remedial works.

Reason: In the interests of public safety in relation to past Coal Mining Activity and to comply with UDP policies GP2 and ENV10

5a) Prior to demolition and removal of any buildings and/or structures a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement shall be submitted to and approved by the local planning authority detailing actions and time scale to be taken to prevent localised contamination.

5b) Following demolition and removal of any buildings and/or structures a validation report shall be submitted to the Local Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials therein.

Reason: To prevent or minimise environmental impact during the course of building works and to comply with UDP policy ENV10.

6a) Prior to occupation an electric charging point shall be installed in all of the approved houses which meets the following specification:

An external weatherproof and lockable covered 32 Amp external 7 pin charging socket to comply with EN 62196-2 and be compatible with a J1772 Type 2 connector.

The charging unit shall feature a Mode 3 (IEC 61851) communication module.

The power supply and charging point shall be phase 3 compatible and be located near the parking area for each dwelling.

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

All wiring shall comply with BS 7671 or equivalent replacement standard.

6b) The agreed electric vehicle charging points shall be fully implemented in accordance with the approved details of condition 9a before the development is first brought into use.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 (Air Quality) and DEL1 (Infrastructure Provision) of the Black Country Core Strategy and to comply with UDP policies GP2 and ENV10

7a) Prior to occupation elevation and materials details of the proposed bin store shall be provided to and approved by the Local Planning Authority

7b) The approved details shall be carried out prior to occupation.

Reason: To ensure the satisfactory appearance of the development and to accord with UDP policy ENV32

8a) The development shall be completed to include the following security measures:

8b) All ground floor windows and any accessible windows should be fitted with BS EN 356 grade P1A.

8c) The frontages and accessible windows of the development need to have defensible planting under them. This can be created by dense low level shrubbery which should be around 1m in depth. The defensible space should overlap the whole length of the window at least. Low level dense shrubbery is the preferred method to create this barrier with a mature height of no more than 1m and should be suitable for the light and soil environment at its location.

8d) PAS 24:2016 doors shall be fitted.

8e) Euro cylinder locks shall be minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification.

8f) Thumb locks shall be ASB Thumb turn 3 star cylinders or equivalent.

8g) Where concrete post and panels are to be used the fence panels need to be tied using galvanised metal straps.

8h) The fence along the side access boundary shall be 2.1 metres high with the smooth face, facing the access.

8i) Side entry gates shall be 2.1 metre high and be key lockable from both sides.

8j) The communal entrance shall be an access control system which shall be a proximity access control system, a door entry phone system and electronic lock release.

8k) CCTV shall cover the flats.

8l) Entrance and exit doors and frames to the site should be of a robust vandal resistant material, with vandal resistant viewing panels.

8m) Entrances should be well lit both internally and externally (a maximum external lux level of 1000cd, light intrusion into any neighbouring window shall not exceed 5 lux).

8n) Letterboxes shall be DAD UK Ltd DAD009 1.5mm steel letterboxes.

8o) The security anchor for the bike must be certified to Sold Secure Silver standard or LPS 1175 issue 7:2010 SR1 and be securely fixed to the concrete foundation in accordance with manufacturers specifications.

8p) The bin store should remain locked when not in use

8q) The measures detailed in conditions 7a to 7p shall be fully implemented and retained thereafter.

Reason: To ensure the security of occupants and comply with BCCS policy ENV3.

Notes for Applicant

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

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

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

Please note if you wish to respond to this email please send it to Planning.apwest@severntrent.co.uk where we will look to respond within 10 working days. Alternately you can call the office on 01902 793851.

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

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

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

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

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

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

Ultra-low NOx boilers, at or below 40mg/kWh. The latest models are future-proofed 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 are eligible for maximum BREEAM credits, helping contribute to a higher environmental building rating.

Water supplies for firefighting should be in accordance with "National Guidance Document on the Provision for Fire Fighting" published by Local Government Association and WaterUK: <https://www.dropbox.com/s/5s5i45fxr3m3hrt/national-guidance-document-on-water-for-ffg-final.pdf?dl=0>

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

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



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 29-Nov-2018

Plans List Item Number: 9.

Reason for bringing to committee: Significant Community Interest

Location: LAND AND GARAGES ON SLATERS LANE TO REAR OF 90 SHERIDAN ST, SLATERS LANE, WALSALL, WS2 9AQ

Proposal: ERECTION OF NEW TWO BEDROOM BUNGALOW

Application Number: 18/0764

Applicant: Ms Lauren Millington

Agent: Mr Jeffrey Stewart

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

Case Officer: Karon Hulse

Ward: Pleck

Expired Date: 24-Aug-2018

Time Extension Expiry:

Recommendation Summary: Grant subject to conditions



Proposal

Following the refusal of two previous outline planning application, the applicant has now submitted a full application for the erection of a one and half storey dormer bungalow on land on the former garage site to the rear of Sheridan Street, off Slaters Lane, Pleck, Walsall.

The current full application has been submitted to try to address the two previously refused outline applications (one refused by planning committee). The grounds were the outline proposal failed to demonstrate; a satisfactory residential environment could be provided for existing and future occupiers, the design would enhance and respect the local area, there will be no increase in on-street car parking and that there will be no risks to the development posed by past coal mining activity.

The current full application proposal comprises of:

- Detached two bedroom dormer bungalow
- Ground floor kitchen/utility room, bathroom and double bedroom (obscure glazed windows to the rear)
- First floor roof space including dormer window situated on the front slope of the roof to provide a second bedroom with en-suite.
- Parking for one vehicle
- Reduction in the existing brick built boundary wall along Slaters Lane to 600mm with new iron railings above.
- Amenity space to the rear and sides
- The bungalow will measure 12.2 mts wide by 7.5mts deep, be 2.3mts to the eaves and 5.2mts to the ridge
- Total floor area of 90 sqm.
- Rear private amenity space (including side garden area) is 73 sqm

The application is accompanied by a coal mining risk assessment report.

Site and Surroundings

The application site is an irregularly shaped design being 188 sq metres, accessed from Slaters Lane.

The site is situated within a well-established residential area consisting of differing age, type and style of housing stock, set within a variety of plot sizes, although mostly characterised by rows of Victorian back to back terraces.

The site was previously occupied by 6 timber garages with a 2 metre high brick wall along the back of the Slaters Lane. The site has been cleared and currently not used for any purpose and considered to be vacant land.

To the east of the application site is the rear garden of no 90 Sheridan Street, to the west are rear gardens of Kingsley Street (being 24 mts away from the application boundary).

It is directly opposite is the Slater's Lane Allotments. Further along Slaters Lane and on the opposite side of Slaters Lane, there are bungalows.

Pleck local centre is approximately 0.5 km to the east, within walking distance. The local centre provides local shopping, community and medical facilities, whilst including network of bus routes which can be reached on foot at the end of Slater's Lane and Sheridan Street. The site is considered to be in a sustainable location, with sustainable transport options available.

Relevant Planning History

16/1643 - Proposed Residential Development (Outline) - Resubmission of Application No.16/0921 refused by the planning committee (against officer recommendation) 9/1/16 for the following reasons:

1. *The application has failed to demonstrate that the proposals: -*

- *can be developed to provide a satisfactory residential environment for its future occupiers,*
- *will not have an adverse impact on existing occupiers and residents*
- *the design of future residential development will enhance the local area*
- *will respect the character of the area and will be of an appropriate scale and well integrated into the existing pattern of settlement and surrounding land uses.*

On balance the proposed development is contrary to the aims and objectives of the National Planning Policy Framework, BCCS policies CSP3, CSP4, TRAN2, ENV2 and ENV3, Unitary Development Plan policies ENV14, ENV32, H3, T7 and T13 and Supplementary Planning Document Designing Walsall.

16/0921 – Proposed residential development (outline). Refused 18/8/16 for the following reasons:

1. *The application has failed to demonstrate that the proposals: -*

- *can be developed to provide a satisfactory residential environment for its future occupiers,*
- *will not have an adverse impact on existing occupiers and residents*
- *the design of future residential development will enhance the local area*
- *will respect the character of the area and will be of an appropriate scale and well integrated into the existing pattern of settlement and surrounding land uses.*
- *there will be no increase in on-street car parking as a result of the displacement of users of the existing garages to the detriment of highway safety*

On balance the proposed development is contrary to the aims and objectives of the National Planning Policy Framework, BCCS policies CSP3, CSP4, TRAN2, ENV2 and ENV3, Unitary Development Plan policies ENV14, ENV32, H3, T7 and T13 and Supplementary Planning Document Designing Walsall

2. *The proposed development has not demonstrated that there will be no risks to the development proposal posed by past coal mining activity*

As such the proposed development is contrary to the National Planning Policy Framework, paragraphs 120-121 which requires the applicant to demonstrate to the satisfaction of the LPA that the application site is safe, stable and suitable for development

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 12 – Achieving well-designed places**

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.

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

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
- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV32: Design and Development Proposals
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document Designing Walsall

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

- DW7 Diversity
- DW8 Adaptability
- DW10 Well Designed Sustainable Buildings

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

Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing.

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

Consultation Replies

Transportation – no objections subject to conditions requiring parking and pedestrian visibility splays.

Severn Trent – no objections subject to condition requiring details

Coal Authority – no objections subject to ground condition

Representations

Three letters of objection received on the following grounds:

- Loss of privacy and light
- Increased risk of antisocial behaviour
- Over densely populated area
- Loss of water pressure additional building put more stress on system (*This is not a material planning consideration*)
- Not in keeping with streets of terraced housing with rear gardens back to back
- Not a windfall site
- Further burden to on-street parking
- Building works will cause noise and air pollution (*Whilst all development is likely to bring a level of noise and disturbance, a development of this scale is unlikely to be over a long period. Conditioning working hours does not meet the Governments 6 tests for imposing a condition as there's other legislation that can deal with noise issues*)
- Overlooking
- Increased congestion and parking
- Loss of outlook and view (*no right to views*)

Determining Issues

- **Has the current proposal overcome the previous reasons for refusal?**
 - *can be developed to provide a satisfactory residential environment for its*

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- future occupiers,*
- *will not have an adverse impact on existing occupiers and residents;*
- *the design of future residential development will enhance the local area will respect the character of the area and will be of an appropriate scale and well integrated into the existing pattern of settlement and surrounding land uses;*
- *there will be no increase in on-street car parking as a result of the displacement of users of the existing garages to the detriment of highway safety;*
- *Proposed development has not demonstrated that there will be no risks to the development proposal posed by past coal mining activity.*
- **Comments raised by neighbours since the previous refusals**
- **Local Finance Considerations**

Assessment of the Proposal

Has the current proposal overcome the previous reasons for refusal?

Can be developed to provide a satisfactory residential environment for its future occupiers

To ensure that existing occupiers amenity is not compromised and that a suitable level of private secure amenity is provided for future occupiers, the siting of the proposed dwelling will need to comply with Designing Walsall SPD.

The applicant has submitted a full planning application for a 2 bedroom dormer bungalow. The proposed dormer bungalow includes a north/south orientation at approx. 45 degrees to the rear garden of no. 88 Sheridan Street. This relationship and orientation can also be seen around the area where it is offset (60/62 Gower Street) and particularly on corner plots where the rear amenity space is limited (c/o Slaters Lane and Gower Street).

The main habitable room windows will look out over Slaters Lane. It will be 1 ½ storeys high having a gable roof with a dormer window in the front elevation at a maximum height 5.2mts to the ridge and 2.3mts to the eaves have obscurely glazed rear windows to utility, kitchen and bathroom, plus the 2 rear facing roof lights serving a bedroom and en-suite, the rear separation of between 3 and 8 mts to the neighbours garden boundary.

It is considered the proposed design and orientation is sufficient that the principle of residential on this site is acceptable and that the amenities of existing occupiers as well as future occupiers in terms of loss of privacy, light, outlook, view and overlooking, can be adequately provided for in accordance with the Designing Walsall SPD guidance. There is in excess of 13mts between the side gable of the proposed bungalow (no windows) and the first floor rear facing window of no.s 90 and 88 Sheridan Street. There will be at least 24 mts between the rear of properties in Kingsley Street and the side elevation of the proposed bungalow.

A garden area has been provided for number 90 Sheridan Street

Any windows looking towards the rear garden of no. 88 Sheridan Street are set at an angle facing away and will be obscure glazed, high level and can be fixed. This can be secured by way of a safeguarding condition. These windows do not look towards the rear of houses on Sheridan Street

Restricting side facing windows, doors, or other openings other than those shown on the approved plans, the rear facing windows serving the proposed Utility, Kitchen and bathroom to be obscure glazed to Pilkington (or equivalent) privacy level 4 and there shall be no opening parts lower than 1.7metres from the floor level of the rooms and removing General Permitted Development rights allowing future extensions will further protect residential amenity around the application site. This can all be secured by way of safeguarding conditions.

Will not have an adverse impact on existing occupiers and residents

The National Planning Policy Framework suggests that Local Planning Authorities may make an allowance for windfall sites and other national and local policy guidance require the efficient use of land. The provision of residential on this site would therefore be considered an efficient use of this windfall site subject to a satisfactory residential environment being achieved.

Previously both applications lacked sufficient information to enable the application to be adequately determined and in particular how a satisfactory residential environment for future occupiers can be secured whilst protecting the amenities of existing nearby occupiers and residents.

This application now includes a more comprehensive scheme which indicates that space standards around the proposed dwelling will be achieved whilst optimising the use of brownfield site for residential purposes.

The principle of residential, subject to the amenity of existing and future occupiers being addressed, is acceptable. Policy H3 encourages the provision of additional housing through the re-use of previously developed windfall sites provided that a satisfactory residential environment can be achieved. It is also provided there is no overriding need for the land.

Will respect the character of the area and will be of an appropriate scale and well integrated into the existing pattern of settlement and surrounding land uses.

The application site is considered to be a stand-alone site, being the only residential house which would have a frontage onto Slaters Lane in the immediate locality. The siting of the bungalow will be set back from Slaters Lane and being single storey will have less impact in the street scene than that of a two storey house which had previously been proposed.

There are a number of outbuildings in rear gardens of houses on both Sheridan Street and Kinglsey Street. Whilst the proposed dormer bungalow will be higher than these outbuildings, the application site is considered to form a character of its own, particularly facing the allotments opposite and lying between the rear boundaries of these two streets. On balance it is already considered that the use of this previously developed site to provide residential of a scale and character that is sought after is to be supported.

This development is situated in the Pleck Neighbourhood Police Team area. It has experienced a high level of crime incidents in the last 12 months. The recorded crimes include burglary, vehicle related, assault/ drug related, robbery/ theft, criminal damage to houses and vehicles and anti-social behaviour.

It is recommended that secure by design measures are incorporated into the design. This can be secured by way of a safeguarding condition.

Increase in on-street car parking

The former garage site has not been used for garaging purposes for many years and as such it is considered there will not be any displacement of cars onto the nearby highway.

The revised application looks to construct a two bedroom bungalow. Only one practical parking space is provided, the opposite space being shown as manoeuvring space. The orientation of the proposed parking space, which is tight onto and parallel to the highway, looks to utilise the existing access point onto Slaters Lane. The access is to be widened to improve vehicle manoeuvrability and the existing wall reduced in height to improve inter-visibility at the access.

Whilst 2 parking spaces would be required to be in accordance with the saved Unitary Development Plan policy T13, it is considered that an objection on parking grounds alone at this location would be difficult to sustain at appeal.

On balance the Highway Authority considers the development will not have severe transportation implications and is acceptable in accordance with NPPF 2018 para 109

Safeguarding conditions regarding modification to the existing dropped kerb vehicle crossing to be widened and the existing frontage boundary wall to be reduced in height to 600mm above footway levels will ensure that the development is in accordance with the saved policies GP2, ENV32 and T13 of the Walsall Unitary Development Plan.

Risks posed by past coal mining activity

A Coal Mining Risk Assessment Report has been submitted which addresses the previous reason for refusal subject to a site investigation being carried out, this can be secured by way of a safeguarding planning condition.

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 2018-19, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2018-19 the total payments, taking account of completions over the last 4 years, are expected to amount to £3,637,301.

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

Conclusions and Reasons for Decision

This application follows two previous refusals for outline residential planning permission on the grounds that they failed to demonstrate the site could be satisfactorily developed. This application now includes full information for the development of the site for a single storey bungalow.

The key material planning considerations, neighbour comments and consultee responses have been weighed in assessing this planning application and it is considered the submitted details will provide a standalone residential opportunity which will provide a unit of a size and scale which is sought after, will integrate into the surrounding area and street scene and will not harm the character of the area whilst protecting the amenities of nearby residents.

As such the application site can be developed for a single house in accordance with NPPF, Black Country Core Strategy policies CSP4, HOU1, HOU2, HOU3, ENV2 and ENV3, Saved Unitary Development Plan policies GP2, ENV10, ENV14, ENV32, H3 and T13 and Designing Walsall Supplementary Planning Document.

The use of safeguarding conditions in respect of the deposited plans, obscure glazing, parking space and manoeuvring areas, refuse and waste recycling, drainage, windows, permitted development, construction times and secure by design will ensure that the 6 tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and reasonable in all other respects within the national planning guidance are fully met.

Taking into account the above factors, there are no objections from significant consultees or the community, it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant's agent. In response to the previous refusal additional supporting information and plans have been submitted to enable full support to be given to the scheme.

Recommendation

Grant subject to conditions

Conditions and Reasons

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

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

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- Location, block plan, proposed floor plans and elevations received 24/10/18
- Proposed first floor received 24/10/18
- Coal Mining Risk Assessment report received 3/7/18

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

3. In order to address the Coal Authority concerns the following matters shall be addressed prior to any development being commenced:

- i. An appropriate scheme of intrusive site investigations for the shallow coal mine workings shall be carried out
- ii. The submission of a report of findings arising from the intrusive site investigations, including the results of any gas monitoring undertaken and proposed remedial works shall be submitted to and approved in writing by the Local Planning Authority;
- iii. The approved remedial measures shall be fully implemented prior to the development first being occupied and thereafter retained.
- iv. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use.

Reason: To ensure the safety and stability of the development and to comply with NPPF Paragraph 109 and saved policies GP2 and ENV14(c)(ii) of Walsall's Unitary Development Plan.

4a. Prior to any development commencing full details of drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority.

4b. The approved scheme shall be fully implemented before the development is first brought into use.

Reason: To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with NPPF10, BCCS Policy ENV5 and Walsall's Unitary Development Plan saved policies GP2 and ENV40

5a. Prior to the first occupation of the dwelling, the parking space and vehicle manoeuvring areas shall be 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.

5b. These areas shall thereafter be retained and used for no other purpose.

Reason: In accordance with the requirements of Unitary Development Plan saved policies GP2, T13 and ENV40 and in the interest of highway safety.

6a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved until a schedule of facing materials to be used in external walls and roofs that includes details of the colour, size, texture and

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

6b. The development shall not be carried out otherwise than in accordance with the approved details and shall thereafter be retained.

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

7a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved a scheme setting out full details, including heights, extent of the boundary treatment, materials and finishes of the proposed boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of any internal site divisions.

7b. The development shall not be carried out otherwise than in accordance with the approved scheme and shall thereafter be retained.

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.

8. Notwithstanding the information shown on submitted plans, the development hereby approved shall not be constructed otherwise than to meet the following minimum security measures and thereafter the security measures shall be retained;

1. All doors to be fitted with PAS 24:2016 doors.
2. Where euro profile cylinder locks are proposed in doors, shutters etc. a minimum standard of TS-007 3 star rated cylinders with Secure By Design and Sold Secure Diamond Standard certification should be used
3. All ground floor and accessible windows should contain a pane of laminated glass which complies to BS EN 356:2000 class P1A. This will improve the standard of security to the more vulnerable ground floor windows.
4. Most properties are attacked from the rear, therefore perimeter security needs to be effective in order to protect the most vulnerable area of any property. With this in mind perimeter and boundary fencing should be at least 2.1m in height, the fencing should also be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. 2.1m fencing can include 300mm trellis topping i.e. 1.8m fence plus 300mm anti climb trellis topping.
5. All gates should be 2.1m in height and be key lockable from both sides. They should be positioned as close to the front building line as possible.
6. All properties should be fitted with a suitable intruder alarm utilising dual technology sensor or above and alarm sirens front and back of building.

Reason: To ensure the safety and security of the development and its occupiers in compliance with Unitary Development Plan saved policy ENV32 and in order to comply with Section 17 of the Crime and Disorder Act 1998

9. Prior to the parking space and vehicle manoeuvring areas first come into use, the existing dropped kerb vehicle crossing shall be modified and extended to align with the widened access point. The modified dropped kerb shall not exceed five 900mm flat kerbs and two 900mm taper kerbs.

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

10. Prior to the parking space and vehicle manoeuvring areas first coming into use, the existing frontage boundary wall shall be reduced in height to 600mm above footway levels, in accordance with the approved drawing.

Reason: To ensure adequate inter-visibility at the access point, satisfactory appearance and functioning of the development and in the interests of highway safety in accordance with the saved policies GP2, ENV32 and T13 of the Walsall Unitary Development Plan.

11. 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.

12. Notwithstanding the details submitted of the development hereby approved, the proposed rear facing windows serving the proposed Utility, Kitchen and bathroom as shown on the plan submitted on 24th October, 2018 shall be obscure glazed to Pilkington (or equivalent) privacy level 4 and there shall be no opening parts lower than 1.7metres from the floor level of the rooms they serve and thereafter be retained as such.

Reason: To safeguard the amenities of the neighbours and to comply with saved policy GP2 of the Walsall Unitary Development Plan.

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

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

Notes to Applicant:

Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site of any works pertaining thereto.
2. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the dropped kerb modification works within the public highway. For further information please contact the Traffic Management Team on 01922 654675.

Operating hours

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

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

Secure by design

1. The developer should be aware of Secure by Design specifications which will significantly increase the security of the building (doors and windows). Information can be found at http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf
2. Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components



Planning Committee

Report of Head of Planning, Engineering and Transportation on 29-Nov-2018

Plans List Item Number: 10.

Reason for bringing to committee: Councillor Tim Wilson Call in on grounds the case requires delicate judgement, no planning reasons for delicate judgement have been provided.

Location: LAND REAR OF 127, LONGWOOD ROAD, ALDRIDGE, WALSALL

Proposal: REDEVELOPMENT OF REDUNDANT EQUESTRIAN CENTRE (D2) TO RESIDENTIAL DEVELOPMENT OF 5 DWELLINGS USE C3.

Application Number: 16/1888

Applicant: D. P. M. Ltd

Agent: Keith Reynolds Associates

Application Type: Outline Permission: Minor Application

Case Officer: Stuart Crossen

Ward: Aldridge Central And South

Expired Date: 04-Apr-2017

Time Extension Expiry: 06-Dec-2018

Recommendation Summary: Refuse subject to no new material considerations received that are not already covered in this report, as part of an additional 14 day consultation on amended details.



Proposal

The application seeks outline permission for 5 houses to the rear of 127 Longwood Road to replace an existing equestrian centre and buildings.

The submitted block plan illustrates access from Longwood Road, along the side of number 127 (single width), leading to a row of five houses, one house would have a detached garage and two houses would have garages attached at the side. Trees are proposed to the front of the houses next to the shared drive.

A Design and Access Statement has been provided with the following key points:

The equestrian centre ceased over 10 years ago.

Each dwelling will have rainwater butts to collect.

Landscaping to be conditioned

External lighting for pedestrians

The layout can be conditioned

The access drive will be gated and considered at reserved matters stage.

The agent had responded to case officer concerns with the following details:

The total area of existing buildings and hardstandings total 1074 sq mtr and this has been the basis upon which the amended layout plan has been produced.

A plastic multi duct will be laid centrally in the access drive for its full length, together with draw wires and chambers at each end so that the amenities can reach the new houses.

A waiting bay is proposed outside the front of 127 Longwood Road, a new boundary fence is proposed to separate this waiting area from number 127 this fence would stop car lights facing directly into the bay lounge window.

The agent cannot confirm whether the houses would be single storey and that this would be for consideration at reserved matters stage.

A planning statement has been provided which explains the proposed access arrangements:

1 - There will be a traffic light control in place at all times giving a green light to all traffic entering the site providing access to the lower section of the site.

2 - At the lower section there will be a stop red light which will turn green on approach should there be a free exit to the higher level.

3 - When a vehicle is leaving the lower section the green light at the front will turn red. A vehicle entering the site will wait in the designated waiting bay until free to descend.

4 - A pull in passing lay-by will be constructed 4.0mtrs wide and 15.0mtrs long adjacent to and after the sub station having sufficient space for any vehicle wait for the descending vehicle to pass.

5 - The dividing fence between the access and the house drive will be 400mm high for a distance of 3.0mtr minimum from the back of pavement thus keeping a clear visibility splay as existing.

6 - The existing dropped curbs will remain with minor amendments.

Site and Surroundings

The site is in a residential area which is a mix of houses and bungalows that vary in design. The application site is to the rear of a house which is on the western side of Longwood Road and is at the end of a line of 10 bungalows on this side of the road. The rear gardens of the properties, which the proposed houses would sit behind, slope down in level to open fields at the rear. The site is in the Green Belt.

The existing buildings are single storey and the footprint is calculated to be 331m². The proposed built development would have a footprint of 693m². The existing buildings are single storey with a low pitched gable roofs and mono-pitched roofs around the edge of the site.

Relevant Planning History

EA588 – An application was made in 1951 for an extension to 125 Longwood Road. The application was for a two storey extension with a garage and bedroom above. At some point 125 Longwood Road was included in the curtilage of 127 Longwood Road. Therefore the application EA588 and subsequent extensions that were built relate to what is currently known as 127 Longwood Road.

BC35 – An application in 1974 for the rear of 127 Longwood Road to rebuild stables and ancillary rooms for private use. The application was approved subject to the approval of drainage proposals and that the development was used for private use only. The proposal was within the curtilage of 127 Longwood Road

Tree preservation order 28 of 1978. Trees in and along the boundary to the site are protected by a group tree preservation order. The purpose of a group tree preservation order was to protect the amenity of trees within the green belt.

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 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**

- **NPPF 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**
- **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.

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

Reducing Inequalities

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making. In this instance the outline scheme raises no concerns that any group within the protected characteristics protected by the Equality Act 2010 would be disadvantaged.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- HOU2: Housing Density, Type and Accessibility
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- 3.4 :The Countryside and Green Belt
- ENV2: Control of Development in the Green Belt
- ENV3: Detailed Evaluation of Proposals within the Green Belt
- ENV7: Countryside Character

- ENV10: Pollution
- ENV11: Light Pollution
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

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

Transportation – Objection on the grounds of poor access and highway safety concerns.

Pollution Control – No objections - A contaminated land condition is recommended, a Construction Management Plan is implemented to reduce local impacts and Electric Vehicle Charging Points are provided to allow future residents a readily available infrastructure to switch to environmentally sustainable transport in the future.

Police – No objections subject to secure by design

Trees – Objection likely to result in the loss of protected trees on third party land.

Fire Officer – Objection on the grounds that there is insufficient turning space within the site taking account the length of the narrow access and due to the narrow width.

Representations

55 objections have been received from 28 neighbours and 9 unsolicited objections on the following grounds:

Back land development which is out of character and does not reflect the existing pattern of development.

The garden amenity does not reflect the character of the area.

Light Pollution to neighbours and wildlife

Traffic

Access too narrow

Gates could cause cars to back up onto highway

Not a brownfield site

Contrary to green belt policy

Impact on the Cuckoo's Nook and The Dingle

Air pollution

Would set a precedent

Flooding

Noise and disturbance

Sewage infrastructure not sufficient

Affect house prices

3 stories would be an eye sore and out of character

Would encroach onto an area of natural beauty

Abandoned use

No room for pavement for visitors

Access restricted for bin collection and deliveries etc

Not enough parking

Solar panels recently refused to the rear

Loss of trees

The Council has already agreed the revised scheme

Inaccurate submission:

Sub station missing

Rear outdwelling missing

No drainage plans

Have Severn Trent, transportation, the Tree Officer and electricity board been consulted

The access nameplate is misleading and has come from a different locality.

A neighbour has provided evidence that they have access rights over the proposed site access.

An Ordnance survey map has been submitted to prove there are no houses at the site.

Impact on privacy, health and quality of environment to neighbours

Not given enough time to respond to consultation

Hasn't been used for equestrian use for over 24 years

Doesn't reflect the density of housing here

Not part of the S.A.D allocation.

Smell

Average speed of Longwood Road is 40mph

An approval would waste tax payers money

Impact on bats

Loss of light

Overshadowing

Equestrian use is permitted in the Green Belt, housing isn't.

Should not be 2 storey

Disruption to neighbours during construction

Over 30 years since the equestrian centre was used

Should be considered as a major application due to the number of objections

Will be sold off to other developers

Two residents of Longwood Road has written in support and another person has written in support, all anonymous.

A petition has been received with 20 signatures objecting to the scheme.

Determining Issues

- Principle of Development & Impact on the Openness of Character of the Green Belt
- Fire Safety
- Design and Character of the Area
- Highway Safety
- Amenity
- Trees
- Local Finance Considerations

Assessment of the Proposal

Principle of Development & Impact on the Openness of Character of the Green Belt

Exception G in Paragraph 146 of the NPPF allows for limited infilling or the partial redevelopment of previously developed land provided it would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to the openness of the Green Belt where the development would contribute to an identified affordable housing need.

The site has previously been in equestrian use and has buildings on it, and is considered to be previously developed land as defined by the NPPF glossary. The current use is not an agricultural use so the land is not protected as agricultural land. It is not necessary to demonstrate 'very special circumstances' or demonstrate that there is not any sequentially preferable land available for development if you are able to meet the policy test that it is previously developed land, and the proposed development has no greater impact on openness and the purpose of including land within the Green Belt than the existing development.

The application is outline with all matters reserved. The existing buildings are single storey and the footprint is calculated to be 331m². The proposed built development even if single storey would have a footprint of 693m² which is considered a significant increase. Although the layout ensures there would be no further incursion into the greenbelt than the current development, it is considered that the development would have a greater impact on the openness of the Green Belt than the existing development, due to the significant increase in the footprint of proposed buildings on site. The proposal should be single storey and should have a footprint which does not exceed the existing footprint of the equestrian buildings. The scheme is not for affordable housing.

Objections have been made on the basis that the equestrian use has not occurred for 24 or 30 years and the use is abandoned. The case officer considered that the buildings which remain are of sufficient quality that the use could be reinstated without further planning permission being required.

The site is not allocated for housing in the emerging Site Allocation Document

Whether an equestrian use or housing development is permitted in the green belt is dependent on the application site and submitted scheme either could be supported or refused depending on the circumstances.

Fire Safety

The Fire Officer has objected and state that any dead end greater than 20m in length should have an appropriate turning facility for a pump appliance and that a dead end/cul de sac roadway should be a minimum of 5.5 metres in width and a minimum carrying capacity of 15 tonnes. A concern is also raised about the proposed gated access and how this would operate in the event of an emergency.

For these reasons the scheme poses a significant risk to the lives of future occupants of the proposed houses and cannot be supported.

Design and Character of the Area

Although no elevations are provided at this stage the layout does provide an indication of the scale of the development and its relationship to the existing character of the area.

The density of the proposal would be 16 dwellings per hectare, the density of housing between 127 and 159 (this range is considered to reflect the average plot sizes of Longwood Road) the character of the area is defined by a density of 14 dwellings per hectare. Although a higher density this is not significant.

There would be no street frontage and the pattern of development does not reflect the existing houses on Longwood Road. However when taking account of the existing equestrian buildings and potential comings and goings of that use if re-opened on balance it is not sufficient grounds to refuse the scheme for this reason. It is also considered that the application site is like no other plot nearby along Longwood Road.

The private garden areas would exceed the Councils minimum standards, it is recognised that the depth falls short of the character of houses on nearby Longwood Road, however these houses would not be seen as part of this existing row and would be seen in isolation so on balance this would not be sufficient reason to refuse the application.

Highway Safety

The Highways Officer considers that the proposed private traffic light system would present potential operational issues and raises questions regarding the maintenance of this system in future years and is not something the Highway Authority could support. The fact that the access would be reliant of such a system is an acceptance that the access is unsuitable.

The proposed passing bay behind the sub- station would likely mean a car being out of sight of approaching vehicles in the event that the traffic light system is inoperative or faulty.

The proposal looks to utilise an existing equestrian centre for residential purposes the access to the site from Longwood Road being via a narrow 60+ metre long access road between two houses with hedgerow and tree constraints. The access road is about 4.2m at its widest and about 3.5m at its narrowest although a passing place is now proposed. The absolute minimum for such an access should be 3.7m (minimum for Fire Engine access).

No details of the position of the proposed 4 – way duct for services have been submitted but there is the potential that if it is laid in the narrow access road, access at the inspection covers could still impede access cannot be achieved to allow the services to run along the driveway without potentially blocking access along the road for emergency vehicles. A centrally positioned service duct would be unacceptable.

Notwithstanding the access currently serves an equestrian centre, the type and nature of vehicle movements to a residential development of four houses is fundamentally different in that movements are potentially more frequent over a 7 day period and all hours. Drivers accessing the existing equestrian centre will be familiar with the constrained access and use appropriately sized vehicles, whereas with the residential use, service vehicles, delivery vehicles, such as .com vans etc, will be unaware of the restricted access and are likely to have to park on Longwood Lane itself.

Longwood Lane is a relatively busy classified road (B4154) and a District Distributor and has a history of traffic travelling well above the 30mph limit. UDP policy T4 looks to strictly regulate direct access on to such roads. Contrary to this policy, the proposed residential development of the site is likely to result larger sized vehicles parking on street or on the pavement around the access point on Longwood Lane.

The space available for parking is likely to meet the Councils standards.

The case officer and highways officer is aware of the speed restrictions on Longwood Road.

There is no separate means for accessing these houses by foot and the proposed shared surface would be contrary to the Equalities act 2010 as the design would prevent safe access for potential occupiers with disability.

Amenity

The houses would be set over 25 metres from the nearest house facing Longwood Road and would be at the end of private gardens. For this reason the proposal is considered would not result in any overbearing impact, significant loss of light, overlooking or any more impact on neighbouring amenity than existing nearby residential development.

The proposed layout could achieve the separation standards of Designing Walsall SPD and would be considered as part of the reserved matters.

The proposed access is narrow and would be in line with the side elevation of number 127. Because of the single width access there may be a need for cars to wait near the front bay window of number 127 which could cause light intrusion and noise, for this reason a boundary fence or wall would be necessary which may be erected to prevent this we may have an issue with cars reversing back onto the highway to allow cars to exit the site. The comings and goings in close proximity to the side wall of number 127 combined with any access conflicts are likely to give rise to significant impacts on the amenities enjoyed by occupiers of this house and cannot be supported

Pollution Control does not have any historical information of the application site. Within the application form the Applicant is indicating, within the existing use section, that the historical use has included 'stables and part industrial/commercial'. On the basis of this it is recommended that the Applicant undertake a contaminated land investigation, Phase 1 desktop to begin with followed by intrusive investigations if necessary.

Given the access to the site and surrounding residential premises, if permission is granted, then the Applicant should submit a Construction Management Plan to control construction impacts upon neighbouring residential premises and the highway.

Walsall Council has recently adopted a Supplementary Planning Document (SPD) setting out guidance on minimising air quality impacts, in particular the requirements for promotion of alternative travel choices. As part of Section 5, 'Minimising Unacceptable Air Quality Impacts through Mitigation and Compensation', the SPD states that 'as a minimum, new developments should include the provision of electric vehicle charging points' (Type 1). To allow future residents a readily available infrastructure to switch to environmentally sustainable transport in the future and having regards to the SPD, it is recommended that the Applicant make provision for future electric vehicle charging points.

The site is previously developed and could be put back into use, on balance it is considered that there would be little difference between lighting the equestrian use or residential use.

Although an objection has been raised as to a loss of light and overbearing impact the layout and relationship to neighbouring houses would not result in any loss of light or overbearing impact to warrant refusal.

An objection has been raised about potential smell, however these would be residential houses similar to the surrounding development and likely to be a significant improvement to the existing equestrian use.

Construction noise would be temporary and not a reason to refuse a planning application.

Trees

The Arboricultural Impact Assessment (AIS) was written in support of 4 proposed residential properties which has now been increased back to 5 as in the original submission. Despite this there is sufficient information in the AIS to provide meaningful comments. None of the trees on or adjacent to the site are proposed for removal to accommodate the development, however, 3 trees (labelled T13, T15 and T16) outside of the site are recommended for removal due to their poor condition. As these 3 trees are in third party ownership they could only be removed with the tree owners consent. In addition, there is also a row of Poplars (labelled G17) that are also in third party ownership outside for the site adjacent the south boundary which the AIS identifies as trees of low arboricultural value and a possible constraint to development due to overshadowing. The AIS concludes that should Poplars G17 be retained they would need have remedial works undertaken prior to construction in order to accommodate the development. Furthermore, several of the trees (labelled G03, G10, G17, T01, T02, T05, T11, T12 & T14) which are again in third party ownership outside of and adjacent to the north boundary of the site would also need to have remedial works undertaken to allow unobstructed vehicle and pedestrian access to the site and to accommodate the development. These trees are protected by 'area' classification TPO title no.26/2005. Plot 5 on the indicative layout 16/34/03 encroaches to within what would be the root protection area (RPA) of the TPO trees off site adjacent the north boundary. In addition, the Poplar trees (G17) south of the site would also overshadow the rear gardens of plots 1 to 3 for large parts of the day.

The Tree Officer considers that the close proximity and orientation of the trees to the houses will quickly become an issue for future residents who may perceive their close proximity as a danger (whether real or imagined) which along with other inconveniences of living in close proximity to large trees (e.g. leaf litter, lack of light, bird droppings etc.) will compel any new residents to seek their removal or inappropriate pruning. Consequently, in its current form indicating 5 plots on drawing no. 16/34/03 for these reasons the Tree Officer does not support the application as it is likely to result in the premature loss of significant trees adjacent to and overhanging the site.

Ecology

Evidence of bats has been established within one of the existing building and works should not commence until further surveys have been carried out. These will enable the likely impacts of the proposals on bats to be assessed, determine which buildings require a bat derogation licence will be required, inform the avoidance measures (timing of works), determine the requirement for mitigation (retention of roosts and access points) and/or compensation measures (creation of new replacement/additional bat roosts). The survey work is likely to have some impact on the scheme however at this stage there are only

layout plans which are unlikely to be affected by additional survey work so these details can be secured by condition.

Concern has been raised about the potential impact on the Cuckoo's Nook and The Dingle, these areas fall outside of the scope of the development and taking account the existing hardstanding it is likely that site drainage would be improved to the betterment of the surroundings.

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 5 new homes.

The Government has indicated that, for 2018-19, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2018-19 the total payments, taking account of completions over the last 4 years, are expected to amount to £3,637,301.

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

Other Issues Raised Through Consultation

The application site is not in a flood zone.

The application if acceptable would not set a precedent here as no other houses have an equestrian centre to the rear on this part of Longwood Road.

The impact on house prices is not a material planning consideration.

The definition of a Major application is not determined on the number of objections, rather on the number of houses or additional floor space (10 or more or 1000m² or more).

Whether the intention is for the applicant to develop or sell the land if permission is granted is not a material planning consideration.

The submitted details combined with the site visit is sufficient information to determine an outline planning application.

No application has been determined for solar panels to the rear of 127 Longwood Road.

The sewage infrastructure would be a matter for the development to consider with Severn Trent and as part of the Building Regulations application.

Severn Trent, transportation, the Tree Officer and Western Power are all aware of the application and have commented.

Comments from neighbours have been accepted on this case since February 2017

The Council has not agreed a revised scheme, if an acceptable amended scheme had been received it would need to be approved by a planning committee due to the number of objections.

The access nameplate illustrated in the submission does not relate to the area however the submission which includes location plans and the address is sufficient to correctly identify the site.

Certificate B has been served on the relevant interested parties.

The application site is clear and an amended location plan has been received.

It is not clear how an approval of a private development could be considered to waste tax payers money which in any case is not itself a material consideration of a planning application.

Positive and Proactive Working with the Applicant

Positive amendments to the scheme were made during the application, however these did not go far enough to overcome all of the Council's concerns and the agent has chosen to revert the original scheme as submitted.

Comments from the fire service have been requested since the start of the application, unfortunately this were only received on the 19/11/18. Officers consider that the only way to fully address this objection is with the removal of 127 Longwood Road which the agent has already confirmed they are not willing to amend. In addition there has been two letters to the agent warning about the likely fire access requirements. For these reasons no further negotiations on this case with the agent are warranted.

Recommendation

Refuse subject to no new material considerations received that are not already covered in this report, as part of an additional 14 day consultation on amended details.

Reasons for Refusal

To refuse for the following reasons:

1. The proposed development is inappropriate within the Green Belt and would have an adverse impact on the character and openness of the green belt due to the excessive footprint which significantly exceeds the existing development to be removed which combined with the need for amenity space and parking would result in encroachment into the countryside and urban sprawl within the green belt. For these reasons the proposals are contrary to the aims and objectives of the National Planning Policy Framework, Black Country Core Strategy policies CSP2, ENV2 and Walsall Unitary Development Plan Policies ENV2, ENV3 and ENV32.
2. The distance between the Longwood Road and the proposed houses is excessive of the access standards required by the Fire Service and as such fire appliances will have to access the site. The application has failed to demonstrate that there is sufficient turning space for Fire Service appliances and does not provide a minimum width required of 5.5 metres and a minimum carrying capacity of 15 tonnes. The application is therefore contrary to Walsall's Unitary Development Plan, in particular policy 7.12 and ENV32.
3. The proposed development fails to meet the requirements of the NPPF 2018 para 110 to 'give priority to pedestrian and cycle movements, address the needs of people with disabilities and reduced mobility, create safe, secure and attractive places which minimise the scope of conflicts between pedestrian, cyclists and vehicles and allows efficient delivery of goods and access by service and emergency vehicles'. The access is considered unsuitable to serve as access to a modern residential development and would have a unacceptable impact on highway safety, to the safe and satisfactory operation and amenity of the development and to the detriment of the free flow of traffic on the busy

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classified road contrary to the NPPF para 109 to UDP Policy GP2, DfT Manual for Streets guidance, the NPPF and the Equalities Act 2010.

4. The application proposes work to protected trees outside of the applicant's ownership boundary, the works in any case would be insufficient to ensure an acceptable level of separation to the proposed houses so that future residents would not be compelled to seek permission to prune or remove these trees. The likely loss of these protected trees is contrary to the National Planning Policy Framework in particular paragraph 118, the Black Country Core Strategy policy ENV2 and Walsall's saved Unitary Development Plan, in particular policies GP2, ENV18 and ENV32, and the Supplementary Planning Document, Conserving Walsall's Natural Environment policies NE7 and NE8.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning, Engineering and Transportation on 29-Nov-2018

Plans List Item Number: 11.

Reason for bringing to committee: Call in by Cllr Kudhail on grounds of loss of privacy to neighbour.

Location: HOUSE IN THE WOOD, STREETLY WOOD, STREETLY, SUTTON COLDFIELD, B74 3DQ

Proposal: SECTION 73 APPLICATION: VARIATION OF CONDITION 2 OF 15/1635. ADDITION OF SIDE DOOR AND WINDOW, MODIFICATION OF WINDOWS AND CHIMNEY AND EXTEND SOUTH ELEVATION BY 0.45M AND RE-ORIENTATION OF THE DWELLING

Application Number: 18/1051

Applicant: Mr Peter Light

Agent: Andrew Gifford Architects

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

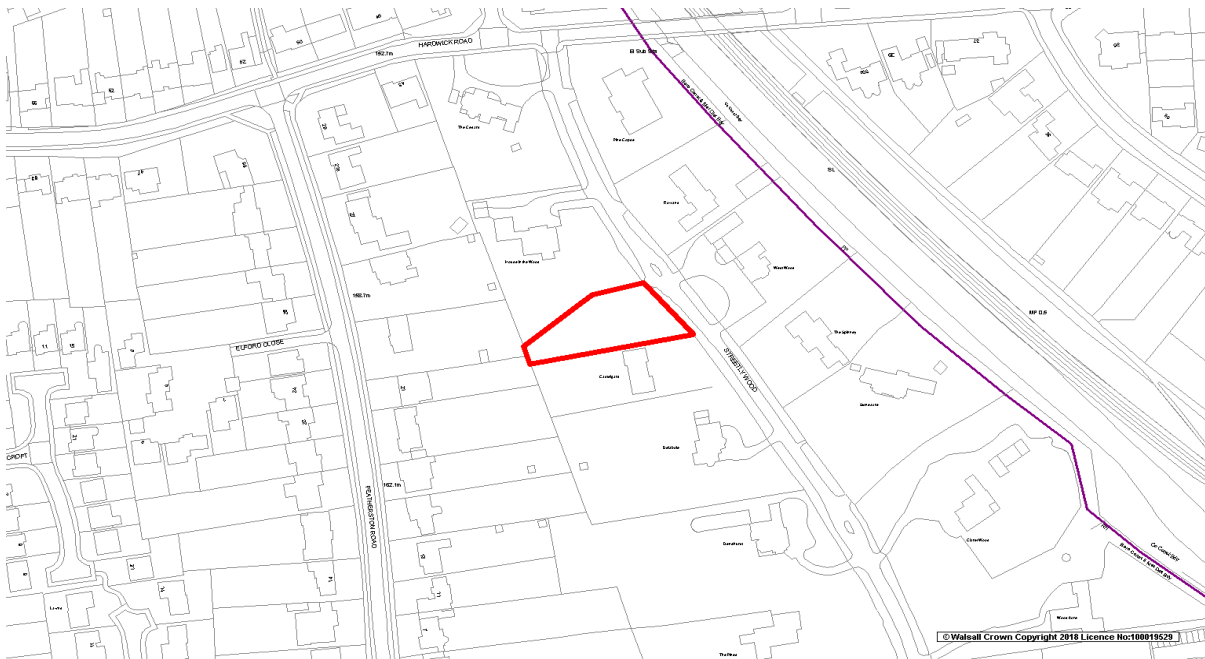
Case Officer: Paul Hinton

Ward: Streetly

Expired Date: 09-Oct-2018

Time Extension Expiry: 08-Nov-2018

Recommendation Summary: Grant subject to conditions



Current status

The 1/11/18 planning committee deferred the planning application to clarify the position regarding the plans being available on the website. All of the submitted drawings were made available on the Council's website in advance of the 1/11/18 committee and continue to be available.

As set out within the supplementary paper for the previous meeting the development description had been amended to include re-orientation of the dwelling. Re-consultation has been undertaken on the change to the description. Neighbour comments have been updated in the main report below.

The Local Planning Authority have been advised that the applicant has commenced development. In response, to this, the Council has written to the applicant's agent confirming that if they are implementing this current planning application that they are doing so at their own risk. The applicant does, however, have an existing planning permission at the site. The Enforcement Team are due to visit the site to assess the situation.

The report has been updated including the comments within the previous supplementary paper and further neighbour comments.

Proposal

This is a minor material amendment application that follows the grant of planning permission in May 2017 for a detached dwelling house. The application proposes the following changes:

- Add side door the north elevation of the garage (facing the neighbour at Castlegard)
- Replace secondary door to the front (east) elevation with a window
- Change the approved diamond shape, landing window on front (east elevation) to rectangular window.
- Add ground floor window to side (south) elevation serving the living room.
- Modify the chimney detail to the south elevation.
- Extend the two storey part of the west elevation by 450mm.
- Amend the orientation of the building.

Site and Surroundings

Streetly Wood is a gated private drive which serves 16 houses and is accessed from Hardwick Road to the north and Foley Road East to the south. The houses along Streetly Wood are set within large plots and separate driveways. This area has a spacious character with individually designed houses within areas of dense woodland. Existing houses along Streetly Wood are separated by distances ranging from 5 metres between Rowans and Westwood and the remaining houses by at least 11 metres.

Relevant Planning History

BC12885P – extension to lounge and conservatory – granted permission subject to conditions 11/12/84

14/0804/FL - Erection of 1 no. dwellinghouse with associated works. Refused 12/02/2015 for the following reasons:

1. *It is considered that the proposed new dwelling*
 - *would be of poor design and siting, to the detriment on the spacious character of the local area and amenity of future occupiers, by reason of incongruous utilitarian design,*
 - *lacks positive design cues from the existing house and local area*
 - *would have an unacceptably close proximity to Castलगard resulting in increased disturbance where a greater level of privacy between properties and quietness is characteristic in this area*
 - *have a poor relationship to Streetly Wood due to being built side-on to the street*
 - *result in a poor living environment for future occupiers because of shading from the dense tree canopy and leaf litter*
 - *have a lack of useable amenity space because of the densely wooded nature of the site*
2. *The felling of six Class B trees (classified in accordance with BS5837:2012) with high amenity value, and included in a Tree Preservation Order, would cause significant detriment to the landscape character of the site and the visual amenity of the wider area,*
3. *The siting of the proposed dwelling would lead to an unsustainable relationship with retained trees and it is considered likely to result in pressure on the Council from future occupier's for permission to heavily prune or remove additional trees to improve available amenity space and reduce overshadowing, leaf litter and potential risk of swaying/falling trees in close proximity to a dwelling. The removal of trees would cause significant detriment to the landscape character of the site and the visual amenity of the wider area,*
4. *The application fails to demonstrate that the proposals would not have a detrimental impact on foraging habits for bats within the site. The danger of the incremental loss of mature trees is considered likely to have an adverse impact on bat foraging. In the absence of information demonstrating that habits for bat foraging would be suitably protected,*

15/1635 - Erection of 1 no. dwellinghouse with associated works (Resubmission of 14/0804/FL). GSC 2/5/17.

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

development”.

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 5 – Delivering a sufficient supply of homes**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF says:

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

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

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

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
- HOU2: Housing Density, Type and Accessibility
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

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
- DW6 Legibility
- DW8 Adaptability
- 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

None required.

Representations

Surrounding occupiers notified by letter and site notice displayed.

One letter has been received objecting to the application on the following grounds (*officer comments in italics*):

- New window will seriously impinge on privacy as will be viewed when gain egress to and from property and garden.
- Light from the window will be clearly visible on accessing rear utility, kitchen, dining room and living area.
- Original planning permission stated no additional side facing windows or doors shall be installed.
- Applicant attempting to overcome objection to the 2014 planning refusal.
- Increasing the height and thickening out the gable end of the building causes an overbearing effect.
- Character already affected by removal of a number of trees subject to a Tree Preservation Order.
- Already little space between the buildings which will be exaggerated by the proposals.

Following re-consultation the objector has raised the following additional comments:

- Reorientation will bring the dwelling closer to Streetly Wood, further constricting access.
- Re-siting so close to the road will make the development completely out of character to other properties in the Wood.
- Due to the changes this should be a fresh planning application rather than minor amendment.
- Works have commenced on site and may be closer than they should be to Castlegard, request to check this was denied (*any works undertaken without the required planning permission are at the owner's own risk, the owner has been advised and Enforcement Officers are seeking access to check the works*).

Determining Issues

- Minor material amendment
- Principle of Development
- Character of the area
- Amenities of the surrounding residential properties
- Access and parking
- Local Finance Considerations

Assessment of the Proposal

Minor material amendment

There is no statutory definition of a 'minor material amendment' with the NPPG stating; 'it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved'. It is considered, the proposed changes to this building are not substantially different from those approved under the terms of planning permission 15/1635 and therefore can be treated as a minor material amendment.

Principle of Development

The principle of development was considered as part of the 15/1635 permission. It is considered there is no further impact.

Character of the area

The character of the area was considered as part of the 15/1635 permission. The road is characterised by detached houses of individual designs, shapes and sizes.

The approved side elevation of the house is between 7m and 7.2m from the side of the neighbour at Castlegard. The amended proposal seek to re-orientate the house in a clockwise direction that would result in a separation distance of between 7m and 7.8m. This would cause no further harm to the character and appearance of the area.

The south-eastern corner would be closer to Streetly Wood, now 22.6m compared to the approval at 24m. The existing properties along this western side of Streetly Wood are between 16m and 34m from the carriageway. The proposal would reflect this existing character.

The small increase to the two storey rear element by 450mm would cause no harm to the character of the area.

Amenities of the surrounding residential properties

It is considered, the garage side door would cause no harm to residential amenity.

It is considered, the replacement of the front elevation secondary door with a window would not harm residential amenity.

It is considered, changing the approved front elevation diamond shape landing window to a rectangular window would not harm residential amenity.

The application seeks to re-orientate the house by 4 degrees in an anti-clockwise direction. The approved side elevation of the house is between 7m and 7.2m from the side of the neighbour at Castlegard. The amended proposal would result in a separation distance of between 7m and 7.8m. The south-eastern corner would be closer to Streetly Wood, now 22.6m compared to the approval at 24m. Whilst one neighbour objects to the amendment explaining, there is already little space between the buildings which will be exaggerated by the proposals, it is considered, this increase would not cause further harm to residential amenity.

The proposed ground floor side facing window would face the neighbour, Castlegard. The approved planning permission, at the point of the proposed side facing window was 7m from the side of Castlegard with a blank elevation. The proposed secondary living room window would also be 7m from the side elevation. The side elevation of Castlegard includes a secondary access door with the main front door facing Streetly Wood. Castlegard benefits from two side facing obscurely glazed windows, one to the WC and the other to the garage. There is an existing 2.09m high boundary fence from where the ground levels drop on the application side. The approved house would be 0.5m lower than the ground level of Castlegard. The top of the proposed window in the proposed house, would be 2.4m above the ground level. Taking into account the ground level differences between the two properties, it is considered the proposed window would not exceed the top of the existing boundary fence. In addition there is an existing laurel hedge that is above this boundary fence.

Therefore, the existing boundary fence would screen the proposed secondary side-facing living room window. In the event that the fence was removed (this appears to be in the control of Castlegard) the proposed window would facing Castlegard where there is a door leading to a corridor of the house and towards two non-habitable room windows. Whilst the neighbour objects on privacy grounds and light from the window would be visible, it is considered the proposed side-facing window would not cause a loss of privacy to the neighbour.

The neighbour also explains that the original planning permission stated no additional side facing windows or doors shall be installed. This is a necessary condition to ensure if any additions are proposed they can be fairly assessed against the relevant planning policies at the time. In assessing this non material amendment, this particular side facing window does not cause harm.

The approved side (southern) elevation, facing Castlegard has an external chimney breast. The proposal seeks to move this 0.5m further to the rear of the house and also increase the spread of the base/fire place by 1m. This elevation faces the non habitable windows to the side of Castlegard and would be viewed against the backdrop of the two storey house with a boundary fence between. It is considered, these changes would not cause further harm to the residential amenity of the neighbour.

The application also seeks to extend part of the rear elevation by a further 450mm depth across the 5.2m width of the house. This would increase the size of the living room and the enclosed Juliet balcony at first floor. The approved house would project a further 1m to the rear than the rear of Castlegard. Due to the re-orientation of the house and including the proposed 450mm depth of the rear elevation, the proposed house would project 0.6m beyond the of Castlegard. It is considered, the proposed rear addition would not cause further harm upon the outlook of the neighbouring property.

The re-orientation and additional depth of the house would not cause further harm to the House in the Wood on the other side.

Objection has been received on the grounds that these changes are an attempt to overcome the 2014 planning refusal. The 2014 proposal was for a house far closer to the boundary with Castlegard and positioned further from the highway. The proposed changes, are different to the previously refused house and considered to not cause any further loss of amenity.

The objector also explains that the character is already affected by removal of a number of trees subject to a Tree Preservation Order. The previous planning permission approved the removal of a number of trees subject to compensatory planting. A scheme of replacement planting has been agreed through the conditional requirement of the previous approval and the same condition would be required as part of an approval of this application.

Access and parking

The principle of access and parking was considered as part of the 15/1635 permission. Concern has been raised that bringing the property closer to the road would restrict access. The house would have its own large drive and garage to provide sufficient off-

street parking. At 22.6m away from the road, the current proposal would not impact upon access along Streetly Wood.

Consideration of application through s73 of the Town and Country Planning Act (as amended)

Section 73 is often used where circumstances affecting the development have changed, meaning that the conditions which were originally imposed need to be amended. When considering an application under section 73 the LPA can decide that planning permission for the development should be granted without particular conditions or subject to different conditions to those which were attached to the original permission. In this case any conditions that have already been discharged are amended. The plans lists condition is amended to include the amended and additional drawings submitted as part of this application.

Local Finance Considerations

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

This application proposes one new home.

The Government has indicated that, for 2018-19, it will award approximately £1,000 per dwelling per year, plus a further £350 for each affordable dwelling, for each net additional dwelling provided. The payment is made each year for a period of 4 years from completion of the dwelling. In 2018-19 the total payments, taking account of completions over the last 4 years, are expected to amount to £3,637,301.

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

Conclusions and Reasons for Decision

The application has weighed all of the competing material considerations, including comments from the neighbour against the development plan policies, guidance and national guidance. This application seeks minor amendments to a previously approved new house. The proposal continues to be an acceptable use of the site. The changes are minor changes to the design of the development that would cause no visual harm and would not result in a material loss of amenity. Planning conditions that continue to be necessary and meet the six tests have been recommended.

For these reasons the proposal accords with the National Planning Policy Framework, Black Country Core Strategy policies CPS4, ENV2 and ENV3, Walsall Unitary Development Plan saved policies GP2, and ENV32.

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

Positive and Proactive Working with the Applicant

Amended plans have been submitted that provide clarification to the details of the application to enable support to be given.

Recommendation

Grant subject to conditions

Conditions and Reasons

1. This development must be begun before 2nd May 2020.

Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act, 1990 and in accordance of the terms of planning permission 15/1635

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

- Application Form. Deposited 06/11/2015
- Site Layout (03d). Received 18/9/18
- Location Plan. Amended Deposited 11/05/2016
- Block Plan (04c). Amended Deposited 11/05/2016
- Site Section (05a). Amended Deposited 11/05/2016
- Elevations (02b). Received 9/8/18
- Floor Plans (01b). Received 9/8/18
- Tree Shading Extent Plans (5831-A-06). Amended Deposited 25/10/2016
- Arboricultural Assessment May 2016. Amended Deposited 11/05/2016 –
- Appendix A – Tree Schedule. Deposited 11/05/2016
- Assessment of Trees for Bat Potential 31/07/2014. Deposited 06/11/2015
- Property Detail and Level Survey (13/091/01). Deposited 06/11/2015
- Planning Statement. Deposited 06/11/2015
- Addendum Planning Statement. Deposited 06/11/2015
- Design and Access Statement. Deposited 06/11/2015
- Bat Mitigation Strategy 03/11/2016 (5831/Bat Mitigation). Deposited 04/11/2016
- Bat Mitigation Plan (Figure 1). Deposited 04/11/2016
- Proposed front elevation with finished floor levels received 18/9/18

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

3. The development shall be implemented in accordance with the material details approved under the terms of condition discharge application 15/1635.

Reason: To ensure the satisfactory appearance and functioning of the development

4a. Prior to commencement of development, the replacement trees approved under the terms of condition discharge application 15/1635 shall be planted.

4b. The replacement tree planting shall be maintained for a period of 5 years from the full completion of the scheme. Within this period, any trees which dies, becomes seriously

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diseased, damaged or is removed shall be replaced with a tree of the same size and same species as that originally required to be planted, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To provide appropriate compensatory planting to ensure satisfactory visual amenity of the area and in accordance with UDP Policy GP2 and NE9 of the Natural Environment SPD.

5a. Prior to commencement of development, the bat boxes as approved under the terms of condition discharge application 15/1635 shall be fixed to trees as shown on the submitted bat mitigation plan.

5b. The bat boxes shall be positioned at least 3m from the ground (to help avoid predation and disturbance) and located so as not to interfere with any existing potential roosting features on the trees and positioned to avoid northerly aspects.

5c. In the event that a bat roost is discovered during construction, all works shall cease and shall not re-commence until a qualified ecologist has investigated and allowed works to proceed.

5d. External lighting shall be fully installed in accordance with the details approved under the terms of condition discharge application 15/1635 and thereafter maintained and retained as such.

Reason: To conserve local bat populations and in accordance with the NPPF and NE2 and NE3 of the Natural Environment SPD.

6a. Any tree works shall be carried out in accordance with the details approved under the terms of condition discharge application 15/1635 and to comply with British Standard 3998:2010.

6b. All retained trees shall be subjected to sound arboricultural management as recommended within section 8.8.3 of BS5837 Post Development Management of Existing Trees.

6c. All vegetation and, particularly, woody vegetation proposed for clearance shall be removed outside of the bird-breeding season (March - September inclusive). Where this is not possible, vegetation shall be checked for the presence of nesting birds prior to removal by an experienced ecologist.

6d. The use of no-dig construction methods shall be used wherever possible and in particular in the case of footways, driveways and other light use access roads.

6e. Any new utility services shall be positioned so not to encroach within the root protection areas of any retained trees as recommended by the guidance given in section 7.7 of BS5837 and shall wherever possible be ducted for ease of access and maintenance and grouped together near existing and new planting to minimise any future disturbance.

Reason: To safeguard trees and preserve and enhance the visual amenities of the locality in accordance with Policies GP2 and ENV18 of the Walsall UDP 2005.

7a. Retained trees shall be adequately protected during works in accordance details approved under the terms of condition discharge application 15/1635 and ensuring that the calculated root protection areas (RPA) for all retained trees are appropriately protected through the erection of the requisite tree protection barriers.

7b. Tree protection fencing shall be fit for the purpose of excluding any type of construction activity and suitable for the degree and proximity of works to retained trees comprised of a scaffold framework with a vertical and horizontal framework, well braced to resist impacts and barriers must be maintained to ensure that they remain rigid and complete for the duration of construction activities on site.

7c. The temporary ground protection measures approved under the terms of condition discharge application 15/1635 shall be fully implemented and retained during construction works in accordance with the approved details.

7d. Wide or tall loads shall not come into contact with retained trees and shall be supervised by Banksman where in close proximity to retained trees.

7e. Oil, bitumen, cement or other material that is potentially injurious to trees shall not be stacked or discharged within 10m of a tree bole and no concrete mixing shall be done within 10m of a tree. Allowance should be made for the slope of ground to prevent materials running towards the tree.

7f. Notice boards, telephone cables or other services shall not be attached to any part of a retained tree.

7g. Any trees which need to be felled adjacent to or are present within a continuous canopy of retained trees, shall be removed with due care and if necessary removal shall be in sections.

7h. No ground fires shall be permitted on the application site.

Reason: To safeguard trees and preserve and enhance the visual amenities of the locality in accordance with Policies GP2 and ENV18 of the Walsall UDP 2005.

8. The agreed dust and drag-out protection measures approved under the terms of condition discharge application 15/1635 shall be fully implemented and maintained throughout the duration of engineering and construction activities.

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

9. The drainage scheme approved under the terms of condition discharge application 15/1635 scheme shall be fully implemented in accordance with the approved details prior to the development first coming into use.

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

10. Prior to the first occupation of the house, the following security measures shall be fully installed and thereafter retained:

- i. New windows/ roof lights / patio / French doors/ windows should conform to PAS 24 2012 PS1A Standard with at least one pane of 6.4mm laminated glass in all ground floor windows.
- ii. All external doors should be to PAS 24 2012 standards. If a europrofile cylinder lock is to be utilised this doors testing and certification should incorporate a TS-007 3star cylinder lock.
- iii. Due to the increase in metal theft consideration should be used to minimising the use of lead in the design, by using lead substitute or alternative products.
- iv. The property should be fitted with a suitable intruder alarm utilising dual technology sensor or above and alarm sirens front and back of building.
- v. Garage doors should be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or WCL 2 BR 1.

Reason: To ensure a safe and secure development and to comply with the NPPF and policy ENV32 of Walsall's Unitary Development Plan.

11. Prior to the first occupation of the house, a minimum of two parking spaces measuring 2.4m by 4.8m each shall be installed and thereafter retained on the front drive within the curtilage of the application house and fully consolidated, surfaced and drained to prevent surface water run off on to the highway at all times.

Reason: To meet the requirements of UDP policy T13 and in the interest of highway safety.

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

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



Planning Committee

Plans List Item Number: 12.

Case Officer: Sally Wagstaff
Ward: Birchills Leamore
Expired Date: 30-Oct-2018
Time Extension Expiry:

[illegible]

Proposal

The proposal relates to the retention of a single storey rear extension plus ramp down to the rear garden level. The single storey extension will facilitate a downstairs bedroom to the rear of the kitchen. The proposal will be an addition to the existing rear extension. The overall depth being 5.78 metres.

The proposal measures:

- 2.78 metres in depth
- 5.6 metres in width
- 2 metres high to the eaves
- 2.2 metres in overall height

The proposed platform with the ramp for level access into the garden will adjoin the rear of the extension. The wall height to the rear of the ramp is 1 metre in height.

The applicant has started to erect a 2 metre wall with fence panel inserts to the shared boundary with no. 51. This can partially be built under permitted development however due to the ground being built up at the rear it will be higher than 2 metres in part. An amended plan to accurately reflect this has been provided.

This application follows a refusal of a previous application for prior approval for a proposed larger homes extension for a single storey rear extension 6 metres in depth, 3 metres to the eaves and 4 metres in total height (18/0970). The application was refused because work had already started on the site and this procedure cannot be undertaken retrospectively. The extension being applied for is the same depth however the proposed height is 2.2 metres and would require a reduction in height to that currently constructed on site to reduce the height from 3m to 2.2m.

Site and Surroundings

The property is a mid-terrace property in the row of 3 properties. Within the highway to the front of the property are a row of bollards preventing access through Green Lane. The property has a gable feature to the front elevation and a canopy over the porch. There is a wall and railings to the back of the footpath, the footway does not have a dropped crossing so there is no off street parking provision. To the southern elevation is a gated alleyway for access into the rear garden. The property has previously been extended with a single storey rear extension with a mono-pitched roof to the rear elevation 3 metres in depth. The property has a rear garden approximately 45 metres in length and is on two levels, previously there was a decking area with steps into the lower garden but this has been removed and the garden dug over in preparation for a ramp to be installed.

The neighbouring property no. 51 adjoins the right side of the property. It is similar in size to the application house. This property has a kitchen window approximately 1.6 metres from the boundary and a door into the rear garden on the opposite side of the rear elevation. The side access for the garden of no. 49 is between the two properties. At the time of the visit the boundary between the two properties had been removed and the 2 metre brick wall as shown on the plans was being erected.

The neighbouring property no. 47 adjoins the left hand side of the property. It has a single story rear extension 3 metres in depth which was flush with the original extension and is built to the boundary with the application site. The property has a habitable room window approximately 800 mm from the boundary and a door into the garden on the far side of the rear elevation.

To the rear of the site are properties 20 and 20 West Street. The tree screening to the rear boundary means that these properties are not visible from the application site.

Relevant Planning History

BC47232P - Single storey rear extension – Granted Subject to Conditions 15/11/96

18/0481 - Single and two storey rear extensions and detached garden room – Withdrawn 27/07/18.

18/0970 – Single storey rear extension 6 metres in depth, 3 metres to the eaves and 4 metre in total height. Prior approval refused 06/09/18 - *Works to the extension have started; it is not possible to undertake this process retrospectively. The proposal does not comply with the conditions, limitations or restrictions within Class A of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).*

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 12 – Achieving well-designed places**

On **planning conditions** the NPPF says:

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

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments

that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

On **consultation** the NPPF makes clear that statutory consultees should provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs. Where statutory consultation is required, statutory consultees are under a duty to respond to consultations within 21 days. Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in absence of their advice.

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 extension and ramp has been designed for the use of a disabled person. Disability is a characteristic that is protected by the Equality Act 2010.

Local Policy

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP4: Place Making
- ENV3: Design Quality

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- T7 - Car Parking

Supplementary Planning Document

Designing Walsall

- DW3 Character

Consultation Replies

Transportation Officer - Recommends that an adequate vehicular crossing is formed across the footway to enable the disabled user's vehicle to be parked on the front of the property.

Representations

One comment has been received by a neighbouring residents with concerns relating to:

- Work unfinished on site
- Unsecure and unsafe nature of site as boundary treatment has been removed

- Scaffolding, tools and materials with their rear garden

Determining Issues

- Design and Character of the area
- Amenity of Nearby Residents
- Parking
- Conclusions

Assessment of the Proposal

Design and Character of the Area

The proposal will have a flat roof which will be attached to the existing mono pitched roof. It is acknowledged that the two differing roof designs do not reflect the existing property nevertheless the proposal is single storey and would not have an unduly detrimental impact upon the character of the property.

It is acknowledged that the rear extension is more than half the depth of the existing house. Whilst the extension is large it scale it is considered that because extension to the rear of the property it would have a limited impact upon the character of the property. The proposal is not visible from within the streetscene and would not have a detrimental impact upon the character of the streetscene.

Amenity of Nearby Residents

The proposed extension projects beyond the rear of no. 47 by 3 metres. The proposal does not comply with the 45 degree code measured from the midpoint of the rear habitable room window within this property. Extensions which would breach the 45 degree code will not normally be allowed except for single storey rear extension where the length of the extension would not exceed 3.5 metres measured from the nearest window in the adjoining dwelling. This code is used to assess impact upon light, outlook and amenity.

It is acknowledged that the proposal would alter the outlook from the nearest habitable room window, nevertheless the depth and minimum height the proposal would not unduly limit the outlook from this window as to limit the enjoyment of this room.

The orientation of the property means that the extension would lead to shading in the morning, nevertheless it is considered the proposal would not lead to serious overshadowing as to limit the enjoyment of the rear habitable room and immediate patio area.

There are no windows proposed within the side elevation of the extension, it is considered the proposal would result in limited overlooking of the amenity of no. 47.

The proposal would not have an unduly detrimental impact upon light, outlook and privacy enjoyed by no. 47 Green Lane.

The proposal including the existing rear extension projects 5.78 metres beyond the rear elevation of no. 51 Green Lane. The existing extension complies with the 45 degree code

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however the additional extension does not when measured from the kitchen window within this property. The proposed extension coupled with the existing extension is larger than the 3.5 metres usually permitted when there is a breach of the 45 degree code. The proposal has been amended to reduce the roof height from 3 metres to 2.2 metres which would be 200 mm higher than the boundary treatment.

It is considered that whilst the proposal doesn't accord with the maximum depth permitted when there is a breach of the 45 degree code, the limited roof height coupled with the 2 metre high boundary treatment which screens the extension would mean the outlook from the kitchen window would not be unduly diminished by the proposal.

There remains a 1 metre gap between the two properties will remain, whilst the proposal introduces further built form within close proximity to the boundary with this property, the 1 metre separation distance coupled with the roof height means the proposal would not be overbearing on the amenity of this property. The orientation of the property means that the proposal would cause limited shading to the rear of this property.

The new doorway within the existing kitchen is to have obscure glazing to protect the privacy of the occupiers of the property and no. 47. There are no additional windows with the side elevation of the extension.

As mentioned above a prior approval application for a proposed larger homes extension was submitted in July 2018 for the rear extension but because the work had already started prior to decision prior approval was refused. The proposal in terms of size meets the requirements set out within Town and County Planning (General Permitted Development) Order 2015 Schedule 2, Part 1, Class A and no comments were received by adjoining residents, had the work not started the proposal would have been granted at a height of 3 metres to the eaves and 4 metres in total height. It is considered that the proposal at 2.2 metres in height and the boundary treatment lessens the impact on the amenity of neighbouring properties than what could have been approved on site. A condition will be attached to ensure that the wall is completed prior to occupation of the extension.

No comments have been received in relation to the size of the building and impact it may have on neighbouring residents. The neighbouring property submitted concerns that because construction on site had stopped the site was not secure and materials had been left in their rear garden. When the officer visited the site, the existing boundary treatment had been removed, the brick wall has been partially erected and access could be gained into the garden of no. 47. Whilst this is not a planning matter the officer advised the agent of the concerns and the agent advised that temporary fencing would be erected and the builder would be informed about materials. The officer is not able to confirm if this has been done.

On balance, it is considered that the proposal would not have an unduly detrimental impact upon the light, outlook and privacy of no. 51 Green Lane.

Reducing Inequalities

The proposed rear bedroom is for use by a disabled occupant. The Highway officer has advised that the Local Planning Authority needs to be mindful that the path from the rear of

the property to the front of the property is fit for purpose. The access to the side of the property does not form part of the planning application.

Parking

There is currently no off street provision, whilst application increases the number of bedrooms transportation has recommend a parking space is created on the frontage which would be favourable for a disabled person to be able to park their vehicle to the front of the property. A dropped kerb would be required for vehicular access, a condition will be attached to ensure that the parking space is provided prior to occupation of the extension.

Conclusions and Reasons for Decision

The design of proposal is considered to be acceptable in terms of size, height and materials and would not harm the character of the area. The proposal complies with saved policies GP2 and ENV32 of Walsall's UDP and Designing Walsall SPD DW3 Character. The development would not have an unduly detrimental limited impact upon the amenity of neighbouring properties in terms of light, outlook and privacy. The proposal complies with saved policies GP2 and ENV32 of Walsall's UDP and Designing Walsall SPD Appendix D. Taking into account the above factors it is considered that the application should be recommended for approval.

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

Grant Subject to Conditions

Conditions and Reasons

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

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

2: This development shall not be carried out otherwise than in accordance with the following approved plans: -

Plans, Elevations and Section as Proposed Option 2, drawing no.08-12 Rev C, deposited 13/11/18.

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: Notwithstanding the submitted information, the 2 metre high boundary treatment between no. 49 and no. 51 Green Lane shall be completed prior to first occupation of the development.

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

4a: Prior the first occupation of the extension one car parking shall be provided

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

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

5: The walls and roof of the extension shall comprise facing materials that match, in size, colour and texture as those which are used in the existing building and shall be retained as such after completion of the extension.

Reason: To ensure the satisfactory appearance of the development and to comply with policy ENV32 of Walsall's Unitary Development Plan.

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

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

Notes for applicant

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

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