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Planning Committee

Report of Interim Head of Planning and Building Control on 06-Feb-2020

Plans List Item Number: 1.

Reason for bringing to committee: Major application

Location: REAR OF FORMER 232, LICHFIELD ROAD, WILLENHALL, WV12 5BG

Proposal: INFILLING OF VOID SECTION BETWEEN THIRD FLOORS APPROVED UNDER PLANNING PERMISSION 13/0746/FL TO CREATE TWO FURTHER FLATS AND REPOSITIONING OF THE BIN STORE AND CAR PARKING.

Application Number: 17/0974

Applicant: R KUMAR

Agent: Configuration AUD LTD

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

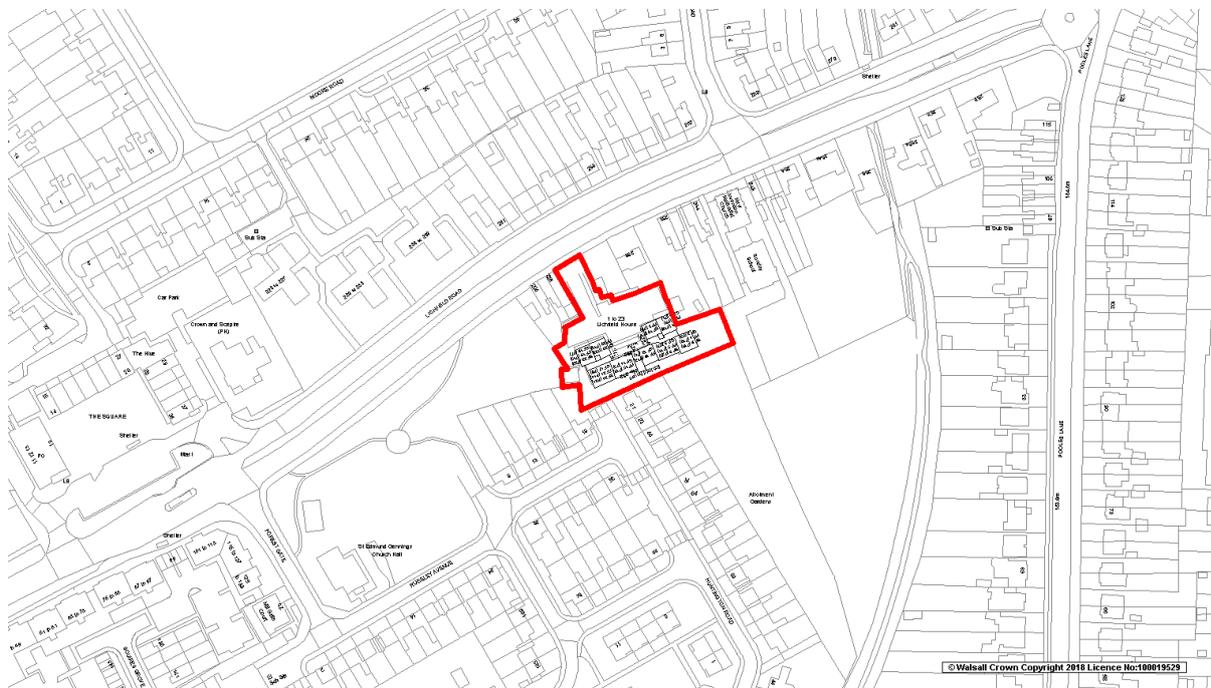
Case Officer: Devinder Matharu

Ward: Willenhall North

Expired Date: 24-Nov-2017

Time Extension Expiry: 14-Feb-2020

Recommendation Summary: Grant Planning Permission Subject to Conditions



Proposal

Infilling of void section between third floors approved under planning permission 13/0746/fl to create two further flats and repositioning of the bin store and car parking. This brings the total number of flats within the development to 25.

The flats will be finished in white render with a reconstituted stone surround.

The car parking on the site would be reconfigured to provide three parking spaces to the front of the apartments immediately behind 226 and 228 Lichfield Road.

Five Japanese Cherry trees will be planted along the rear boundaries with 224, 226 and 228 Lichfield Road.

The planning agent has submitted a schedule of planning conditions that have been part and fully discharged under the original permission.

A financial viability statement has also been submitted.

Site and Surroundings

The application site is an irregular parcel of land located on the southern side of Lichfield Road. The land forms the rear boundaries with numbers 224 to 236 Lichfield Road and the side boundaries of 15 and 21 Rugeley Avenue. A small section of the western part of the site forms the boundary with the open space fronting Lichfield Road.

The flats approved under 13/0746 are almost complete.

The area is residential in character with residential properties to the front, rear and sides of the site and on the opposite side of the road.

On the opposite side of the road, approximately 107m away is The Square local centre.

Relevant Planning History

13//0746 Erection of 2 and 3 storey residential blocks for 12, one-bed and 11, two-bed flats with associated parking, landscaping and associated works. GSC 02-Oct-2013.

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 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**
- **NPPF 16 – Conserving and enhancing the historic environment**

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

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

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- GP3: Planning obligations

- ENV11: Light Pollution
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33;Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H4: Affordable Housing
- T7 - Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis
- LC1: Urban open space

Black Country Core Strategy

- HOU1: Delivering Sustainable Housing Growth
- HOU2: Housing Density, Type and Accessibility
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

Walsall Site Allocation Document 2019

HC1: Land allocated for New Housing Development

HC3: Affordable Housing and Housing with people with special needs

T4: The Highway Network

Supplementary Planning Documents

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
- DW10 Well Designed Sustainable Buildings

Open Space SPD

- OS1: Qualifying development
- OS2: Planning obligations
- OS3: Scale on Contribution
- OS4: Local standards for new homes
- OS5: Use of conditions
- OS6: quality and value
- OS7: Minimum Specifications
- OS8: Phasing of on site provision for children and young people.

Affordable Housing SPD

- AH1: Quality of affordable housing
- AH2: Tenure type and size
- AH3: Abnormal 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

Coal Authority – No objection

Strategic Policy – No objection

Severn Trent Water – No objection

Transportation – No objection subject to planning condition relating to layout being implemented.

Arboricultural Officer – No objection subject to planting condition.

Fire Officer – No objection subject to compliance with Building Regulations for fire appliance access.

Representations

Fifteen letters from six residents have been received objecting to the proposal on the following grounds:

(Officer comments in italics)

- Discrepancies on forms including applicant's address – *as the form is complete there is no reason to query this*
- Wrong plans submitted to the Council
- Personal land ownership issues with the applicant- *not a material planning issue in this case.*
- no details of electronic gates
- health and safety issues including health and safety on site not complied with, incident with third party and fencing on site
- Flats are occupied contrary to conditions
- Too many flats in the area
- Apartments built higher than approval
- Threshold for social housing met, will this be provided.
- Eyesore
- Building is intrusive
- Overlooking
- Loss of privacy
- Loss of sunlight
- Planting of trees will not screen flats

- Concerns of the type of residents who will reside including: don't know who will reside there, who will they attract, will they be private or sold- *this is not a material planning consideration in this case.*
- Bin store not part of original application as lead to believe, position of the bin store is for vindictive purposes, increase vermin in the area, food contamination
- Boundary treatments including: boundary treatments not as lead to believe on the original application, a 2m high fence erected adjacent neighbouring kitchen window impacting upon amenity.
- Emergency access following Grenville Tower
- Access and parking issues including: not enough parking, not enough car parking spaces as per the original application, no bicycle storage, increase in congestion, increase on street parking, speeding vehicles along Lichfield Road- *this is a matter for the Police to enforce*, no designated parking in area, lanes already used for parking, emergency vehicles access,
- Devalue of property – *not a material planning consideration in this case.*

Determining Issues

- Principle of development
- Design and Character of the area
- Impact upon neighbouring occupiers
- Landscaping
- Parking and access
- Planning obligations
- Planning conditions
- Local finance considerations

Assessment of the Proposal

Principle of development

The principle of residential development has been established through the granting of planning permission under the 2013 residential scheme. The additional of a further two apartments are therefore, in principle supported.

Each application for flats or residential properties in the area are considered on their own merits in accordance with the housing needs survey and the requirement to provide homes in accordance with the Development Plan.

Neighbouring occupiers have objected to the proposal on the grounds that the applicant has provided incorrect information on the application form and submitted the wrong plans. As the application form is completed there is no reason for the LPA to query the accuracy of the addresses given as the onus is on the applicant to complete correctly. . The plans submitted to the LPA are the plans showing the addition of a further two flats and the parking layout showing the additional parking spaces and disabled parking spaces.

Any issues regarding health and safety on site is a matter for the Health and Safety Executive.

Neighbouring occupiers have raised objections on the grounds that the flats are occupiers contrary to planning conditions. The applicant has submitted details in order to address conditions.

Design and Character of the area

The design of the proposed additional flats is considered acceptable, as they match in materials and design to the overall scheme. The flats would visually blend in well with the development. The remainder of the development is three storeys high, it is considered that the erection of the two additional flats would not unduly harm the character of the area.

The development is set back and would not be visually intrusive within the street scene.

The original plans illustrates gates to the proposed development, these were removed following advice from the Highway Officer. The current plans do not show any provision for electronic gates to the site.

The bin stores have been relocated from outside the habitable side room of 228 Lichfield Road to the western side of the flats. Details of the bin store have been provided and in terms of its design and location are considered acceptable. There is no evidence to suggest that the bin store will increase vermin in the area or result in food contamination. Furthermore, any issues regarding vermin can be dealt with through Environmental Health legislation.

Neighbouring occupiers have objected to the proposal on the grounds that the flats are built too high, this is a matter for planning enforcement but does not preclude consideration of this application.

Impact upon the amenities of neighbouring occupiers.

The proposed development complies with the Council's 24m between habitable room windows in the case of the rear elevations of 224, 226 and 228 Lichfield Road to the front elevation of the proposed flats. As such, the proposed development would not unduly harm the amenities of these neighbouring occupiers in respect of loss of privacy or overlooking.

From the rear of number, 236 to the front elevation of the proposed apartments the proposal fails to meet the Council's 24m separation distance between habitable rooms by 0.3m. It is considered on balance, that this marginal shortfall would not unduly harm the amenities of these neighbouring occupiers in respect of overlooking or loss of privacy. The set back of the development, parking to the front of the development and boundary treatments would provide interrupted views and not direct views across to this neighbouring property.

The proposed development is set in the site and set off the boundaries with neighbouring properties; it is unlikely that the development will result in loss of sunlight that would warrant refusal of the two additional flats. Furthermore, any potential shading and loss of light from the original scheme have already been considered at the time.

Whilst the proposed development would be visible from the rear of number 224, 226, 228 and 236 Lichfield Road, the visual impact of three storey development would have been assessed at that time. The addition of a further two flats would not unduly harm the amenities of the neighbouring occupiers in respect of outlook sufficient to warrant refusal of the scheme. Landscaping in the site would provide interrupted views.

Landscaping

The proposal seeks to plant five Japanese Cherry trees along the rear boundaries of 224 to 228 Lichfield Road.

The Landscape Officer has no objection to the proposed planting provided details of the tree species, and sizes are submitted via planning condition and approved in writing.

Parking and access

The submitted plans show four disabled parking spaces in front of the flats with the provision of an additional two car parking spaces to the north western part of the site adjacent the rear boundaries of 226 and 228 Lichfield Road. In total the scheme would provide twenty seven off road parking spaces.

Neighbouring occupiers have raised objections on the grounds of emergency access following the events at Grenfell Tower. The issues regarding emergency escape is a matter for building regulations but the Fire Service have commented about the development being in accordance with Building Regulations for fire appliance access.

Neighbouring occupiers also raise objections on the grounds of not enough parking, concerns over the amount of parking on the original scheme, no designated parking in the area and the lanes along Lichfield Road are already used for parking. There is no evidence to suggest that the inclusion of a further two flats would result in severe on street parking issues to the detriment of highway safety. The proposal has provided additional car parking within the grounds of the development that would be sufficient for the residential development, as a whole. There is no evidence to suggest that the inclusion of a further two flats will increase congestion in the area or on street parking. The Highway Officer has no objection to the proposed development subject to a planning condition to ensure the parking is in accordance with the approved plan.

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

Planning obligations

The NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition and should only be used where they meet the tests: necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The NPPF states where a need for affordable housing is identified, policies should specify the type of affordable housing required and require on site requirement unless there are reasons to secure off site.

Policy GP3 of the UDP states planning obligations will be used as appropriate to secure the provision of any on or off site infrastructure facilities, services or mitigating measures made necessary by development to ensure development takes place in a satisfactory manner in accordance with policies of the plan.

Policy H4 of the UDP and HC3 of the SAD require the provision of affordable housing. Under the Affordable Housing SPD, any development with 15 residential units or ore will be required to make a contribution towards affordable housing. Policy AH5 of the SPD states on site provision of affordable housing would be preferred, however, if it is not possible then an off site commuted sum will be payable. In this case, an affordable housing commuted sum of £155.305 is required.

Saved UDP policy LC1 and the public open space supplementary planning document requires all residential development of ten or more dwellings to contribute towards the provision of all types of open space.

In 2013, planning permission was granted for 23 apartments and at that time a financial viability assessment was submitted, which the District Valuer concluded that the scheme for 23 apartments with affordable housing provision and open space contributions would be unviable. The proposal now seeks to increase the number of apartments from 23 to 25 with an additional 2no two bedroom apartments. The cumulative number of apartments on the site requires a commuted sum for 25 apartments of £26,030.00 is required towards public open space.

The District Valuer has confirmed in writing that the payment of the affordable housing commuted sum and contribution towards urban open space would mean that the scheme is not viable.

Given the above and the fact that the majority of the development is complete it is considered unreasonable to request further obligations in this instance for the development of two further flats.

Planning conditions

On the original planning permission 13/0746 for the erection of 2 and 3 storey residential blocks for 12no 1 bed and 11no 2 bed flats, ten planning conditions were attached to the permission with conditions 2 to 8 being pre-commencement conditions. The pre-commencement conditions have been discharged with conditions 3b, 4b, 5c, 6b, and 7b to be complied with, which means the works will need to be completed prior to the occupation of the flats. There are no outstanding planning conditions from the original approval despite the neighbour's concerns.

Local Finance Considerations

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

This application proposes two new homes.

The Government has indicated that, for 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 principle of development has already been acceptable following approval of 23 flats in 2013.

The design of the proposed additional flats are considered acceptable.

The positioning and design of the bin store and the proposed parking layout are considered acceptable.

A commuted sum towards urban open space and affordable housing would warrant the scheme unviable as confirmed by the District Valuer hence no Planning Obligation is recommended.

There are no outstanding planning conditions to be discharged.

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

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

Positive and Proactive Working with the Applicant

Approve

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

Recommendation

Recommendation: Grant Planning Permission 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 conformity with the following plans and documents,
 - Proposed site and location plan drawing number 0179_002/P4 submitted on 29-10-2019
 - Proposed elevations drawing number 0179_926 submitted 16-04-2019
 - Elevations as proposed drawing number 1281/12/B submitted 21-08-2017
 - Proposed elevations sheet 1 of 2 drawing number 0179_106/C1 submitted 01-10-2018
 - Proposed elevations sheet 2 of 2 drawing number 0179_107/C3 submitted 01-10-2018
 - Proposed second floor plan drawing number 0179_103 submitted 21-08-2017
 - Proposed ground floor plan drawing number 0179_101 submitted 09-08-2017
 - Proposed first floor plan drawing number 0179_102 submitted 09-08-2017
 - Second floor and roof plans as proposed drawing number 1281/11/B submitted 21-08-2017
 - Ground and first floor plans as proposed drawing number 1281/10/B submitted 21-08-2017
 - Weberpral M Monocouche Render in Chalk submitted 11-10-2018

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

4a. Notwithstanding the landscaping details shown on drawing number 0179-002/P4 submitted on 29-10-19 and prior to the commencement of development above damp proof course, a landscape plan showing details of tree planting and soft landscaping within the site (including quantity, species, size and location) shall be submitted to and approved in writing by the Local Planning Authority.

4b. The approved scheme shall be implemented within 12 months of any part of the development being brought into use.

4c. Any tree, plant, shrub 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: In the visual amenities of the area, to ensure the site is secured with appropriate landscaping and to provide adequate mitigation and screening for proposed occupiers in accordance with Saved UDP Policies GP2, ENV17 and ENV33 and Conserving Walsall's Natural Environment SPD.

5. The bin store as shown on proposed site and location plan drawing number 0179_002/P4 submitted on 29-10-2019 and proposed elevations drawing number 0179_926 submitted 16-04-2019 shall be erected and available to use prior to the first occupation of any flat within the development.

Reason: To ensure the occupiers of the flats have access to store waste adequately in accordance with Policies GP2 and ENV32 of the UDP.

6. Upon full occupation of the development hereby approved as shown on proposed site and location plan drawing number 0179_002/P4 submitted on 29-10-2019 the revised parking layout shall be fully implemented and thereafter be retained and used for no other purpose.

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

7. The integral cycle storage facilities together with the internal and external bin storage facilities shall hereafter be retained and used for no other purpose.

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

Notes for Applicant: Coal Authority

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Any form of development over or within the influencing distance of a mine entry can

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be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority



Planning Committee

Report of Interim Head of Planning and Building Control on 06-Feb-2020

Plans List Item Number: 2.

Reason for bringing to committee: Significant community interest

Location: MANOR PRIMARY SCHOOL, BRIAR AVENUE, STREETLY, SUTTON COLDFIELD, B74 3HX

Proposal: 1 NEW TEACHING BLOCK COMPRISING OF 2 CLASSROOMS, TOILETS, CLASS STORAGE, PLANT ROOM AND A NEW REPLACEMENT ALL WEATHER PITCH. ALL WEATHER PITCH TO HAVE MESH FENCING AND GATES.

Application Number: 18/0097

Applicant: Robertson

Agent: Harriet Sage

Application Type: Full Application

Case Officer: Devinder Matharu

Ward: Streetly

Expired Date: 18-Apr-2018

Time Extension Expiry: 30-Jan-2020

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

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- Overcoming the outstanding objections raised by Sport England

Proposal

1 no teaching block comprising of 2 classrooms, toilets, class storage, plant room and a new replacement all weather pitch.

The proposed teaching block would measure 12.2m by 18.2m and be 3.7m high with a flat roof.

An external plant area to the front of the teaching block would be provided measuring 5.2m by 2.7m.

The teaching block would be located between 2.2m and 3m from the western boundary of the site with numbers 5 and 7 Hawthorn Avenue. The side of the site adjacent these neighbouring properties and the proposed classroom would be enclosed by fencing and a gate.

The all weather pitch would measure 25m by 16.5m and will have mesh fencing and gates. No details of the mesh fencing and gates have been submitted.

A Design and Access Statement has been submitted which addresses the proposal.

A pre-arboricultural survey and impact assessment along with a tree survey schedule has been submitted.

A plan has been submitted showing 7 no additional parking spaces on site.

An addendum to the Transport Statement has been submitted which states:

- The school currently has capacity for 330 pupils and 38 staff together with a 52 place nursery
- The proposal will provide teaching spaces for an additional 60 pupils
- The increase in pupil numbers will be phased with an extra 15 pupils joining each September.
- No increase in the number of children attending the nursery.
- The school will open between 08.45 and 5.15 with before and after school clubs commencing 07.45 until 18.00

Ecological walk over survey and daytime bat assessment has been submitted which states further work before commencement will be required.

Site and Surroundings

Manor Primary School is located at the eastern end of Briar Avenue. The school is set back within the site. The single storey school buildings cover the majority of the northern part of the site adjacent number 14 Briar Avenue with the playing field to the

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south. The school site is irregular in shape where it extends beyond the rear of number 12 and 14 Briar Avenue and along the rear of numbers 7 to 11 Icknield Close and forms the boundary with numbers 1 to 21 Hawthorn Road, 25 to 39 Manor Road and 21 Briar Avenue. To the eastern part of the school site is Streetly sports club, playing field and tennis courts.

The eastern part of Briar Avenue is a cul de sac with single yellow lines and parking restrictions of no parking between 8am until 9.30am and 2pm until 4pm. The properties along this part of Briar Avenue are bungalows, which have off road parking facilities and low boundary treatments fronting Briar Avenue. There is a raised table within the highway outside number 12.

At the end of Briar Avenue to the north is a driveway that provides vehicular access to Streetly sports club. The driveway runs parallel to the school boundary.

Briar Avenue is located off the eastern side of Thorney Road. Hawthorn Road is accessed from the southern side of Briar Avenue where Briar Avenue becomes a cul de sac.

The area is residential in nature.

Relevant Planning History

BC59085P Manor Primary School, Briar Avenue. Single storey entrance and ramp - granted subject to conditions 1999.

BC61097P Portable classroom Manor Primary School, Briar Avenue - granted subject to conditions 2000

03/2300/FL/E5 Manor Primary School, Briar Avenue Portable classroom renewal of BC6109P - granted subject to conditions 2002

02/2077/FL/E5 Manor Primary School, Briar Avenue single storey teaching block and covered walk way - granted subject to conditions 2002.

06/0913/FL/E3 Manor Primary School, Briar Avenue. Early years teaching block, ramp, lobby, waiting area and activity area- granted subject to conditions 2006

10/1438/FL- Infill ex courtyard to create new library - granted subject to conditions 2006

14/0154/FL - Erection of a dance studio and extension of external canopy. Grant subject to conditions 2014.

14/0579/FL- Condition 5 of 14/0154/FL for the dance studio to be used from 7.45am to 6pm Monday to Friday with music played in dance studio between 9am to 5pm. Grant subject to conditions 2014.

19/0154- Change of use to car parking (demolition of existing caretaker's house). Grant subject to conditions 2019

19/0167 - 1 x classroom extension to existing school building. Grant subject to conditions 2019

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T13: Parking Provision for Cars, Cycles and Taxis
- LC3: Children's Play Areas
- LC6: Sports Pitches

Black Country Core Strategy

- CSP4: Place Making
- HOU5: Education and Health Care Facilities
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

EN1: Natural Environment Protection, Management and Enhancement

T4: The Highway Network

Supplementary Planning Document

Conserving Walsall's Natural Environment

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

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

Survey standards

- NE4 – Survey Standards

The natural environment and new development

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

Development with the potential to affect trees, woodlands and hedgerows

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

Designing Walsall

- DW3 Character

Consultation Replies

Sport England – Objection on the grounds that the applicant has not yet demonstrated that the size of the mini football pitches would not be affected.

Public rights of way – No objection

Pollution Control – No objection

Police No objection subject to secure by design for school including lighting, cctv and alarm system.

Fire officer – No objection subject to adequate water supplies for firefighting and compliance with Building Regulations.

Wildlife Trust – Awaiting comments.

Arboricultural Officer – No objection subject to planning conditions relating to tree protection measures.

Strategic Policy – No objection subject to the receipt of amended plans as set out in Sport England's formal objection.

Transportation – No objection subject to a planning condition to seek the submission of a construction management plan to prevent mud on the road and parking and manoeuvring space for contractors.

Representations

Twenty three letters from twenty residents have been received objecting to the original proposal on the following grounds (*officer's comments in italics*):

- Neighbours not notified- *all those neighbours who share a boundary with the school were notified of the planning application in line with the The Town and Country (Development Management Procedure) Order 2015.*
- Waste tax payers money – *not a material planning consideration in this case.*
- Demolition issues including: existing house accommodate a family and Government encouraging new homes of a house that could accommodate a family in the local area – *the demolition of the caretakers home has been removed from this application and approved under a separate application 19/0154.*
- Classroom should be located adjacent cricket ground and not adjacent houses
- Volume of children including: additional 60 pupils, limited space for increased number of children
- Loss of view- *Loss of a distant view is not a material planning consideration in this case.*
- Loss of privacy
- Loss of green space and gazebo
- Loss of trees
- Noise issues including: car engines left running by parents, noise and disturbance from previous building works at school, parent play loud music, dogs tied to gates resulting in dogs barking
- Pollution including car fumes
- Anti social behaviour of parents–*This is not a material planning consideration in this case. Any such matters need to be reported and investigated by the Police.*
- Residents have poor health exacerbated by running engines/fumes
- Parking and highway issues including parking congestion around Briar Avenue, Thorney Road and Hawthorn Road, local road should be one way roads, additional access from Manor Road via Icknield close should be created, single yellow lines should be double yellow lines, local roads not accessible from 8.30am to 2.30pm, illegal parking, parking restrictions ignored, parking on footpaths and grass verges restricting movement for prams and disabled, emergency vehicles and delivery vehicles restricted, driveways obstructed, parking restrictions should be enforced by Police and staff and traffic warden, coaches park outside neighbours houses on Briar Avenue, private driveways used for parking, on street parking causes bottlenecks, on street parking restricts vehicle visibility for residents reversing off driveways, bus services inadequate, transport statement is incorrect, parking survey incomplete and misleading, additional 40 to 60 car movements, narrow road not designed to accommodate school traffic, volume of cars parked during school run, cars parked all times of the day during the day and evening when events on, school could use the sports club car park, club next door used by members with up to 20 cars, road to club a single track with a sharp bend, customers to shops and Nissan garage use roads for

- parking, further parking restrictions should be put into place to reduce volume of traffic, adjacent club uses its own car park.

A petition with 70 signatures has been received objecting to the proposal on the following grounds:

- Residents face increase in Council Tax- *This is not a material planning consideration in this case.*
- Area too small to accommodate additional vehicles
- Highways issues including the road is not wide enough to accommodate additional vehicles, emergency vehicles would find it impossible to gain access to Briar Avenue
- Parking issues including double parking, parking on yellow lines, parking on footpaths, parking and blocking residents driveways, Briar Avenue Thorney Road, Manor Road and Hawthorne Road all inconvenienced

Six letters from five residents have been received objecting to the first set of amended plans on the following grounds:

- Previous works at school commenced at 7am
- Volume of children
- Confrontation between residents and parents - *This is not a material planning consideration in this case. Any issues regarding confrontation is a matter for the Police.*
- Parking and access issues including: increase in the number of vehicles coming and going from school, traffic congestion, no direct bus route means parents drive to school, accident waiting to happen, cars park on yellow lines on Briar Avenue, how many new car parking spaces, provision for drop off should be made

A petition with 61 signatures has been received objecting to the proposal on the following grounds:

- Increase in traffic
- Accident waiting to happen
- School not on a bus route
- Volume of children
- Increase in traffic

Two letters have been received objecting to the final set of amended plans on the following grounds:

- Position of the all weather pitch too close to adjacent neighbouring gardens
-
- The new pitch is larger
- Noise from children playing on pitch during school and after school
- Reduce hours pitch can be utilised by children
- Parking and access issues including: inadequate parking, blocked driveways, restricted access for emergency service vehicles, extend parking restrictions required to full length of Briar Avenue

Determining Issues

- Principle of development
- Design and layout
- Sport pitch facilities
- Impact upon neighbouring occupiers
- Impact on trees and ecology
- Parking and access

Assessment of the Proposal

Principle of development

The single storey teaching block would create a further two classrooms for teaching purposes. Policy HOU5 of the Black Country Core Strategy supports the enhancement of existing educational facilities. In this case, the proposed teaching block would accommodate an extra 60 pupils over a five year period with the increase in pupil numbers being phased with an extra 15 children joining each September. The school has the capacity to teach extra numbers children and as such the additional facilities should be supported.

Design and layout

Policy ENV32 of the UDP seeks to assess the design of development in respect of its height, scale and mass and emphasis poor design should be refused. The proposed teaching block would be positioned along the western part of the school site adjacent the rear boundaries of numbers 5 and 7 Hawthorn Avenue. The school have selected this as the best position on the existing site to accommodate the existing teaching block, as there is limited space within the existing built up part of the school to accommodate any further extensions without encroaching on the hard surface playground.

Amended plans have been submitted which shows the proposed teaching block having been reduced in height from 4.4m to 3.7m high across the whole structure.

Whilst the proposed structure is located away from the main school, the teaching block is still located within the school site.

No details of the proposed mesh fencing and gates have been submitted; as such these details will be secured by way of planning condition.

On balance, the design of the proposed teaching block is considered acceptable and in keeping with the existing school building. A planning condition can be attached to ensure the proposed development is undertaken using similar materials to those used in the existing school building.

Sport pitch facilities

Amended plans have been submitted showing the removal of the existing astro turf pitch and replacement with a larger 25m by 16.5m all-weather pitch to the western boundary of the site. Sport England have objected to the proposal, as they require the applicant to demonstrate the size of the mini football pitches would not be affected. Further amended plans have been sought and upon submission of those plans, a further 14 day re-consultation will be undertaken. As such, delegation to the Interim Head of Planning and Building Control is sought to resolve Sport England's objection. Strategic Policy have no objection to the proposal subject to the applicant taking heed of Sport England's comments.

Residents have raised concerns over the loss of green space and the gazebo. The area where the proposed teaching block is to be located would result in the removal of part of the grassed area of the school. However, the proposal seeks to provide a new all weather pitch, which would mean children are not deficient of playing space. Furthermore, the playground and the large playing field to the south of the school will remain available for children to play. The loss of the gazebo is a decision for the school and not a material planning consideration.

Impact upon neighbouring occupiers

The proposed teaching block would be located along the western boundary of the school site towards the rear of numbers 5 and 7 Hawthorn Road being set between 2.2m and 3m away from these neighbouring boundaries.

There are two small windows within the western elevation of the proposed teaching block that would be seen above any 2m high boundary. However, these windows belong to toilets and as such will be obscurely glazed to provide privacy. As such, a planning condition is recommended to ensure these windows are obscurely glazed and top opening only to protect the amenities of neighbouring occupiers from potential loss of privacy and overlooking.

The proposed teaching block would be visible above any 2m high boundary; 1.5m of the structure would be visible above neighbouring fencing. It is considered whilst the structure would be visible it would not unduly harm the amenities of neighbouring occupiers in respect of loss of outlook to warrant refusal of the scheme. This would be similar to any neighbouring occupier erecting an outbuilding along the boundary with the school.

The proposed new all weather pitch will be located along the western boundary of the school site adjacent neighbouring properties on Hawthorn Avenue. The existing school playing fields currently form the boundary along the western part of the school site. As such, it is practical that the all weather pitch is located here and whilst the pitch is larger, it would be no different to the larger sports field to the south of the

school being utilised. The LPA consider it would be unreasonable to restrict the hours of use of the all weather pitch. The pitch would be utilised during school times, just as the existing sports field is. The proposal does not include any external lighting to the all weather pitch, as such, it is unlikely the pitch would be used in the winter when it gets darker. The use of the pitch in the summer would be no different to the use of the currently sports field. Should the school wish to erect lighting around the pitch then planning permission would be required and any lighting and the impact it has on neighbouring amenity will be assessed at that time.

Neighbouring occupiers have raised a number of concerns regarding noise but this is a matter for Environmental Health to pursue under Environmental Health legislation.

On balance, the proposed teaching block would not unduly harm the amenities of neighbouring occupier's in respect of noise from the use of the new all weather pitch, loss of privacy, loss of light or loss of outlook sufficient to warrant refusal of the application.

Impact on trees and ecology

The submitted arboricultural survey identifies a small number of trees categorised as poor to be removed. Policy ENV18 of the UDP seeks to safeguard existing trees and where trees are lost, the loss is minimised appropriate planting. The Arboricultural Officer has no objection to the proposal subject to tree protection measures for the existing trees on site, which can be secured by planning condition.

An amended daytime bat survey has been submitted, consultation with the Wildlife has been undertaken. The re-consultation on amended plans expires on 30-01-2020; members of planning committee will be updated with regards to the Wildlife Trust's response. Delegated powers to the interim Head of Planning and Building Control is sought to resolve these matters.

Parking and access

The development is for a new teaching block comprising two new classrooms to provide for an additional 60 pupils. The increase in pupils will be phased with an additional 15 pupils enrolling each September. An analysis of existing travel patterns has been used to establish predicted travel modes and it is predicted a net increase of approximately 82 two-way car borne trips. This equates to seven additional cars every 5 minutes during the peak school periods.

To mitigate the increase in car borne trips the school recently proactively engaged with the Council's A-Stars initiative, which promotes road safety and sustainable travel. The school also has its own Travel Plan to encourage modal shift away from the motor car.

The predicted increase in staff who will travel by car can be accommodated within the newly increased 37-space car park.

Neighbouring occupiers have raised a number of objections in respect of parking, traffic, double-parking, blocking of driveways etc. The LPA responds that any issues regarding obstruction of private driveways and public footpaths are matters for the Police to enforce. Any issues regarding parking on double yellow lines and parents ignoring parking restrictions on local roads is a matter for the Civil Enforcement Officer to enforce. The issues raised by neighbours that local roads should be one way roads and single yellow lines on local roads should be upgraded to double yellow lines is a traffic regulation order, is a matter for the highway department to consider. The issues regarding lack of bus services serving the school is a matter for Travel West Midlands. The issue regarding the creation of a drop off point for parents is a matter for the school.

The development will result in a relatively modest increase in car borne trips to the school and in parking in the local streets, the Highway Authority is confident any impact on residents will be minimised by the mitigation measures recommended. On balance, the Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2018 paragraph 109.

Conclusions and Reasons for Decision

The principle of development and design and layout of the development is acceptable. The proposed teaching block would not unduly harm the amenities of neighbouring occupier's in respect of noise from the use of the new all weather pitch, loss of privacy, loss of light or loss of outlook sufficient to warrant refusal of the application. The Highway Authority considers the development will not have an unacceptable impact on road safety or have severe cumulative impacts on the operation of the road network and is acceptable in accordance with the NPPF 2018 paragraph 109.

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

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

Positive and Proactive Working with the Applicant

Approve

Officer's have requested amended plans in line with Sport England's objection to overcome their concerns.

Recommendation

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

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- No further comments from a statutory consultee raising material planning considerations not previously addressed;
- Overcoming the outstanding objections raised by Sport England.

Conditions and Reasons

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

- Design and Access Statement RevA submitted 05-11-2019
- Transport statement addendum submitted 05-11-2019
- NO17-2054-1 submitted 25-01-2018
- Proposed plan 31746/P04 submitted 19-12-2019
- Proposed astro turf plan 31746/P07 submitted 19-12-2019
- Proposed site elevations 31746/P07 submitted 25-11-2019
- Site location plan 31746/P01 submitted 25-11-2019
- Proposed site plan 31746/P03 submitted 19-12-2019
- Proposed externals plan car parking plan 30341/MP203/A submitted 21-02-2018
- Pre-development arboricultural survey and impact assessment submitted 24-01-2020.

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

3a. Prior to the commencement of development a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

- i. Construction working hours
- ii. Parking and turning facilities for vehicles of site operatives and visitors
- iii. Loading and unloading of materials
- iv. Storage of plant and materials used in constructing the development
- v. A scheme for recycling/disposing of waste resulting from construction works
- vi. Temporary portacabins and welfare facilities for site operatives
- vii. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway

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

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

4a. Prior to the commencement of development including any ground clearance, demolition or construction work, details of the location and specification of tree protective fencing in accordance with BS:5837 (2012) shall be submitted to and approved in writing by the Local Planning Authority.

4b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved development and the protective fencing shall be maintained for the duration of the works and no vehicle, plant, temporary building or materials, shall be allowed within the protected area(s).

Reason: To prevent trees or hedgerows on site from being damaged during building works in accordance with saved Policy ENV18 of the Walsall UDP 2005.

5a. Prior to the commencement of development, details of the proposed mesh fencing and gates to be installed around the all weather pitch shall be submitted to and approved in writing by the Local Planning Authority.

5b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved development.

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

6. Notwithstanding drawing number 31746/P04 submitted 19-12-2019, the ground area to the north of the proposed teaching block shall not be raised or lowered where it enters the root protection area (RPA) of the retained trees.

Reason: To prevent trees or hedgerows on site from being damaged during building works in accordance with saved Policy ENV18 of the Walsall UDP 2005.

7. The walls and roof of the development hereby permitted shall comprise facing materials that match, in size, colour and texture, those which are used in the existing school buildings and the facing materials shall thereafter be retained for the lifetime of the development.

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

8. The windows in the western elevation of the teaching block belong to the WC's as shown on drawing number 31746P/04 entitled proposed plan submitted on 19-12-2019 and drawing number 31746/P/05 entitled proposed elevation submitted 25-11-19 hereby approved shall be fixed and obscurely glazed.

Reason: To protect the amenities of the neighbouring occupiers in accordance policy ENV32 of the UDP.

Notes for applicant: Highways

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

Notes for applicant: 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://dl.dropboxusercontent.com/u/299993612/Publications/Guidance/Firefighting/national-guidance-document-on-water-for-ffg-final.pdf>

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

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



Economy and Environment, Development Management

Planning Committee

Report of Interim Head of Planning and Building Control on 06-Feb-2020

Plans List Item Number: 3.

Reason for bringing to committee: Contrary to consultee advice

Location: RAILSWOOD MEADOW, RAILSWOOD DRIVE, PELSALL, WALSALL, WS3 4BE

Proposal: DEMOLITION OF STABLES AND ERECTION OF ONE DWELLING

Application Number: 19/0853

Applicant: Mr & Mrs Kenyon

Agent: Mr Richard West

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

Case Officer: Gemma Meaton

Ward: Pelsall

Expired Date: 18-Sep-2019

Time Extension Expiry:

Recommendation Summary: Grant Planning Permission Subject to Conditions



Proposal

This is a revised submission following the refusal of a previous application for the installation of a mobile home with raised decking. This application now proposes the removal of 3 stables, an open hay barn and 1 large metal container, the relocation of a smaller metal container and the installation of a 2 bed mobile home on the site of the existing stables, hay barn and storage container. The proposals also include the provision of two parking spaces to the south east of the new home and would utilise the existing access to the site off the unadopted section of Railswood Drive.

5 existing wooden stables at the southern end of the site would be retained.

The mobile home would measure 13.4m x 6.7m with an eaves height of 2.5m and pitched roof ridge height of 3.4m. The accommodation would provide 2 bedrooms (1 with ensuite), bathroom, utility/kitchen and open plan lounge and dining area. The building would face east. The mobile home would be secured to a concrete base

The proposals would result in the loss of two existing trees to the north of the existing structures, with 5 replacement trees and a new mixed hedgerow proposed along the northern boundary of the site adjacent to the unadopted section of Railswood Drive.

The scheme has been revised since submission to show the retention and relocation of the smaller storage container rather than the larger one and to provide additional information regarding the volumes of the structures to be removed and to include landscaping details.

The following have been submitted in support of the application:

- Volume Calculations
- Planning Statement
- Information for Coal Authority

Site and Surroundings

The site is situated at the eastern end of Railswood Drive (beyond the railway bridge). The adopted highway ends at the railway bridge with an unadopted access drive running beyond.

The site is on the southern side of the access drive, immediately to the east of the former railway line. The site sits within designated Green Belt and comprises a paddock to the north of horse stables with further paddocks used for horse grazing beyond, outside of the application site but in the ownership of the applicant. The site has an existing gated access off the main access drive with a driveway down the eastern side of the site leading to the stables and other paddocks beyond. There are

a number of large mature trees immediately adjacent to the site and a number of trees within the site.

Immediately to the east of the site is the former Railswood Gardens – horticultural nursery, where the remains (framework) of former glass houses and polytunnels are still situated. Further to the east is a caravan storage field and to the north east Railswood Farm. To the south of the site are paddocks for grazing horses, owned by the applicant. To the north are two bungalows, Railswood Tractors (tractor repair and servicing) yard and a residential caravan for a gypsy family.

Relevant Planning History

19/0108, installation of mobile home with raised decking and 2 parking spaces refused 29-03-19.

Reason for Refusal:

1. The proposals represent inappropriate development within the Green Belt and no very special circumstances have been put forward sufficient to outweigh the harm this inappropriate development would cause to the character and openness of the Green Belt. As such the proposed development would be contrary to paragraphs 144, 145 and 146 of the NPPF 2018, Policy GB1 of the Walsall Site Allocation Document 2019 and the aims and objectives of the Black Country Core Strategy, in particular Policy CSP2.

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 5 – Delivering a sufficient supply of homes**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 13 – Protecting Green Belt land**

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

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

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

3.2 to 3.5 The Countryside and Green Belt

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

Black Country Core Strategy

CSP2: Development Outside the Growth Network

- HOU2: Housing Density, Type and Accessibility
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Walsall Site Allocation Document 2019

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

Supplementary Planning Documents

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

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
- DW7 Diversity
- DW8 Adaptability
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

Air Quality SPD

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

Consultation Replies

Officer's comments are in *italics*

Strategic Planning Policy – Objects to the original proposal on the basis that the structures on site are considered temporary in nature and excluded from

development types that are not inappropriate in the Green Belt (NPPF paragraph 145 g). Even if it was considered that the site is previously developed, use as a permanent dwelling is likely to have a greater impact on openness than the current use, given these criteria. (*These comments are based on the scheme circulated on 23 July 2019. Additional comments on amended plans submitted on 20 December 2019 will be reported to committee.*)

Coal Authority – Following the submission of additional information which shows no substantial foundations are required for the unit the Coal Authority have confirmed that a Coal Mining Risk Assessment is not required despite the site location within a High Risk Development Area. A note to applicant is recommended.

Pollution Control – No objections subject to a condition to ensure compliance with Air Quality SPD.

Natural England – No comments

Fire Officer – Compliance with national guidance and Building Regulations required.

Transportation – No objections

Archaeology – No archaeological implications for this development

Severn Trent Water – No objections, no drainage condition required, note to applicant re public sewers recommended.

Representations

Three objections received – officer comments in italics.

Objections:

- Yet another application for a mobile home
- Railswood Drive will become nothing more than mobile homes for everyone
- Enough traffic already
- 20 mile speed limit not adhered to (*not a material planning consideration*)
- Already rejected on grounds of Green belt land, what difference does demolition of stables make to refusal?
- Too many planning violations taking place affecting residents in Railswood Drive
- Green Belt Land
- Insufficient consultation with residents.

Determining Issues

- **Whether the proposals overcome the previous reason for refusal in terms of very special circumstances sufficient to outweigh the harm this inappropriate development would cause to the character and openness of the Green Belt**
- **Local Financial Considerations**
- **Other Issues**

Assessment of the Proposal

Whether the proposals overcome the previous reason for refusal in terms of very special circumstances sufficient to outweigh the harm this inappropriate development would cause to the character and openness of the Green Belt

The site lies within the West Midlands Green Belt as identified in Walsall's Site Allocations Document Policies Map.

The previous scheme proposed a new mobile home on the paddock land to the north of the existing stables and storage containers and was refused on the basis of failure to demonstrate very special circumstances sufficient to outweigh the harm this inappropriate development would cause to the character and openness of the Green Belt. The current proposals include the demolition/removal of existing structures (stables, metal storage containers and hay barn) to be replaced by a new mobile home (3m smaller in length than previous) on the same footprint as the removed structures.

Paragraphs 145 and 146 of the NPPF identifies that construction of new buildings in the Green Belt are inappropriate except in a list of exceptions. Whilst new dwellings are not listed as a specific exception and are regarded as inappropriate development, in this case it is considered that exception g) in paragraph 145 should apply:

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

In order for exception g) to be appropriate the initial assessment must be whether or not the structures to be removed/demolished represent previously developed land. Case law defines that the size, degree of permanence and affixation of the structures/containers defines whether they are operational development or not. Evidence has been submitted with the application to confirm that the structures have been in situ for more than 4 years. A single roof extends over the 3 stables and the metal storage container to be removed, providing a degree of permanence as the container could not be removed without the dismantling of the roof structure. These

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structures are therefore considered to be operational development and represent previously developed land. The hay barn to be removed however is a separate more flimsy structure and is not considered to be previously developed land, and cannot therefore be used in calculating the volume of structures to be removed.

The existing structures to be removed that are considered to be previously developed land (3 stables and a large metal storage container) have a volume of 334.95m³. The proposed mobile home would have a volume of 327.06m³. The proposals would therefore result in a reduction of 7.89m³ of built form at the site, in compliance with exception g), partial redevelopment of previously developed land.

An assessment of whether the development would have a greater impact on the openness of the Green Belt than the existing development therefore also needs to be made.

The proposed mobile home would be detached from the remaining storage container and stables, but the new building would sit within the existing footprint. Whilst the ridge height of the new mobile home would be 0.3m higher than the highest point of the existing roof over the stables and container the eaves height of the mobile home at 2.5m would be lower than the eaves of the existing structures by between 0.2m and 0.4m. It is considered that the overall impact of the mobile home would not be dissimilar to the existing structures in terms of position, height and volume.

Two off street parking spaces would be provided for the new dwelling (in compliance with Policy T13) on an existing area of hardstanding currently used for parking when the applicant visits the site to tend to the horses, it is considered that the proposed parking would have no greater impact on the openness or appearance of the Green belt over the existing situation. A condition to restrict permitted development for extensions, alterations and additions including provision of hardsurfacing at the site is recommended to safeguard the green belt.

The proposals would result in the loss of two trees immediately adjacent to the existing structures. These trees are however in poor condition and the revised proposals include 5 new trees and a mixed species hedgerow to be planted on the northern boundary of the site with Railswood Drive, which in time would provide a natural screen of the development from the unadopted road, which is considered appropriate.

In these circumstances it is considered that the proposals are no longer inappropriate development in the Green Belt that require very special circumstances to be demonstrated, the proposals now comply with exception g) of paragraph 145 of the NPPF, and it is considered that the new mobile home would not have a greater impact on the openness of the Green Belt than the existing 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 one new home.

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

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

Other Issues

The paddock area to the north of the proposed mobile home would provide approx. 660m² of amenity space for the new dwelling, far exceeding the 68m² required by Appendix D of Designing Walsall. The proposals also fully comply with the separation distances to other residential properties required by Appendix D, with a separation of approx. 49 between the proposed dwelling and the nearest bungalow on the northern side of Railswood Drive.

Objectors have commented on an increase in traffic, it is considered that this is unlikely to be the case as the applicant currently visits the site to attend to the horses on a daily basis, so any additional traffic movements over and above the existing is likely to be minimal.

Whilst there is one existing mobile home to the north of the site, two previous applications for mobile homes in the immediate vicinity have been refused. Each application is determined on its own merits.

Neighbours in the immediate vicinity notified on the previous application were notified on this application and a site notice was posted at the entrance gate to the site.

Conclusions and Reasons for Decision

The size, degree of permanence and affixation of the structures/containers to be demolished/removed are considered to be operational development and represent previously developed land. The proposed development would no longer constitute inappropriate development within the Green Belt that requires very special circumstances to be demonstrated. The proposals now comply with exception g) of

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paragraph 145 of the NPPF, and it is considered that the new mobile home would not have a greater impact on the openness of the Green Belt than the existing development as the new dwelling would have a reduced volume over the existing structures.

The proposed landscaping (trees and hedging) would provide a natural screen of the development from Railswood Drive.

The proposals would exceed the requirements of Appendix D of Designing Walsall in terms of amenity space and separation distances and would comply with Policy T13 of the UDP in terms of parking.

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 volume and permanence of the structures to be demolished and the loss of trees, amended plans, additional information and a landscaping scheme have been submitted which enable full support to be given to the scheme.

Recommendation

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

- Block Plan drawing KEN007 submitted 3rd July 2019
- Existing Floor Layouts Plan drawing KEN003a Rev 1 submitted 11th December 2019
- Proposed Floor Layouts Plan drawing KEN003b Rev 1 submitted 11th December 2019

- Existing Site Layout Plan drawing KEN004a Rev 1 submitted 11th December 2019
- Proposed Block Plan Drawing KEN004b Rev 1 submitted 11th December 2019
- Existing Elevations Drawing KEN005 Rev 1 submitted 11th December 2019
- Proposed Elevations Drawing KEN005a Rev 1 submitted 11th December 2019
- Landscaping Plan Drawing LS-001 submitted 8th January 2020
- Volume Calculations submitted 11th December 2019
- Planning Statement submitted 3rd July 2019
- Information for Coal Authority submitted 20th August 2019
- Letter from Cerda Planning (Agent – Richard West) dated 4th December 2019

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. Prior to the installation of the development hereby permitted all the materials from the demolition of the existing stables and roof and the large metal storage container shall be removed from the site.

Reason: In order to define the permission and ensure no adverse impact on the openness and character of the Green Belt in accordance with Policy GB1 of the SAD.

4a. Prior to the first occupation of the dwelling written details shall be submitted to and approved by the Local Planning Authority on how the requirements of the Black Country Air Quality SPD will be implemented.

4b. The agreed measures shall be implemented prior to occupancy and a written validation statement shall be submitted to the Local Planning Authority.

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.

5a. The landscaping scheme hereby approved under Drawing No LS-001 submitted 8th January 2020 shall be carried out in the first planting season following the installation of the mobile home on the site.

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

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

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

- Class A (enlargement, improvement or other alterations),
- Class B (additions to the roof),
- Class C (other alterations to the roof),
- Class D (porches),
- Class E (building incidental to the enjoyment of a dwelling house),
- Class F (hard surfaces incidental to the enjoyment of a dwelling house),
- Class G (chimneys, flues),
- Class H (microwave antenna)],

shall be installed in any part of this hereby approved development.

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

Notes for Applicant

Coal Authority

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant).

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

Severn Trent Water

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

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

Pollution Control – Air Quality SPD

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

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

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

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

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

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

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



Planning Committee

Report of Interim Head of Planning and Building Control on 06-Feb-2020

Plans List Item Number: 4.

Reason for bringing to committee: Significant Community Interest

Location: 10, WHITEHORSE ROAD, BROWNHILLS, WALSALL, WS8 7PD

Proposal: PROPOSED DEMOLITION OF EXISTING PUBLIC HOUSE AND CONSTRUCTION OF 4 X 3 BED HOUSES AND 2 X 2 BED FLATS.

Application Number: 19/0296

Applicant: Mr Singh

Agent: Oakham Design Ltd

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

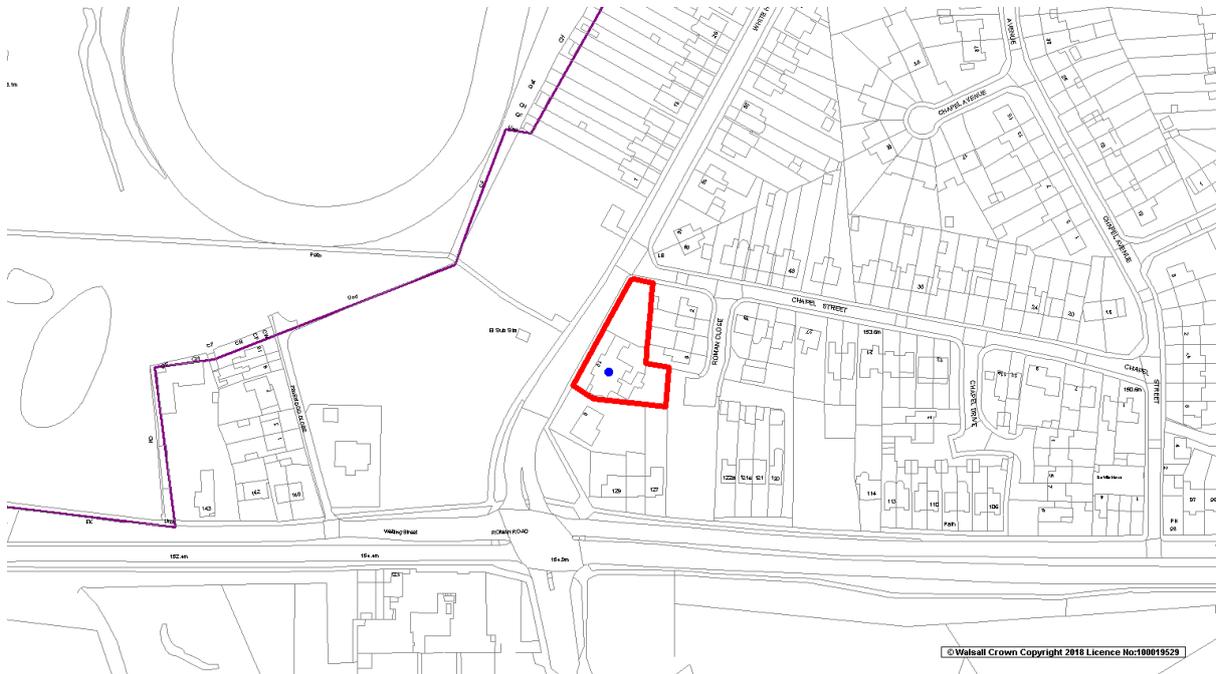
Case Officer: Gemma Meaton

Ward: Brownhills

Expired Date: 26-Apr-2019

Time Extension Expiry:

Recommendation Summary: Grant Planning Permission Subject to Conditions



Proposal

The application proposes the demolition of the former White Horse Public House and the development of 4 No three bedroom semi-detached dwellings and 2 No two bedroom flats. The development would front onto White Horse Road, to the north of the intersection with Watling Street (A5).

The buildings would be set back from the highway in order to provide landscaped front gardens and parking for two cars for each dwelling unit with new highway accesses required in the form of four sections of dropped kerb.

The buildings would be two storey with a maximum height of 8.7m and a total footprint of approximately 291m². Materials would be facing brickwork and light coloured render with a concrete tiled gable roof with front gable feature.

The accommodation within the houses would comprise a kitchen to the front of the building with rear lounge and French Door access to the rear gardens. A central stair with ground floor W.C. would give access to three bedrooms with a master en-suite, family bathroom and built-in storage.

Windows to the flank elevations would serve bathrooms and would be obscure glazed. No accommodation is proposed in the roof space.

Private rear gardens of are provided in the layout of 78m² for Plot 1, 92m² for Plot 2, 96m² for Plot 3 and 90m² for Plot 4. The private gardens would be provided running towards the rear of the property which would be surrounded by 1.8m close boarded fence.

The proposed flats would be provided in a separate building to the north of the site. Both flats would have two bedrooms with a dual aspect main bedroom to the North West and kitchen living areas to the rear of the building. No windows are proposed on the rear elevation facing towards Roman Close and windows in the side facing the dwellings would be obscured.

Communal outside space would be provided to the side and rear of the building measuring approximately 100m² which equates to 50m² per flat.

Site and Surroundings

The site comprises the former White Horse Public House in the Brownhills area of Walsall. The site has a frontage onto White Horse Road and is surrounded by residential development off Roman Close and Watling Street. Opposite the site on

the other side of White Horse Road is an area of Public Open Space with some play equipment installed, which marks the boundary of the Borough and the Green Belt.

Surrounding residential development is a mix of semi-detached and detached two storey dwellings of modern construction, although there is a chalet bungalow at Number 8 directly to the south of the site.

The site itself is currently occupied by the building of the former White Horse Public House surrounded by a large area of hardstanding that would have accommodated the car park. There is a grassed area to the rear. The existing trees on either side of the boundary with Number 8 would be unaffected by the proposal, although to the front of the property where some of the bushes and vegetation would have to be removed to make way for the access to plot 4 and its landscaped garden area.

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 11 – Making effective use of land**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 15 – Conserving and enhancing the natural environment**

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

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

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure

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developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscaping
- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis
- LC8: Local Community Facilities

Black Country Core Strategy

- CSP4: Place Making
- HOU2: Housing Density, Type and Accessibility
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV8: Air Quality
- DEL1: Infrastructure Provision

Walsall Site Allocation Document 2019

HC2: Development of Other Land for Housing

Supplementary Planning Document

Designing Walsall

- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings
- Appendix D

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. Note for the applicant based on highway cleaning, discharge onto and opening up of the highway for the proposed crossings.

Pollution Control – No objections. Conditions are recommended in relation to the installation of electric vehicle charging points and low NOx boilers into the development to comply with the Air Quality SPD. Pollution Control also recommends the undertaking of a contaminated land assessment to determine if the site is suitable for residential use or inform of any mitigation measures required. Conditions are also recommended to require a site survey to be undertaken to identify any potentially hazardous materials and, if required, the submission of a validation report to demonstrate that no ground contamination has occurred as a result of its removal. Finally a condition to require a Construction Management Statement.

Severn Trent Water – No objections, requirement for a condition relating to a drainage scheme. Note to applicant regarding public sewers recommended.

West Midlands Police – No objections, note to applicant regarding security measures

Fire Officer – No objection. Water supply needs to comply with Building Regulations Part B.

Strategic Planning Policy – No objection.

Archaeology – No objection

Representations

Five objections were received from 5 properties in Roman Close. Officer comments in *italics*.

Objections:

- Loss of light to surrounding properties
- Loss of privacy to properties to the rear
- Flat on first floor would cause overlooking (*there are no rear facing windows proposed in the first floor flat that could contribute to this*)
- Shop is unnecessary and would cause noise disturbance and anti-social behaviour (*retail element has been removed from the scheme*)
- Property devaluation (*not a material planning consideration*)
- Impact of lighting in the flat's car park on the surrounding properties

It is noted that the majority of objections relate to the inclusion of a retail unit in the scheme which has subsequently been removed.

Determining Issues

- **Principle of the Development**
- **Design and Layout**
- **Access and Parking**
- **Impact on the amenity of the surrounding occupier's and the street scene**
- **Local Finance Considerations**

Assessment of the Proposal

Principle of the Development

The revised NPPF says the use of previously developed land that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist. The NPPF defines previously developed land as land, which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure.

The site is previously developed land as defined in the NPPF. The NPPF sets out the Government's objective of boosting the supply of homes (para 59) and promoting the effective use of land in meeting the need for homes and other uses, while

safeguarding and improving the environment and ensuring safe and healthy living conditions (chapter 11, especially paras 117 and 118).

The NPPF (para 68) identifies that small and medium sized sites on windfall sites within existing residential areas make an important contribution to meeting housing requirements and local authorities should promote a good mix of sites and work with developers to encourage the sub-division of large sites.

Site Allocation Document (SAD) Policy HOU2 states that the provision of housing on other previously developed sites not listed in Table HC1 will be encouraged provided:

- i. The site is not allocated or safeguarded for other uses in this Plan;
- ii. If the site is not allocated or safeguarded for other uses in this Plan, there is no overriding need for the land or buildings to be retained for its current or previous use;
- iii. Residential development would not conflict with any national or local designation relating to the site itself, or adjoining land or buildings;
- iv. A satisfactory residential environment can be achieved, where people will choose to live, that will contribute to achieving the Vision, Sustainability Principles, Spatial Objectives and Spatial Strategy of the BCCS and take account of other policies of this Plan;
- v. Residential development would not unacceptably constrain the use or development of any adjacent site for its allocated or identified use;
- vi. The proposal is acceptable in terms of other policies of this Plan.

The site is situated within an established residential area where there is already a mix of modern and older properties, therefore the proposed change of use to residential would be compatible with this use. There are regular bus routes within walking distance and the closest bus stop is directly opposite the site.

The proposal would result in the loss of a community facility in the White Horse Public House. The Planning Statement indicates that the Public House has had several tenants over recent years and none have been able to operate a successful business from the site, the pub is no longer in operation and has been standing empty for approximately 12 months, suggesting that there is not a need for a public house on the site.

The Planning Statement asserts that area and is well served with facilities for community meeting places, within walking distance of the site are public houses, restaurants/cafeterias, religious buildings and schools with sporting facilities, these established facilities within the area will be able to adequately provide meeting places for the local community. The lack of need for the community facility is also supported by the relatively few objections received, none of which relate to the loss

of the pub. For these reasons the proposal is considered to accord with UDP policy LC8.

The principle of providing a further residential property on the site is therefore considered acceptable and in line with policy.

Design and Layout

The plans have been amended since submission to remove the retail element and replace it with an additional flat unit and then a second time to amend the access for the flats away from the intersection between White Horse Road and Roman Close.

The layout provides for generous private amenity space (78-96m²) for the proposed dwellings exceeding the 68sqm requirements of Appendix D of Designing Walsall SPD, as well for the flatted development (100m²) which specifies 20m² per flat.

The development is to be constructed of a mix of facing brickwork and render, have a tiled roof and a gable feature to the elevation facing White Horse Road. These design features pick up on elements from the existing modern properties within along White Horse Road.

The distance between the proposed flat building and the closest house on Roman Close would be approximately 14m with no windows proposed on this elevation, therefore exceeding the minimum 13m provided by Appendix D of the Designing Walsall SPD. The proposed houses would be approximately 18m from the closest existing dwellings on Roman Close, but this is reflective of the separation between existing dwellings in the area and despite the shortfall in distance separation is considered would not cause significant harm to outlook or privacy of surrounding dwellings.

The proposed houses would be 6.5m from the dwelling to the south at No 8 White Horse Road, and set approximately 3m further forward in their plots, in line with those to the north down White Horse Lane, this separation is considered sufficient to mitigate any impacts in terms of light or outlook on the adjacent chalet bungalow.

The traditional layout of smaller front gardens with parking a regular building frontage with larger private amenity space to the rear is indicative of the area and has been maintained by the scheme. In general the proposed layout reflects the plot sizes and urban grain of the area.

The proposed low fencing boundary treatments and landscaping to the frontage of the site is considered appropriate to provide a boundary to the site whilst creating an aesthetically pleasing green area in addition to the required off-street parking. The

proposed dwellings would integrate with the street scene well in terms of bulk and mass and scale.

The design of the proposed dwellings would be in keeping with others in the area, with gable ended semi-detached houses indicative of the adjacent development on Chapel Street and Watling Street. The maximum height of the buildings at 8.7m would be in line with others in the area. The proposal would be a positive contribution to the street scene.

The design and layout of the site is considered appropriate for the location.

Access and Parking

The proposed layout provides two off street parking spaces for each of the dwellings and two for each flat which is in line with the requirement of policy T13 of the UDP. A condition is recommended to remove permitted development rights for loft conversions in order to prevent the increase in the number of bedrooms which would require additional parking provision.

New vehicle accesses would need to be provided with four new crossings on White Horse Road as well as the existing access being amended to accommodate the proposed flats. The new accesses and parking arrangement is considered acceptable, and has been supported by the Transportation officer.

The parking and access arrangements are therefore considered acceptable and would not have a severe impact on highway safety.

Impact on the amenity of the surrounding occupier's and the street scene

It is considered that the proposed dwellings would not unduly harm the amenities of the neighbouring occupiers by way of overlooking, loss of privacy or loss of light. The proposals on the whole comply with the separation distances required by Appendix D of Designing Walsall SPD.

Objectors have commented that the proposal would impact on light and privacy to surrounding properties. The proposed houses would be broadly within the footprint of the existing pub. Although the pub building has significant portions of single storey extension the apex height would be comparable to that of the proposed houses. The flat building and a portion of the proposed house in Plot 1 would be outside the existing built footprint, however given the separation distance it is considered that the proposal would not have any significant impact on light to the habitable rooms to the rear of houses in Roman Close.

The scheme would likely create some shadowing to the rear gardens in the late evening for number 6 and 8 Roman Close, however this is not considered significantly harmful to recommend refusal of the application.

There would be no rear-facing windows in the proposed flat building. Side windows would be obscured at first floor level, except for the northern elevation of the proposed flat building, that would face the communal garden and parking area.

The first floor rear windows to the bedrooms of the proposed houses would overlook their rear gardens and back on to the properties on Roman Close. The impact on privacy to surrounding properties is not considered significant since the houses on Roman Close are already subject to mutual overlooking in their rear gardens and their offset angle and separation distance mitigates the potential between first floor rear facing windows.

Plot 4 would be adjacent to Number 8 White Horse Road, with the building separated well separated from the development. The views of the proposed dwellings from the front of No 8 White Horse Road would also be partially screened by the existing landscaping and trees.

It is considered that the proposals would have no adverse impact on existing wildlife.

Consultation on the application was undertaken in line with statutory requirements.

It is considered that the proposals would have no adverse impact on the amenities of the surrounding occupiers and that the proposals would sit comfortably within the site and within the street scene.

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 six new homes.

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

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

Conclusions and Reasons for Decision

The site is situated within a well-established residential area where there is already a mix of traditional and modern infill properties, within walking distance of bus routes. The site has an existing frontage to White Horse Road and the principle residential development on the site is considered appropriate and in compliance with guidance in the NPPF (para 68), policies HOU2 and CSP4 of the BCCS, saved policy LC8 of the UDP and Policy HC2 of the SAD.

The layout is considered acceptable and in compliance with policies GP2 and ENV32 of the UDP and Appendix D of Designing Walsall.

The design of the new properties is considered appropriate and picks on key characteristics of the surrounding properties and would comfortably fit within the street scene, in compliance with policy ENV32 of the UDP.

The proposals provide parking at two per dwelling which is in line with policy T13 of the UDP. The access and visibility arrangements are also considered appropriate for the site and in compliance with policy GP2 of the UDP.

It is considered that the development would have no adverse impact on the amenities of the surrounding occupiers in compliance with policies GP2 and ENV32 of the UDP and Appendix D of Designing Walsall.

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

The applicant's agent has provided amended plans to remove the retail component and amend the access arrangements which enables full support to be given to the scheme.

Recommendation

Grant planning permission 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. The development shall not be carried out otherwise than in accordance with the following approved plans:
 - Site Location Plan – Deposited 01 March 2019
 - Proposed 2No two bedroom flats – PL/18/101 A – Deposited 19 July 2019
 - Proposed 4No three bedroom dwellings – PL/18/101 A – Deposited 19 July 2019
 - Planning Statement dated 19/07/10 – Deposited 23 July 2019

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).

3. a. Prior to commencement of the development hereby permitted a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement detailing actions to be taken and timescales for the taking of such action to prevent localised contamination shall be submitted in writing to and approved in writing by the Local Planning Authority.
- b. The development hereby permitted shall not be carried out otherwise than in accordance with the approved Method Statement
- c. Following demolition of the building hereby permitted and removal of the demolition material but prior to any building or engineering operations a validation report shall be submitted in writing to the Local Planning Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building and to verify that the approved Method Statement has been carried out.

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

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

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

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

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

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

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

6. a. Notwithstanding the details submitted and prior to the formation and laying out of the proposed driveways and parking area hereby permitted details of how surface water will be drained within the application site to prevent surface water from the driveway running on to the public highway or into any highway drain shall be submitted in writing to and approved in writing by the Local Planning Authority.

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

Reason: To ensure water does not run onto the highway and to avoid increased surface flooding to comply with Walsall's Unitary Development Plan saved policies GP2 and ENV40.

7. Prior to occupation of the development hereby permitted a minimum of 2 parking spaces each measuring a minimum of 2.4m by 4.8m shall be provided on the drive within the curtilage of each new dwelling and a parking area containing 4 parking spaces each measuring a minimum of 2.4m by 4.8m shall be provided for the flatted development (see transportation note 4).

b. The parking spaces shall be fully consolidated hard surfaced and drained to prevent surface water from the driveway running on to the public highway or into any highway drain.

c. The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the parking spaces shall thereafter be retained for the purposes of parking vehicles and for no other purpose for the lifetime of the development.

Reason: In accordance with the requirements of saved Unitary Development Plan policies GP2, T7, T13 and ENV40 and in the interest of highway safety.

8. The development hereby permitted shall not be occupied until the dropped kerbs have been installed in accordance with the Council's footway crossing specification SD11/8 dated January 2008 *see Notes for Applicant.

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

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

- Class B (additions to the roof),
- Class C (other alterations to the roof),

shall be installed in any part of this hereby approved development.

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

10. The second floor accommodation within the dwelling hereby approved shall be used for storage purposes only and shall not be used as a bedroom.

Reason: In order to define the permission and ensure satisfactory level of parking for the development, in compliance with Policies T7 and GP2 of the UDP.

11. No boilers shall be installed in any of the units hereby permitted, 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.

12. a. Prior to first occupation of the development hereby permitted details of electric vehicle charging points, to be provided for each dwelling shall be submitted in writing to and agreed in writing by the Local Planning Authority.

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

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

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

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

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

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

14. Notwithstanding the details submitted of the development hereby permitted and 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, the proposed side facing windows serving the proposed first floor bathrooms and hallways as shown on plan PL/18/100 Rev. B submitted on the 09/12/2019 and PL/18/101 Rev. A submitted on the 19/07/2019 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 the windows shall thereafter be retained for the lifetime of the development.

Reason: To safeguard the amenities of the neighbours and to comply with saved policy GP2 of the Walsall Unitary Development Plan.

Notes for Applicant

Transportation

1. The applicant must ensure that no soil or debris is washed or placed within the highway. Failure to prevent incident could result in an offence and a notice being served on the Applicant under section 151 of the highways Act 1980.
2. The applicant will be expected to obtain the necessary Road Opening Permit from the Highway Authority for the dropped kerb footway crossing and reinstatement works within the public highway. For further information please contact the Traffic Management Team on 01922 654675.
3. With reference to the Council's footway crossing specification SD11/8 dated January 2008, each crossing extension shall not exceed two 900mm flat kerbs and one 900mm taper kerb. All works within the public highway shall be in accordance with all statutory requirements
4. Notwithstanding the details shown on drawing no. PL/18/100 Rev B, all parking spaces on the car park for the flatted element shall measure at least 2.4 metres x 4.8 metres (space no.1 is shown at 2.0 metres.)

Air Quality SPD

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

The electric vehicle charging point provision for residential premises is a charging point per residential premise or Units with unallocated parking e.g. apartments – 1 charging point per 10 spaces, complying with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw. Wherever possible the power supply and charging point should both be phase 3 compatible and be located near the parking area for each dwelling. Where only single-phase power supply is available the charging unit should be capable of handling 3-phase power if supply is subsequently upgraded. The charging unit is to be supplied by its own independent radial circuit. Further information on Electric Vehicle Charging Points and the necessity to provide these can be found in the following:

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

2. 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 may be eligible for maximum BREEAM credits, helping contribute to a higher environmental building rating.

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.

West Midlands Police

It is recommend that the developer apply the Building Regulations 2010 Approved Document Q (Security – Dwellings) to this development.

- All doors and accessible windows should meet PAS 24 – 2016.
- It is recommended that all door locks to external, patio, French doors and bi folding doors are 3 star rated anti-snap locks which meet TS007.
- Letter plates should have a maximum aperture of 260mm x 40mm to prevent anyone attempting to remove keys from inside with either their hand or other objects. The Door and Hardware Federation (DHF) technical specification TS 008:2012 have shown to meet these requirements.
- All main doors for entering a dwelling should have a door viewer unless clear glass is installed within the door itself or a window is next to the doorset. All main doors should also have door chains or limiters fitted.
- Lighting in public places should conform to BS 5489 – 2013.
- All exterior security lighting on all dwellings should be white LED dusk to dawn lighting, as
Per SBD standards as set out in Lighting against Crime 2011.
- If intruder alarm systems are to be installed they should meet the requirements of BS EN 50131 (wired and wire free systems).
- The West Midlands suffers from lead theft, I recommend the use of lead substitute where possible.
- All new planting of shrubs when mature should not exceed 1 metre in height and trees when mature should be pruned so that there are no branches or foliage hanging below 2 metres. This will ensure that natural surveillance is maintained and the field of vision is not obstructed. All planting should have a structured maintenance plan to ensure good surveillance is maintained to clearly signal that the area is well cared for.



Planning Committee

Report of Interim Head of Planning and Building Control on 06-Feb-2020

Plans List Item Number: 5.

Reason for bringing to committee: Called in by Cllr Wilson on the grounds that the proposal requires delicate judgement

Location: MIDDLEMORE HOUSE, MIDDLEMORE LANE WEST, ALDRIDGE, WALSALL

Proposal: CHANGE OF USE OF FIRST FLOOR FROM ANCILLARY OFFICES (CLASS B1A) TO YOGA STUDIO (CLASS D2).

Application Number: 19/1436

Applicant: Mrs Renu Somerfield

Agent:

Application Type: Full Application: Change of Use

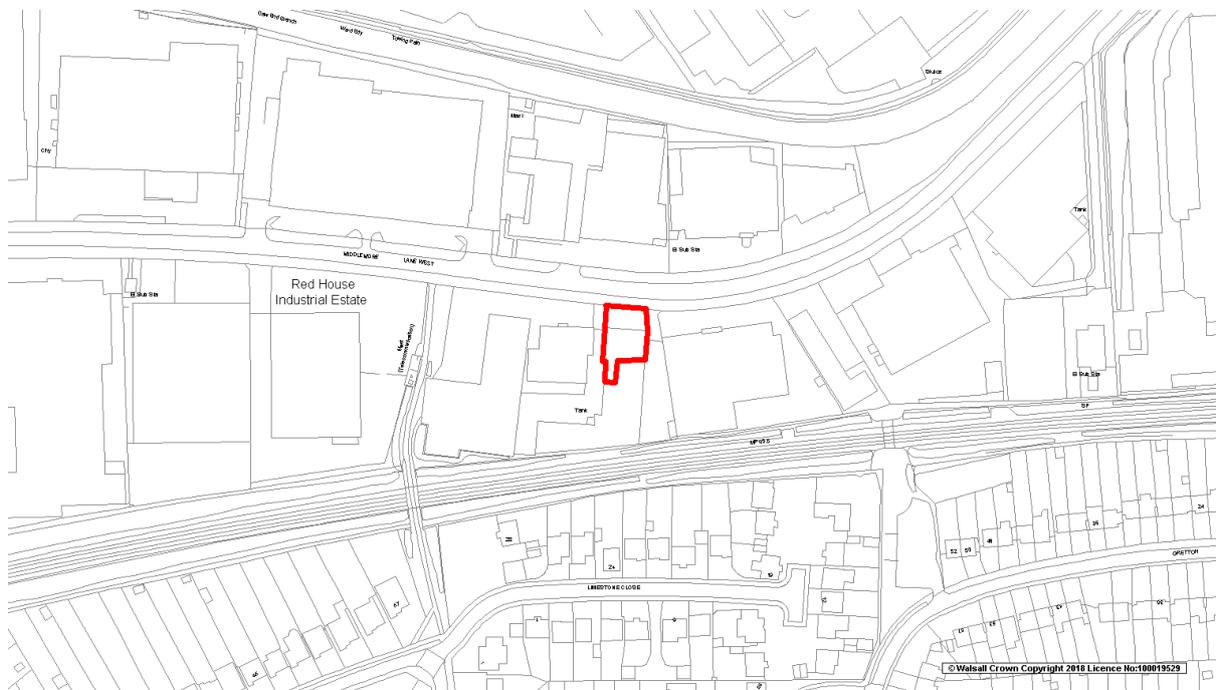
Case Officer: Devinder Matharu

Ward: Aldridge Central And South

Expired Date: 24-Jan-2020

Time Extension Expiry: 28-Feb-2020

Recommendation Summary: Refuse



Proposal

Change of use of first floor from ancillary offices (Class B1a) to Yoga Studio (Class D2).

The application form states the proposed opening hours would be:
18.15 to 21.15 Monday to Friday, 09.00 to 2pm Saturdays, Sundays and bank holidays.

Site and Surroundings

The site is located on the southern side of Middlemore Lane West. The building is a two storey flat roof building set back in the site with a forecourt utilised for parking.

Towards the rear of the site is the railway.

The area is industrial in nature and allocated as potential high quality industrial.

Relevant Planning History

BC62523P- Change of use from Paint Manufacture to MOT/Vehicle repair shop.
GSC 2001

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 7 – Ensuring the vitality of town centres**

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

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

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

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

National Planning Policy Guidance

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

Reducing Inequalities

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

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- S1: Definition of Town Centre Uses
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- T13: Parking Provision for Cars, Cycles and Taxis

Black Country Core Strategy

- EMP2: Actual and Potential Strategic High Quality Employment Areas
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals

Walsall Site Allocation Document 2019

- IND2: Potential High Quality Industry
- T4: The Highway Network

Consultation Replies

Fire Officer – No objection

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Public Health – No objection

Pollution control – No objection

Transportation – No objection

Representations

Called in by Cllr Wilson on the grounds that the proposal requires delicate judgement.

Determining Issues

- Principle of development
- Impact upon neighbouring commercial occupiers
- Access and parking

Assessment of the Proposal

Principle of development

The site is located on Middlemore Lane West in an industrial area and allocated as a potential high quality industrial area under policy EMP2 of the BCCS and Policy EMP2 of the SAD. As such, non industrial uses would not be supported. Potential high quality industrial land is required to meet the BCCS minimum target for high quality employment land and this is why no alternative use is permitted.

The application proposes the change of use of part of Middleton House, into a yoga studio. The application fails to demonstrate why a yoga studio, a town centre use should be supported in an out of centre location.

Under Policy S6, new small scale facilities could be supported where it can be demonstrated the scale and kind of development is to meet a local need, that investment cannot be better met by investment in a local centre, there is no likelihood of an adverse impact upon the vitality and viability of Aldridge District Centre, where proposal improve accessibility and reduces the need to travel. The applicant has failed to provide details of customer base, where customers would travel from and whether this is a local demand for such a facility. Furthermore, as the site is within an industrial area surrounding by other industrial uses, it is more than likely that customers would have to rely on private vehicles to get to and from the site. During the times specified that yoga studio will open, it is unlikely customers would walk along Middlemore Lane West when it is quite and there is no footfall from other members of the public. Furthermore, there are no bus services along Middlemore Lane West.

Under Policy S7 of the UDP, the policy sets out a number of tests to justify out of centre development. The key issues being:

- the need for the facility
 - the development must be shown to accord with the sequential approach, there being no more centrally located sites, buildings or opportunities that could be used to serve
 - the catchment area of the use proposed, the proposal must not, individually or in combination with other schemes be likely to have an adverse economic impact upon the vitality and viability of Aldridge District Centre in this case,
 - the proposal not having an adverse economic impact on existing or planned provision to meet local needs,
 - the proposal must offer genuine and realistic safe and easy access by public transport, walking and cycling for all sections of the community, and from a wide catchment area, to help achieve better access to facilities and development by a choice of sustainable transport modes.
 - the proposal should not be designed and located so as to be reliant primarily on access by car and should, insofar as possible, contribute to the objective of reducing the need to travel, especially by car. Consideration must be given to whether an alternative location in a centre would facilitate multi-purpose trips and help reduce car use.
 - the proposal must not have an adverse traffic impact on the local highway network.
- the proposal must not conflict with policies for the protection of employment land or with any other policies of the Plan.

The proposal fails to:

- demonstrate that there is a need for the facility by providing details of where customers would travel from and who the proposed use would be targeted at.
- submit a sequential assessment demonstrating that there are no centrally located sites within the district centre of Aldridge which could be utilised.
- Demonstrate that the proposed yoga studio would not have an adverse economic impact upon the vitality and viability of Aldridge District Centre.
- Demonstrate that the proposed site can be accessed by other means of transport for example bus, as opposed to private car reliance. The proposal would encourage private car usage due to its location in an industrial area. Furthermore, it fails to provide genuine and realistic safe and easy access by public transport, walking and cycling for all sections of the community. The nearest residential properties are located on Middlemore Lane, approximately 0.66km away. It is unlikely that residents along Middlemore Lane would walk along this section of the highway, as there is no surveillance and passing activity once the industrial uses along Middlemore Lane West cease trading for the evening.

The proposal conflicts with the policies for the protection of employment land.

On balance, the proposal fails to demonstrate that the proposal in in out of centre location should be supported contrary to Policies EMP2, CEN6 and CEN7 of the BCCS and Policies S6 and S7 of the UDP and Policy IND2 of the SAD.

Impact upon neighbouring commercial occupiers

The proposed times of the yoga studio to be open during the evening and during the day on Sundays and bank holidays is unlikely to impact upon the amenities of neighbouring commercial occupiers. With regards to Saturdays, some industrial uses do operate on Saturdays with limited parking within the forecourt of the premises and with no details of the number of people who will be attending yoga sessions and the frequency of classes, there could be an issue with comings and goings from the site and on street parking. However, during the week, there are a number of vehicles parked all along Middlemore Lane West with vehicles obstructing footpaths. It is considered should there be any issues of highway obstruction then the Police would need to enforce that, the parking issue would be no different to the current parking along Middlemore Lane West.

Access and parking

The Highway Officer has no objection to the proposal.

Conclusions and Reasons for Decision

The proposals fails to demonstrate a local need, provide satisfactory sequential assessment, consider the impact on Aldridge District Centre or accessibility by alternative means of travel contrary to the NPPF, Policies EMP2, CEN6 and CEN7 of the BCCS and Policies S6 and S7 of the UDP and Policy IND2 of the SAD. Policies EMP2, CEN6 and CEN7 of the BCCS and Policies S6 and S7 of the UDP and Policy IND2 of the SAD.

The proposal conflicts with the policies for the protection of employment land. The proposal is contrary to the NPPF, Policies EMP2, CEN6 and CEN7 of the BCCS and Policies S6 and S7 of the UDP and Policy IND2 of the SAD. Policies EMP2, CEN6 and CEN7 of the BCCS and Policies S6 and S7 of the UDP and Policy IND2 of the SAD. 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

Refuse

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal.

Recommendation

Refuse

Reasons for Refusal

1.The proposal fails to demonstrate:

- that there is a (local) need for the facility, where customers would travel from
- through a sequential assessment that there are no centrally located sites within the district centre of Aldridge which could be utilised.
- that the proposed yoga studio would not have an adverse economic impact upon the vitality and viability of Aldridge District Centre.
- that the proposed site can be access by other means of transport opposed to private car reliance and fails to offer genuine and realistic safe and easy access by public transport, walking and cycling for all sections of the community given the location of the site in an out of centre predominately industrial area.

The proposal is contrary to the NPPF, Policies EMP2, CEN6 and CEN7 of the BCCS and Policies S6 and S7 of the UDP and Policy IND2 of the SAD. Policies EMP2, CEN6 and CEN7 of the BCCS and Policies S6 and S7 of the UDP and Policy IND2 of the SAD.

2.The proposal conflicts with the policies for the protection of employment land. The proposal is contrary to the NPPF, Policies EMP2, CEN6 and CEN7 of the BCCS and Policies S6 and S7 of the UDP and Policy IND2 of the SAD. Policies EMP2, CEN6 and CEN7 of the BCCS and Policies S6 and S7 of the UDP and Policy IND2 of the SAD.



Economy and Environment, Development Management

Planning Committee

Report of Interim Head of Planning and Building Control on 06-Feb-2020

Plans List Item Number: 6.

Reason for bringing to committee: Significant Community Interest

Location: 1, WOODSIDE ROAD, WALSALL, WS5 3LS

Proposal: ALTERATIONS TO GARAGE FOR USE AS A FLEXIBLE WORKSHOP/STUDIO/OFFICE SPACE ANCILLARY TO THE APPROVED BUNGALOW APPROVED BY PLANNING APPLICATION REFERENCE NO. 18/0976.

Application Number: 19/0932
Applicant: Mr Stone
Agent: Mr David Onions
Application Type: Full Application

Case Officer: Helen Smith
Ward: Paddock
Expired Date: 12-Sep-2019
Time Extension Expiry:

Recommendation Summary: Grant Planning Permission Subject to Conditions



Proposal

This proposal seeks planning permission for external alterations to an existing double, detached garage and to incorporate this within the curtilage of the approved new bungalow granted planning permission on 22/1/19 (reference 18/0976). The applicant has explained, it would be used as an ancillary flexible workshop, studio and office space by the occupiers of the approved bungalow. The application red site outline has been amended to include the approved bungalow within the curtilage. The approved access for the bungalow (18/0976) would be unchanged.

The proposal includes the following alterations to the existing building;

- Replacement of two main garage doors with windows including 2 x sections of brick infill
- Retention of existing roof tiles and facing brick
- Installation of 3 x roof lights
- Removal of double doors to the west facing side elevation with matching brickwork and a new single pedestrian door and window installed on the east facing elevation

The Planning application is supported by a Supporting Statement deposited on 18/07/19 and an Additional Planning Statement deposited on 02/10/19 which make the following key points;

- Proposed alterations are policy compliant
- Modest and sensitive design alterations which will conform with the surrounding character and appearance of the area
- Improving the functionality of the garage building
- No adverse impact on residential amenity
- Garage building was not identified for any purpose in the planning application reference 15/1517 but as an existing building on the site that was to be retained
- Provide an additional facility for the occupiers of the approved bungalow
- Could be used for a range of activities including additional storage, hobby building, studio and summerhouse
- Building is in need of refurbishment and long term use and maintenance
- Most appropriate way is to incorporate this within the curtilage of the bungalow

Site and Surroundings

The application site is on the southern side at the corner of Woodside Road and Woodside Close and forms part of the previous curtilage of an existing pitched roof two-storey 1960's building set at an angle across the corner of the junction facing a small traffic island. The 1960's building was originally constructed as four retail shops

with living accommodation above but has subsequently been converted to residential use.

There is a large beech tree within the rear garden of 56 Skip Lane to the side and rear of the site, which is protected by a Tree Preservation Order

The approved two bedroom bungalow will be located to the rear of the existing 1960's building. The site is located in a residential area characterised by two-storey detached houses, set back from the road in relatively large plots. The existing garage building sits to the south of the approved bungalow across a separation distance of 11.6 metres.

Relevant Planning History

07/0774/FL/E11 - Erection of 16 x one and two bedroom apartments – Refused 12/7/07. Appeal dismissed 21/05/08.

07/1815/FL/E11 – Erection of 15 x 2 bed apartments – Refused 15-10-07. Appeal dismissed 21/05/08.

09/0617/FL – Demolition of existing shops/flats and construction of 13 new 2 bed flats and 1 flat for person with disabilities with associated carers accommodation – Refused 14/10/09. Appeal dismissed 28/10/10.

10/0038/FL – Demolition of existing building and erection of 14 x 2 bed apartments. Appeal against non-determination dismissed 28/10/10

10/1650/FL – Demolition of existing building and erection of 14 x 2 bed apartments – Refused 4/5/11. Appeal dismissed 30/8/11

11/1217/FL - Demolition of existing building and erection of 14 x 2 bed apartments. Appeal against non-determination. Appeal dismissed 28/6/12.

12/1421/FL - Demolition of existing buildings and proposed erection of 14 two bedroom apartments, electricity substation, new access and associated parking. The electricity substation proposed to be relocated within a purpose built brick and tile building. On 10/1/13 the Planning Committee resolved to exercise its powers under 70A of the Town and Country Planning Act 1990 to decline to determine the application on the basis that the application did not address the issues raised by previous refused planning applications relating to the site and that the application is an attempt to wear down opposition to the development.

14/1014/FL- Demolition of existing buildings and the erection of 14 two-bedroom apartments and an electricity substation, together with a new access and parking facilities. Allowed at appeal 25/3/15.

15/1515 – Proposed bungalow with associated access, landscaping, parking and removal of single storey extension to 1 Woodside Road. GSC 17/6/16

15/1517 - Change of use of 1 Woodside Road to two apartments with associated access, including removal of single storey extension, erection of a detached house next to 3 Woodside Close, associated landscaping and car parking. GSC 20/6/16

16/1340 – The demolition of existing garages and the erection of 1 no. bungalow and associated parking. Refused 16/12/16.

16/1284 – External alterations including external render, replacement windows replacement roof and additional roof lights. GSC 16/11/16.

17/1400 – Non-material amendment to planning permission 15/1517 to alter rear garden boundary. Approved 23/11/17.

18/0976 - Proposed bungalow with associated access, landscaping and parking. GSC 22/01/19

Relevant Policies

National Planning Policy Framework (NPPF)

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

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

Key provisions of the NPPF relevant in this case:

- **NPPF 4 – Decision Making**
- **NPPF 8 – Promoting healthy and safe communities**
- **NPPF 12 – Achieving well-designed places**

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

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

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

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

Reducing Inequalities

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

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

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

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

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

of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Black Country Core Strategy

- CSP2: Development outside the Growth Network
- CSP4: Place Making
- DEL1: Infrastructure Provision
- DEL2: Managing the Balance between Employment Land and Housing
- HOU2: Housing Density, Type and Accessibility
- 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
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV8: Air Quality
- WM5: Resource Management and New Development

Saved Unitary Development Plan

- GP2: Environmental Protection
- ENV10: Pollution
- ENV13: Development near Power Lines, Substations and Transformers
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV23: Nature Conservation and New Development
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV40: Conservation, Protection and Use of Water Resources
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards – General
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Walsall Site Allocation Document 2019

- HC1: Land allocated for New Housing Development
Site reference: HO323 1 to 3 Woodside Close – total number of estimated 14 dwelling for Walsall's total housing supply

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

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 subject to the inclusion of a planning condition to ensure the development remains ancillary to the main dwelling house at all times if approved

Pollution Control – No objections

Fire Officer – No objections

Representations

Officers' comments in italics

Objections have been received from 8 residents to the initial proposal on the following grounds;

- Flats have been left unfinished for several years and the façade drags down the general area with no rendering completed (*This is not material to the determination of this application*)
- The planning department will do what it wants to do regardless of neighbours' comments (*All comments are considered as part of the assessment of planning proposals in line with planning policies and guidance*)
- What is happening to Park Hall? Houses and bungalows are being knocked down and replaced with larger properties which look like nursing homes (*This is not material to the determination of this planning application*)
- Application not specific enough citing sewerage and access to sinks/toilets which sounds more than a garage. (*Sufficient information is considered to have now been provided to enable the LPA to determine the proposal*)
- Will it be commercial with customers coming and going at various times with no parking provided (*The applicant has explained the proposal would be ancillary to the approved residential bungalow*)
- Not in the same curtilage as the bungalow that was proposed and cannot be classed as ancillary (*Amended plans have been received revising the curtilage to include the approved bungalow*)
- Future occupiers have no permitted development rights to use the garages as they are outside the approved boundary (*Amended plans have been received revising the curtilage to include the approved bungalow*)
- The garages were included within the curtilage of the applications relating to the conversions of units into flats 15/1517 (conditions 9a and 9b) which seems to have been implemented. (*This is a new chapter in the planning history and the applicants can overlay new planning decisions*)

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- Stand-alone use would be inappropriate and out of character with surrounding residential development *(Amended plans have been received revising the curtilage to include the approved bungalow)*
- Back land development was not supported by planning refusal 16/1340 *(this is an existing structure and forms part of an ancillary use to an approved new bungalow)*
- No floor plans provided *(the applicant has explained the internal space is intended to be open plan if approved)*
- Backdoor way of getting a conversion to residential within the garages by calling it a studio *(no evidence has been provided to support this comment and the LPA is required to assess plans at 'face value')*
- Site plan is wrong as it doesn't show the new fence built at the rear of the flats which is misleading and has reduced the amenity area for the flats *(this area sits outside the boundary of the application site and not material to the consideration of the current planning application)*
- History of smokescreens and misinformation they are concerned this will only lead to future enforcement and they have no confidence given the strains on the enforcement section *(This is not a material planning consideration to the determination of this planning application)*
- What permissions are being relied upon for the individual parts of the whole site and consider the garages should remain as domestic garages *(The current planning application is a new chapter in the planning history and the applicants can overlay new planning decisions)*
- Description needs to be revised from "Alterations to Garage" as this sounds innocuous *(The application description was amended and neighbours' re-notified)*
- Are curtilages allowed to change for different applications? *(It is considered that this is a new chapter in the planning history and the applicants can overlay new planning decisions)*
- Plan 18/0976 shows a proposed detached house which is misleading as this has been built *(the house illustrated on the plans forms part of the planning history of the site).*
- The use of the word "flexible" could leave this open to change in the future and is too vague *(the planning application description has been amended and neighbours re-notified)*
- The term sui generis, Latin for 'of its own kind' speaks for itself in this instance and leaves itself open for future objections if the intended use is not made clear from the outset *(the planning application description has been amended and neighbours re-notified)*
- Detrimental impact on parking, light, noise and disturbance on the existing 8 apartments, new detached house, proposed bungalow and adjoining properties sharing a boundary *(this is an existing structure)*
- Two empty shops nearby that could be used as a studio or office space close to the local shop precinct within 0.5 miles of this site *(the Local Planning Authority is required to assess the planning application before it)*
- Cars already parked on verges and proposal is likely to lead to an increase of on-street parking *(the applicant has explained the garage would be ancillary to the new bungalow which has off street parking provision)*

- Restrictions on opening hours for workshop/studio (*the applicant has explained the proposal is ancillary to the new bungalow and it would be unreasonable to restrict times of use if approved*)
- Residential area not suitable for business premises (*the applicant has explained the proposal is for an ancillary use to an approved residential bungalow*)
- Potential noise, fumes and smells and could be amplified by surrounding brick buildings (*no evidence has been provided in support of this statement and the applicant has explained the garage would be ancillary to the approved residential bungalow*)
- Application appears shrouded in secrecy (*the LPA considers sufficient information has been provided to enable this planning application to be determined*)
- Service road leading to workshop would be used for deliveries increasing noise and disturbance (*no evidence has been provided in support of this statement and the access road would be within the curtilage of the residential bungalow. There is separate environmental legislation to deal with noise nuisance which is outside the scope of planning legislation to deal with future noise nuisance*)
- Additional statement details differ and why are windows and doors required if this is for hobby space/storage (*windows and doors will be required for access and light for this ancillary proposal to the approved bungalow*)
- Cramped and intensive plot (*the building subject to this application is already on site*)

The following objections have been received from two residents in response to a re-notification of residents of amended plans and application details;

- Proposed description still reads as “flexible workshop/studio/office space”. Not as the additional planning statement which reads “it could be used for a range of activities compatible with it forming part of a residential curtilage (*The description also includes “ancillary to the approved bungalow approved by planning application reference no. 18/0976” which is considered to provide sufficient clarity*).
- This could include additional storage building hobby building, studio or summerhouse” it is noted that all the references state “this could be used” not this will be used for those purposes. This description and what is being applied for needs to be clarified (*the proposed uses would be ancillary to the approved bungalow and a planning condition would be included if approved*)
- In the statement introduction it is stated that the garage building was not identified for any purpose but being in the curtilage of the apartment block and amenity area it’s use would be commensurate with those buildings i.e. garages/storage. The garage block was not shown in planning reference 18/0976 because the owners/agents wanted to try for further development of the land and specifically reduced the garden size of the bungalow to allow this. (*It is considered that this is a new chapter in the planning history and the applicants can overlay new planning decisions*).
- The owners have also not implemented the amenity space for the house /flats permission which ran up to and included the garage block. A site visit will show that there is still land to the western side of the garage block as the garden

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- boundary to the flat block has already been erected. This may be yet another oversight (or ploy) to allow further land to be taken into the garage block at a future date if it were converted into a residential use (*The detached garage is an existing building and there is no evidence to indicate a separate residential use is proposed for the garage*)
- Under the paragraph relating to proposed use we would contend the garage building could be put to good use by leaving it in the apartment curtilage. The apartments are very small so the building would make good storage space for occupiers or secure under cover garages (*the Local Planning Authority is required to assess the planning application as proposed*).
- Under the conclusion section the garage block could be refurbished for use by the apartment buildings by the owner who would have a stronger stake to maintain the building rather than an individual dwelling house occupant. This would be the most appropriate way to make use of the building (*the Local Planning Authority is required to assess the planning application as proposed*).
- It is noted the proposed alterations to the building include roof lights and double glazing which seems excessive if it is for “ancillary” garden type uses such as a summer house (*the Local Planning Authority is required to assess the planning application as proposed and if the application is approved planning conditions in respect of the ancillary use can be included*).
- You will note from our comments that we feel this is a “try on” to squeeze another residential unit on the land (*no evidence has been provided to support this statement*)
- If permission is to be granted the conditions should be comprehensive, definitive and enforceable within a set time period. As the owner of the site has proven not to have any regard for planning conditions (Noted. Planning conditions are required to meet the 6 tests)
- The suggestion of the potential garage space use is still vague and offers residents no clarification or confidence. Surely Walsall Councillors deserve to be told exactly what it is they are agreeing to, as are residents. The site of the development of the garages is such that it borders many properties (*the proposed use would be ancillary to a residential dwelling and any planning breaches can be investigated by Planning Enforcement Officers*) .
- Can Walsall Council elicit reassurances from the owner that the development of the garages will not be for commercial or residential use? It is not unreasonable to expect planning permission to be granted with a clear indication of how the finished project will be used. Commercial/residential use of the garage space could potentially cause noise, light and traffic disturbance. As the site is directly to the rear of the eight apartments and detached property already on the development, there could be many problems for these residents caused by the unclear proposed use of the garages. (*The proposed use would be ancillary to a residential dwelling and any statutory breaches can be investigated by Enforcement Officers. Planning conditions can be included in respect of the proposed ancillary use to the approved bungalow*).
- The history of overdeveloping the plot has been ongoing for more than ten years, with applications for an additional bungalow to the rear of the site being refused on more than one occasion by Walsall Council. It is understandable that residents have concerns that permission might be granted for something that will not be in keeping with the residential nature of the area and are

suspicious that the garages may eventually turn into yet another bungalow. *(Planning applications are assessed and determined on their own merits)*

- It would also be very welcome if Walsall Council could make it a condition that any further development to this site will only be considered given that the fascia to the apartments is completed within a short time frame *(The Local Planning Authority can only assess the proposal as submitted and the apartments sit outside the application site)*

Determining Issues

- Principle of the Use
- Design of Proposal and Impact on the character of the area
- Impact on Residents Amenity
- Protected Tree
- Parking and Access
- Conditions

Assessment of the Proposal

Principle of the Use

The detached garage is already in situ and the proposed application would bring a vacant structure back into use. The proposal has been illustrated to be within the curtilage of previously approved bungalow (18/0976) which is considered would improve long-term maintenance prospects for the garage building.

Based on the planning application submission, the proposed use is considered to be ancillary to the approved residential bungalow. Safeguarding conditions can be included to ensure the proposed use remains ancillary to the approved bungalow at all times.

Design of Proposal and Impact on the character of the area

The existing detached garage is set back into the site and is not easily visible from public areas. It is considered has limited impact on the existing street scene. It is an existing building with a scale of the development not dissimilar to other garden buildings in the wider locality that have received planning permission or have been built using permitted development allowances.

The garage is an existing structure and it is considered that its refurbishment with minor exterior changes to doors and windows plus the addition of roof-lights would have a limited additional impact on the appearance of the existing garage or the wider locality.

Impact on Residents Amenity

The proposed re-use of the detached garage ancillary to the approved bungalow is considered would have limited additional impacts on neighbours' residential amenity as the nearest dwelling would be separated by a distance of 14 metres.

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The existing garage would be used as an ancillary use to the new bungalow and would not be habitable. As the new doors and windows serve a non-habitable room it is considered unreasonable to condition the proposed windows to be obscurely glazed.

The use of the outbuilding can be conditioned to be incidental to the residential use of the existing dwelling house to protect neighbours' amenity.

The proposal has been assessed in relation to Policies GP2 Environmental Protection and ENV32 Design and Development Proposals of the UDP and is considered accords with the aims and objectives of relevant Council policy and guidance.

Protected Tree

The proposed alteration works are to the existing garage and a safeguarding condition can be included to protect the large Beech tree in the garden of 56 Skip Lane

Parking and Access

The Local Highways Authority confirm that have no objections to the development provided this remains ancillary to the main dwelling house at all times and shall not be operated independently. Access would be unchanged.

The previous planning permission for the bungalow was found acceptable in highway terms and was considered would not have severe implications.

Conditions

The previously approved conditions for the approved bungalow (18/0976) remain relevant to the current proposal as the current planning application for the alterations and use of the existing garage is located within the curtilage for the previously approved bungalow which has not been implemented but remains valid. Pre-commencement conditions in respect of the approved bungalow have not yet been discharged and are carried forward.

Conclusions and Reasons for Decision

In weighing the key material considerations, consultee and neighbour responses against the national and local planning policies and guidance, it is considered that the principle of development is consistent with the provisions of the development plan. The re-use of the existing garage for ancillary uses linked to the approved bungalow (18/0976) is considered would cause no further harm to the character or appearance of the area. The proposal would not result in a material loss of amenity to neighbouring occupiers. The proposal would also provide sufficient amenity for potential occupiers and sufficient off-street parking is provided to meet the needs of the development.

Safeguarding conditions in regard to, noise mitigation, materials, drainage, boundary treatment, ground levels, landscaping, surfacing, electric charging points, low NOx boilers, no further openings, removal of permitted development rights for extensions

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and security, tree protection and parking provision 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 CSP4, HOU2, TRAN2, ENV1, ENV2, ENV3, and ENV8 of the Black Country Core Strategy and saved policies GP2, ENV10, ENV18, ENV32, H3, and T13 of Walsall Unitary Development Plan and Supplementary Planning Documents Designing Walsall and Air Quality.

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

Positive and Proactive Working with the Applicant

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

Recommendation

Grant permission subject to conditions

Conditions and Reasons

1. The 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 application form and following plans and documents:

- Site location plan received 1/10/18
- Existing site plan received 1/10/18
- Proposed site plan received 1/10/18
- Proposed floor plans received 1/10/18
- Proposed elevations received 1/10/18
- Proposed section received 1/10/18
- Site Location Plan, drawing no. 1904/P100 Rev. D, deposited 27/09/19
- Proposed Site Plan, drawing no. 1904/P200 Rev. F, deposited 30/09/19

- Existing Garage Plan and Elevation, drawing no. 1904/P101, deposited 02/08/19
- Proposed GF Plan and Elevations, drawing no. 1904/P201 Rev. B, deposited 02/08/19
- Existing Site Plan, drawing no. 1904/P102, Rev. E, deposited 30/09/19

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

3a. Prior to the commencement of any built development noise mitigation measures to ensure future residents will not be exposed to noise levels that exceed a Noise Rating of 35 one metre from a habitable room due to noise emanating from the substation shall be submitted for written approval of the Local Planning Authority.

3b. The approved details shall be implemented before the development is first brought into use and shall thereafter be retained

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

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

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

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

5a. 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.

5b. 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.

6a. 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. All gates should have access control measures, be self-closing with hinges mounted to the rear of the public side.

6b. 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.

7a. Prior to commencement of any building or engineering operations above the damp proof course of the development hereby approved details of the proposed finished floor levels, ridge and eaves heights of the buildings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measures against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding properties.

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

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

8a. Prior to first occupation of the dwellings hereby approved details of an electric vehicle charging point, to be provided shall have first been submitted to and agreed in writing of the Local Planning Authority.

8b. Prior to first occupation of the development the approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the 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 and DEL1 of the Black Country Core Strategy

9a. Prior to the first occupation of the new dwelling, access way and parking spaces 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.

9b. 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.

10. Notwithstanding the details as submitted, the development hereby approved shall be constructed with All doors should be PAS 24 door sets, with Euro profile cylinders to meet TS007-3. All window and doors should have at least one pane of 6.4mm laminated glass.

Reason: In the interests of community safety.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, or succeeding Orders, no side facing windows or doors other than those approved by this permission, and no enlargements or additions as defined by Classes A to D of Part 1 of Schedule 2 of the Order, shall be constructed.

Reason: In the interests of maintaining the amenity of the occupiers of the adjoining dwellings.

12. No boilers shall be installed and used in any of the units hereby approved, save for boilers which have maximum NOx emissions no greater than 56 mg/kWh for gas and liquefied petroleum gas (LPG) boilers and a maximum of 120 mg/kWh for oil-fired boilers.

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

13. The boundary of the site for the approved bungalow and detached garage is defined by the red line shown on drawing no. 1904/P102 Rev. E, deposited 30/09/19.

Reason: To define the planning permission.

14: The detached garage building shall be used for purposes ancillary to the residential use of the bungalow approved by planning application reference no. 18/0976 only and for no other purpose and shall not include any kitchen or cooking facilities at any time and shall not be used as an independent living unit or utilised for business or community purposes at any time.

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

Notes for applicant

Air Quality SPD

Pollution Control is of the opinion that the Application falls under the Type 1 category. Therefore, the Applicant needs to install at least one electric vehicle charging point per Plot and/or one charging point per 10 parking spaces for shared parking, and low NOx boilers –have maximum NOx emissions of 56 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.

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 realignment works of the dropped kerb footway crossing

within the public highway. For further information please contact the Traffic Management Team on 01922 654663.

West Midlands Police

Attention is drawn to Secure by Design specifications and guidelines that can help secure this development from future crimes. Such information can be found at http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf