



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11th June 2015

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Item No	Page No	Application Number	Site Address	Proposal	Recommendation
1	1	15/0061/FL	FORMER THE CAVALCADE P.H., STROUD AVENUE, WILLENHALL, WV12 4DH	Residential development comprising 15 houses and 15 flats (affects the setting of public rights of way WILL 40 and 41).	Grant Permission subject to conditions subject to resolving the Coal Authority objection
2	19	15/0221/FL	MEADOW HOUSE, STROUD AVENUE, WALSALL, WV12 4ET	Demolition of the existing Nursing Home and associated outbuildings. Erection of a new 3 storey Nursing Home with single storey elements and provision of associated car parking and gardens. Erection of 6 no dwellings (comprising 3 semi-detached blocks) with a new access road.	Grant Permission Subject to Conditions
3	37	15/0238/FL	FORMER CLOTHIER STREET PRIMARY SCHOOL, HARRY PERKS STREET, WALSALL	Erection of 48 no. 1, 2 and 3 bedroom dwelling houses with associated ground works and access road	Grant permission subject to conditions and subject to no new material planning issues arising and subject to a S106 Agreement to secure provision for urban open space unless the District Valuer

					confirms the scheme is not viable within the full contributions
4	55	15/0316/FL	12-14 HIGH STREET, WALSALL, WS1 1QW	Mixed use redevelopment to give commercial space at ground floor, mezzanine and basement plus 9 apartments above and demolition of an unlisted building within a Conservation Area (No.12 High Street).	Grant Permission Subject to Conditions
	56	15/0405/LB	12 HIGH STREET, WALSALL, WS1 1QW	Listed Building Consent for the retention and restoration of front elevation of No.12 all other structures behind to be removed/demolished	Grant Listed Building Consent
5	75	14/1879/RM	LAND ADJACENT 33 GREAT CHARLES STREET, WALSALL, WS8 6AE	Reserved Matters for the Erection of 2 no. dwellings and associated works. Demolition of existing buildings to consider access, appearance, landscaping, layout and scale.	Grant Permission Subject to Conditions
6	89	15/0443/FL	PREMSON HOUSE, 5-8 GREEN LANE, WALSALL, WS2 8HE	Change of use (YMCA – Sui Generis use class) to 22 supported accommodated rooms for young people who are vulnerable to homelessness.	Grant Permission Subject to Conditions
7	97	15/0263/FL	55 LODGE ROAD, WALSALL, WS5 3LA	Demolition of the existing bungalow and erection of new 5 bedroom detached dwelling.	Grant Permission Subject to Conditions

8	105	15/0440/FL	454 SUTTON ROAD, WALSALL, WS5 3AZ	New detached house.	Grant Permission Subject to Conditions
9	119	15/0399/FL	ST ANNE'S ROMAN CATHOLIC CHURCH, 26 BRIDLE LANE, WALSALL, B74 3HB	Demolition of attached Presbytery and proposed church extension.	Grant Permission Subject to Conditions
10	127	14/1771/FL	Premises rear of 39 Cairns Street, Walsall	Change of use from clothing manufacture to catering supplier with commercial kitchen; and refurbishment including installation of fume extract flue and bricking up of windows.	Refuse
11	137	15/0369/FL	5 & 6 DOVERIDGE PLACE, WALSALL, WS1 3EF	Erection of a pair of semi-detached dwellings (6 bedroom)	Grant Permission Subject to Conditions
12	149	15/0388/FL	12 THE GLADES, WALSALL, WS9 8RN	Proposed detached garage and garage conversion	Grant Permission Subject to Conditions
13	155	15/0610/FL	4 BOUNDARY ROAD, WALSALL, WS9 9QZ	Conservatory at rear of house	Grant Permission Subject to Conditions
14	161	15/0321/FL	20 ATHLONE ROAD, WALSALL, W S5 3QX	Single and two storey rear extensions	Grant Permission Subject to Conditions

15	169	14/0791/FL	124 SCARBOROUGH ROAD, WALSALL, W S2 9TU	Erection of two storey and single storey extension to rear, and single storey extension to front.	Grant Permission Subject to Conditions
	170	14/0792/FL	126 SCARBOROUGH ROAD, WALSALL, WS2 9TU	Erection of two storey and single storey extension to rear, and single storey extension to front.	Grant Permission Subject to Conditions
16	177	14/1177/FL	28 NEW FOREST ROAD, WALSALL, WS3 1TR	Variation of condition 13 of planning permission 14/0141/FL to allow opening hours from 8.00 am to 10.00 pm Monday and Friday.	Grant Permission Subject to Conditions
17	193	15/0343/FL	5 LONGMEADOW ROAD, WALSALL, WS5 3BZ	Two storey side and rear extension	Refuse
18	199	15/0407/FL	18 QUEENS ROAD, WALSALL, WS5 3NF	New first floor bedroom and shower room extensions to south west side of dwelling	Refuse
19	207	15/0338/FL	33 PARKVIEW CRESCENT, WALSALL, WS2 8TY	Single storey side and rear extension	Refuse
20		14/1553/FL	28, 28A AND REAR OF 30 BRANTON HILL LANE, WALSALL, WS9 0NR	Demolition of 2 existing bungalows and erection of 7 x 5 bed detached houses (resubmission of planning application 14/0412/FL).	Refuse

21		14/1856/FL	LAND AT SILVER COURT, SILVER STREET, BROWNHILLS, WALSALL, WS8 6ES	<p>We request that conditions 7a and 7b are removed from the Approval Notice. These conditions are repeated by conditions 19a and 19b. We also request that conditions 14a and 14b are removed. These conditions will be addressed through the implementation of the related approval notice 14/0771/OL. Planning conditions 6a,10a, 11, and 13b will need to be amended for the reasons which are set out in the explanatory covering letter.</p>	Grant Permission Subject to Conditions
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Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 1.

Reason for bringing to committee: Major application

Application Number: 15/0061/FL

Application Type: Full application

Applicant: Mr Bob Dhanda

Proposal: Residential development comprising 15 houses and 15 flats (affects the setting of public rights of way WILL 40 and 41).

Location: FORMER THE CAVALCADE P.H., STROUD AVENUE, WILLENHALL, WV12 4DH

Ward: Short Heath

Case Officer: Alison Ives

Telephone Number: 01922 652604

Email: planningservices@walsall.gov.uk

Agent: Stoneleigh Architectural Services

Expired Date: 20/04/2015

Extension of Time Target Date:

Recommendation Summary: Grant permission subject to conditions subject to resolving the Coal Authority objection.

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Application and Site Details

The proposal is for residential development on the site of the former Cavalcade Public House, Stroud Avenue including a part two/part three storey apartment block with 15 apartments and 15 houses comprising 12 semi-detached and 3 detached houses.

The site is on a prominent junction with three sides facing Stroud Avenue. It is a broadly flat site and there are a row of cherry trees along the rear boundary of the site that borders the footpath in front of properties in Rudge Close. There is a low boundary wall around the perimeter of the site. The area is predominantly residential in character and is surrounded by two storey housing and flats set within a landscaped context with wide grass verges and tree planting. A vacant care home Meadow House is opposite the site which is also subject to proposals for redevelopment as a nursing home and new houses (reference 15/0221/FL). There is a bus stop adjacent to the site.

The proposals show an “L” shaped apartment block located at the front of the site with a landscaped strip around the front perimeter of the building and shared amenity space at the rear. There is proposed new housing fronting both sides of Stroud Avenue and four houses fronting a new access which dissects the site. There are 15 parking spaces for the apartments provided off the southern half of the access and 3 visitor spaces off the southern half of the access. Two of the spaces are disabled accessible. The access does not provide a through route as it is segregated by proposed tree planting. A cycle store and bin store are provided for the apartments. Each of the proposed houses has a driveway either in front or at the side of the dwelling which provides for at least two parking spaces. Plots 11 and 12 have a second parking space opposite the driveway and plot 1 has three car parking spaces.

The proposed apartment block is part two and part three storeys high with the third floor indicated as a contrasting facing material to the ground and first floors. Windows follow a regular pattern and each apartment has a set of doors to the lounge area with those facing Stroud Avenue having Juliet balconies. A pitched roof is proposed with roof lights to the stairwell in the roof space.

The 3 and 4 bedroom houses have a similar appearance to each other and have a projecting ground floor hall and w.c. The houses have steeply pitched roofs and the 4 bedroom properties have the fourth bedroom accommodated in the roof space.

The site is 0.4 hectares.

The Design & Access Statement – Describes the site and surroundings, proposed layout, scale and landscaping, appearance, access and policy considerations.

The Planning Statement – Gives a summary of the proposals and consideration of the NPPF guidance and BCCS and UDP policies.

The Arboricultural Assessment – Identifies 12 trees on site (Rowan, Sycamore and Flowering Cherry) of which all but the Rowan are category U trees which are either dead or in poor condition. There are 5 further trees on adjacent land (Hornbeam, Rowan and Maple) which are category B and C for which root protection areas are identified and protective fencing.

Relevant Planning History

10/0702/FL – 13 two and three bed affordable houses, 10 one-bed supported living apartments and an 8 bedroom physical disability unit – GSC and a S106 Agreement 15/03/11. The S106 Agreement sought to secure provision of 6 affordable units and an urban open space contribution.

14/0314/FL - variation of planning condition 2 - facing materials and 4 - landscape of planning reference 10/0702/FL (site affecting the setting of a public footpath will40/41) – Refused 06/06/14. Two reasons broadly relating to (1) lack of assurance that existing landscaping would be retained (2) the original permission had expired.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Find ways to enhance and improve places in which people live their lives
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

The NPPF confirms that a plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate,

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

Paragraph 56 attaches great importance to the design of the built environment and states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57 states it is important to plan positively for the achievement of high quality and inclusive design.

Paragraph 58 states planning policies and decision should aim to ensure that development meet criteria including:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials
- Are visually attractive as a result of good architecture and appropriate landscaping

Paragraph 61 considers planning decisions should address connections between people and places and the integration of new development into the natural, built and historic environment.

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

Paragraph 110 aims to minimise pollution and other adverse effects on the local and natural environment.

Paragraph 111 encourages effective use of land by re-using land that has been previously developed (brownfield land) provided it is not of high environmental value.

Paragraph 118 states planning permission should be refused for development resulting in loss or deterioration of irreplaceable habitats...and the loss of aged or veteran trees...unless the benefits of the development clearly outweigh the loss.

Paragraph 120 seeks to prevent unacceptable risks from pollution and land stability.

Paragraph 123 aims to mitigate and minimise adverse impacts on health and quality of life from noise.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Costs imposed on developments should pay careful attention to viability and take account of market conditions.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "decision-takers may continue to give full weight to relevant policies. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The Vision consists of three major directions of change and underpins the approach to the whole strategy;

1. Sustainable Communities - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.

2. Environmental Transformation - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country's natural and built environment.

3. Economic Prosperity Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

The Spatial Objectives include

6. A high quality environment enhancing the unique biodiversity and geodiversity of the Black Country and making the most of its assets whilst valuing its local character and industrial legacy.

9. Sufficient waste recycling and waste management facilities in locations which are the most accessible and have the least environmental impact.

The above are supported by the following policies:

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

DEL1: Development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements are provided.

DEL2: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

HOU2: Advises on housing density, type and accessibility and the need to achieve high quality design and minimise amenity impacts. All developments should aim to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness as defined

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

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport.

TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

TRAN4: Seeks to create an environment that encourages sustainable travel that requires new developments to link to existing walking and cycling networks.

TRAN5: Identifies priorities for traffic management including maximum parking standards and promoting measures to reduce the need to travel and facilitate a shift towards using sustainable modes of transport such as walking, cycling, public transport etc.

ENV1: Seeks to safeguard nature conservation.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character. Development proposals will be required to preserve and where appropriate enhance aspects of the historic environment together with their settings.

ENV3: Refers to design quality requirements.

ENV5: Seeks to minimise the probability and consequences of flood risk.

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

Walsall's Unitary Development Plan (UDP)

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

Policies that have been saved and not replaced by the BCCS remain part of the development plan. However, in such cases the NPPF says “due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”.

The relevant policies are:

GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

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

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

ENV14: Encourages reclamation and development of derelict and previously developed land where possible in accordance with other policies.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV32: Proposals should take in to account the surrounding context including consideration of the effect on the local character of the area, vehicular and pedestrian patterns and visual relationship to surrounding areas.

ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: The quality of all water resources will be protected.

H3: Encourages provision of housing through re-use of previously developed sites provided a satisfactory residential environment can be achieved, the site is not required to be retained for employment, there is good accessibility and residential development does not constrain the development of adjacent sites .

LC1: Residential developments will be required to make financial or other contributions which will enable the provision of new, or the improvement of existing urban open spaces.

T1: All development should conform to the accessibility standards set out in policies T10-T13.

T4: Classifies the highway network and specifies that residential streets and minor roads are those where traffic volumes and speeds should be quite low. Sometimes traffic calming measures will be required.

T5: Seeks to implement selective improvements to highway infrastructure and states highway improvement schemes should be designed to minimise any adverse impact on the environment or the amenity of residents.

T7 – All development should satisfy the car parking standards set out in Policy T13.

T8: Encourages walking and provision in development to enhance this.

T10 (a): Refers to accessibility standards.

T13: Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

1, 2 & 3 bed houses – 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

Flats with communal provision: 1.5 spaces per unit

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The relevant SPD's are:

DW1: Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.

DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.

DW3: Character - all new development must be designed to respect and enhance local identity

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DW4: Continuity - Well defined streets with a continuity of built form are important.
DW5: Ease of Movement – connections to existing routes
DW6: Legibility - new development should contribute to creating a place that has a clear identity
DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses
DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.
DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality.
DW 10: Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

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

Conserving Walsall's Natural Environment SPD

NE1: All relevant applications to be supported by an adequate impact assessment.
NE7: planning applications with a potential to damage or destroy trees, woodlands or hedgerows should be supported by an arboricultural assessment and demonstrate trees to be retained will survive and space for them to develop is maintained.
N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees.

It is considered in this case that the relevant provisions of SPD Conserving Walsall's Natural Environment are consistent with the NPPF.

Supplementary Planning Document for Affordable Housing

Guides delivery of affordable housing to appropriate locations in the Borough and provides for balanced, mixed communities.

Supplementary Planning Document Urban Open Space

Requires a contribution towards improvements to or provision of urban open space within the proximity of the application site on residential developments of 10 units or above, based on the number of bedrooms provided and the ward.

Consultations

Transportation – No objections subject to securing highway requirements for which conditions are recommended. These include implementation of access ways and parking areas, footway crossings, provision of the cycle shelter, alterations to the existing traffic calming features and ensuring no through traffic on the shared access. There is 200% parking for the houses and 120% parking for the apartments plus 2 disabled spaces. The site is in a relatively sustainable location within walking distance of High Road and Brackendale local centres, a range of community facilities and frequent bus services. The 2011 Census data shows that only 15% of households in the immediate vicinity have 2 cars. On balance the proposal will not have severe transportation implications.

Coal Authority – Objects due to a lack of a Coal Mining Risk Assessment. The site is in the defined Development High Risk Area as there are coal mining features and hazards to be considered.

District Valuation Office – Confirms the scheme would not be viable if the S106 contributions for urban open space and on-site affordable housing are sought by the Council. The developer's profit would normally be 20% of the gross development value. Based on the policy compliant scheme, the developer's appraisal for original proposals for 33 units would provide a developers profit of 1.72% of gross development value. The DV has allowed for a developer's profit of 17.5% (open market) and 5% (affordable) of the gross development value. The gross development value is assessed as £3,560,438. The developer states the site value is £425,000 but the DV considers this excessive and assesses it at £300,000.

Environmental Health – No objections.

Fire Service – No objections.

Housing Strategy – No objections. The proposal triggers the requirement for provision of 25% affordable rented units in line with policy unless the development is shown to be unviable through a valuation exercise.

Landscape – No objections in principle. The boundary treatment should allow for some surveillance along the footpath at the rear of plots 8-11. Details of boundary treatments are required. The planting areas are small and irregular shaped and planting details are required which should include tree planting.

Local Access Forum (Walsall Ramblers) – No objections. Public footpaths Will 40 and Will 41 (Stroud Avenue) pass in front of the site and link up with footpath Will 38. Other than a requirement for dropped crossings in front of some of the plots there will be no impact on the public footpaths.

Police – No objections. Secure by Design accreditation is recommended given the number of reported crimes in the Short Heath area. Measures to improve security are recommended.

Pollution Control – No objections subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues associated with the site. A noise assessment should also be undertaken. Conditions to address these concerns are recommended.

Severn Trent Water – No objections subject to securing drainage details. A condition is recommended to secure this. An informative regarding the public sewers in the site is recommended.

Public Participation Response

Seven letters of objection have been received. These are summarised as follows:

- The proximity of proposed 3 storey flats on the corner impedes visibility at the highway junction
- Fencing would also impede visibility at the junction
- Increased congestion to the main road
- Increased parking and congestion causes a traffic hazard particularly for buses
- Conflict between the access and adjacent bus stop
- The junction should be reassessed and parking controls considered
- Lack of parking for proposed new buildings
- Stroud Avenue is a busy road particularly at peak times
- Traffic calming is already in place
- The 3 storey apartment building is too high and out of keeping
- Loss of privacy

All letters of representation are available for inspection upon publication of this committee report.

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Determining Issues

- Principle of residential development
- Layout and Design
- Relationship to surrounding properties
- Access and parking
- Provision for Affordable Housing and Urban Open Space
- Local Finance Considerations

Observations

Principle of development

Residential redevelopment of this previously developed site in a sustainable urban location is in accordance with the NPPF and BCCS and local development plan policies. The former pub site has been subject of complaints from local residents regarding its untidy state. In the circumstances redevelopment for residential purposes is welcomed in principle.

The proposal is for a mix of houses and flats providing for a range of households.

Planning permission has previously been approved for new houses, supported living apartments and a physical disability unit on the site so the principle of residential development has already been accepted.

Layout and Design

The proposed layout has a part two/part three storey apartment block on the front of the site at the highway junction with new housing facing both sides of Stroud Avenue and four houses in the centre of the site facing a new access. This layout creates a prominent building frontage to the street. Although this form of development differs from the landscaped setting of surrounding properties it is not untypical of modern developments seeking to make more effective use of the land. There is a landscape strip of between 1-4m in front of the apartment block giving some relief within the street although the houses have only a short set back from the footway with no opportunity for landscaped front gardens.

The density of the proposal equates to 75 dwellings per hectare. Policy HOU2 of the BCCS recommends a minimum density of 35 dwellings per hectare. Although the proposed development is higher density this is often the case where flatted accommodation is provided. The layout and design are considered within an acceptable range considered appropriate for this sustainable and accessible location. Rudge Close to the rear of the site is approximately 48 dwellings per hectare and Benton Close opposite is 61 dwellings per hectare so there are examples of higher density development in the area including flats.

The proposed apartment block is three storeys high on the corner reducing to two storeys high at each end of the building. This is considered acceptable as it is a wide junction and the building will create a key focal point. Residents object to the three storey building which they consider to be out of keeping. Nevertheless the position of the building maintains an adequate distance separation to surrounding properties as the outlook towards the building is across the highway. The scale and massing of the proposed apartment building has been reduced by the loss of three flats from the third floor and subsequent reduction in the size of the roof. There are also different design elements such as brick and rendered facades and part dormer windows at third floor to keep the height down.

There is approximately 296m² of shared amenity space at the rear of the block which equates to 19.7m² per flat. This is a very minor shortfall from the 20m² per flat recommended in SPD: Designing Walsall and as the amenity space is a useable and accessible space for future

occupiers there is no harm to residential amenities. Also the site is in a sustainable location with easy accessibility to facilities in the locality that provide alternative amenity benefits.

The proposed houses each have a garden of at least 11m in length (1m shortfall from the recommended 12m). The garden areas vary in size but the majority have a useable area above 50m². This is considered reasonable given the sustainable location close to other facilities offering amenity benefits.

The line of cherry trees on the rear boundary of the site facing Rudge Close are dead so their removal will not have a significant impact on the character of the area. The proposed new houses backing onto the footpath in front of 11-19 Rudge Close are at least 20m away. This relationship has previously been accepted under permission 10/0702/FL albeit the proposed units (plots 9-12) are closer than previously approved dwellings. A condition to secure appropriate boundary treatment is recommended to maintain privacy and prevent any significant harm to the outlook of the existing dwellings.

It is recommended that permitted development for extensions and roof alterations is removed to prevent extensions to the dwelling that may have an adverse impact on residential amenity or parking provision.

The layout has been designed to accommodate public sewers which cross the site and pose a significant constraint upon any alternative layout proposals. Although the layout is tight it is considered acceptable on balance as it presents a positive appearance in the street scene and does not cause significant harm to the outlook or privacy of surrounding occupiers. It is also making more efficient use of previously developed land and the regeneration benefits of bringing the site forward for housing are considered to outweigh any shortfalls in the layout.

Relationship to surrounding properties

The proposed apartment block is between 22-32m away from the nearest dwellings on the opposite side of Stroud Avenue. This is across the highway so has no significant impact on the outlook and daylight of existing occupiers. In terms of potential loss of privacy highlighted by objectors the occupiers of the proposed new dwellings will have no greater opportunity for overlooking existing properties than pedestrians or vehicles in the street.

The dwellings on plots 9-12 are 20m away from existing properties in Rudge Close. This is below the recommended 24m but appropriate boundary treatment and landscaping should help to reduce any potential impact on overlooking or reduced privacy. There are only 4 plots immediately facing and the existing properties could be as much overlooked by pedestrians using the footpath (or by the earlier use of the pub premises) as by the proposed new dwellings. The potential impact is not significant sufficient to warrant refusal of permission.

The space and separation between the proposed new dwellings on the site is considered acceptable as each property has adequate garden space and there are no directly facing windows that may cause concern over privacy aspects.

The relationship between dwellings and to surrounding properties is considered acceptable despite the shortfalls highlighted.

Access and parking

The proposal introduces an access of the southern part of Stroud Avenue to serve parking for the apartments. This is staggered away from the nearby road junction and accommodates 15 spaces plus 3 visitor spaces and including 2 disabled spaces for occupiers of the apartments. This equates to at least 120% provision. This access also serves the bin store for the apartments.

There is a further access off the northern part of Stroud Avenue serving plots 9-12. Tree planting is proposed between the two halves of the access to prevent a through route. The Transportation officer recommends a condition to secure measures to prevent a through route.

Each of the proposed houses has at least 2 off-street parking spaces on a driveway either in front or at the side of the dwellings. Although there is a mix of dwellings including 4 bed properties the parking provision is considered acceptable. There is a bus stop on Stroud Avenue immediately adjacent to the site which encourages occupiers to use alternative means of travel and the site is in a sustainable location. The apartment block includes a cycle store to encourage occupiers to cycle.

Objectors are mainly concerned about increased traffic congestion and parking in the area as a consequence of the proposals. They consider the lack of parking and proximity of the apartment block to the highway junction and installation of any boundary fencing would cause highway congestion and interrupt driver visibility causing a highway hazard, particularly considering that buses use this route and particularly at peak times. The access adjacent the bus stop is also a concern for residents who consider the junction should be reassessed and parking controls be imposed.

The level of parking is considered appropriate and there are no current restrictions that would prevent on street parking. The original public house would have generated a significant amount of traffic and on balance the level of parking is considered acceptable. Traffic calming is evident in the area and this will slow traffic speeds to maintain highway safety. Conditions are recommended to secure alterations to these traffic calming measures to maintain highway safety. The apartment building is set back from the junction so maintains some visibility and details of boundary treatment are to be confirmed will be restricted in height at the junction. Vehicles emerging from the access adjacent to the bus stop will not be significant sufficient to cause a danger to highway safety. Potential for parking controls is for highways to consider and is not required as a consequence of this proposed development. The Transportation officer considers the proposals would not have a severe impact on the local highway network.

The access and parking arrangements are considered acceptable.

Provision for Affordable Housing and Urban Open Space

Under the terms of policies DEL1 and HOU3 of the BCCS and SPD Affordable Housing the proposal triggers the need for provision of affordable housing. Provision of 25% would equate to the need for 7 units. Although the developer has indicated that the properties will be affordable in terms of providing smaller units at an affordable rent the developer is not a Registered Provider and therefore the proposed affordable housing provision is nil.

Under the terms of policies DEL1 of the BCCS and policies GP3 and LC1 of the UDP and SPD: Urban Open Space the proposal triggers the requirement for a contribution towards provision of urban open space. Based on the policy requirements this equates to a contribution of £58,212.00 normally secured by a S106 Agreement. The developer is proposing nil.

The developer has provided a Financial Viability Assessment in order to support their request that affordable housing and urban open space provision requirements are waived. The District Valuer (DV) has reviewed their assessment which was based on the original proposals for 18 apartments and requirements for 8 affordable units and £61,677.00 towards urban open space. The DV concludes that the scheme would not be viable based on this policy requirement.

Since the DV reviewed the scheme the proposals have been amended and there are now only 15 apartments instead of 18 so the affordable housing requirement is for 7 units rather than 8 and the urban open space contribution has reduced to £58,212.00. Nevertheless the scheme is still likely to

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be unviable, particularly given the highway requirements for new dropped crossings and adjustment of road traffic calming will incur further costs not referred to in the viability assessment. The Housing Strategy officer accepts that viability may preclude provision of affordable housing.

In light of the DV advice it is recommended that the requirement for affordable housing and urban open space contributions are waived in this instance given the viability of the scheme and regeneration benefits the scheme has to offer.

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 30 new homes.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 411 new homes during 2011-2012 the award to the Council was £576,927. Taking into account the delivery of homes in previous years, the total amount awarded this year was £2,583,252. This figure (which included a premium for affordable housing) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards may be offset against reductions in the 'formula grant' the Council will receive from Government.

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

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant and their agent and discussed the process for determining this application. In response to this advice relevant supporting information and additional revised plans have been submitted. In light of the submitted details officers are able to support the scheme.

Recommendation: Grant permission subject to conditions subject to resolving the Coal Authority objection.

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

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

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

- Location Plan (683-04) received 15/01/15
- Amended Block Plan (683-11C) received 11/05/15
- Apartment Block Proposed Plans & Elevations (683-08B) received 21/05/15
- Apartment Block Proposed Second Floor Plan (683-09) received 21/05/15
- 3 bedroom Pine House Type Plans & Elevations (683-01) received 15/01/15
- 4 bedroom Ash House Type Plans & Elevations (683-08) received 15/01/15
- Design & Access Statement (January 2015) received 20/01/15
- Planning Statement prepared by Stoneleigh Architectural Services Ltd (January 2015) received 15/01/15
- Arboricultural Assessment prepared by Alison McCormick (18 February 2015) received 20/02/15

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

3. In order to address potential impact from land contamination the following matters shall be addressed:

- i. Prior to built development commencing a site investigation, ground contamination survey and assessment of ground gas, having regard to current best practice shall be undertaken. (see Note for Applicant CL1)
- ii. Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority. (see Note for Applicant CL2)
- iii. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- iv. The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- v. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.
- vi. A validation report confirming the details of the measures implemented together with substantiating information and justification of any changes from the agreed remedial arrangements shall be submitted to and accepted in writing by the Local Planning Authority prior to the development being brought into use. (see Note for Applicant CL3)

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

4a. Prior to the commencement of any development on site, a noise survey shall be undertaken to the written satisfaction of the local planning authority. The results of this survey, including details of all instrumentation used, prevailing weather conditions and traceable calibration tests shall be submitted to the local planning authority within 2 months of completion for approval in writing.

4b. No development shall take place until suitable noise mitigation measures have been agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully implemented.

4c. Validation shall be provided to the written satisfaction of the Local Planning Authority from a suitable third party that any ventilation or glazing noise reduction measures have been installed in accordance with the agreed mitigation measures.

Reason: To ensure adequate noise mitigation is provided to protect residential amenities of occupiers.

5a. Prior to the commencement of the development drainage details for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

5b. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution.

6a. Prior to the commencement of the development, a Construction Methodology Statement and plan including details of a turning facility and parking for site operatives, the siting of portakabins and materials, shall be submitted to and approved in writing by the Local Planning Authority.

6b. The Construction Methodology Statement shall be implemented and retained during the period of construction in accordance with the approved details.

Reason: To ensure the safe and satisfactory operation of the development during construction due to the sensitive nature of the site near to existing housing.

7a. Prior to the commencement of any built development above damp proof level on any structure full details of all external facing materials shall be submitted to and agreed in writing by the local planning authority.

7b. The development shall be implemented in accordance with the agreed facing materials.

Reason: To ensure the materials throughout the development harmonise with those in the surrounding vicinity.

8a. Prior to the commencement of any built development above damp proof level on any structure full details of all boundary treatments shall be submitted to and approved in writing by the local planning authority.

8b. The development shall be implemented and maintained in accordance with the agreed boundary treatments thereafter.

Reason: To ensure the satisfactory appearance of the development.

9a. Prior to the first occupation of any house on the development, all access ways, vehicle hard standing and parking areas serving that house shall be fully consolidated, hard surfaced and drained so that surface water from the areas does not discharge onto the public highway or into any highway drain.

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

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

10. Prior to the first occupation of any dwelling fronting Stroud Avenue, a new vehicle footway crossing serving the dwelling shall be installed in accordance with Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance all statutory requirements.

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

11. Prior to the first occupation of the apartment block, the car parking area shall be fully consolidated, hard surfaced and drained and the parking spaces clearly demarcated on the ground. In addition, a new vehicle footway crossing serving the car park shall be installed in accordance with Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance all statutory requirements.

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

12a. Prior to the commencement of any built development above damp proof level on the apartment structure, full details of the cycle shelter for the use of residents and visitors shall be submitted to and approved in writing by the Local Planning Authority. The shelter shall be covered, illuminated and located in a secure convenient position.

12b. The cycle shelter shall be fully implemented in accordance with the approved details prior to the first occupation of any apartment and shall thereafter be retained and used for no other purpose.

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

13a. Prior to the commencement of any built development above damp proof level, full engineering details of the required alterations to the existing traffic calming features in Stroud Avenue, shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall include the repositioning and replacement of the existing traffic calming features outside Plot 6 and Plot 13 with appropriate alternative traffic calming features and the provision of new traffic calming feature outside the apartment block at the Benton Close junction.

13b. Prior to the first occupation of Plots 1 to 4, Plot 6 and Plot 13, the traffic calming works approved under part (a) of this condition shall be fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

Reason: To ensure the safe and satisfactory operation of the access points and in respect of Plots 1 to 4, to reduce vehicle speeds on Stroud Avenue sufficiently to ensure that there is adequate inter-vehicle visibility at the access points taking in account the close proximity of the new dwellings and apartment block to the back of highway and the geometry of the road, in the interests of highway safety.

14. At no time shall 'through' traffic be allowed between the shared access road and the apartment block car park and appropriate physical measures shall be implemented and retained to prevent this, the details of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To control the use of the access points in the interest of highway safety.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without

modification), no development permitted by Schedule 2, Part 1, Classes A, B, C, D, E & F, and Part 2 Classes A & B shall be carried out without the prior approval of the local planning authority.

Reason: To enable the local planning authority to retain effective control over further development to ensure the amenities of surrounding occupiers are maintained.

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

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

Reason: To protect the amenities of surrounding occupiers.

Notes for Applicant – Contaminated Land

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

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

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

Notes for applicant - Noise

Noise surveys may need to adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation point, and may also need to take account of changes in noise levels on account of height above ground floor level to account for noise exposure at sensitive receptor points. Additionally, a noise survey may have to take into

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consideration changes in noise climate between normal weekdays, and weekends, effects of holiday periods, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys may be required to corroborate a single noise survey.

Submitted noise measurement data should include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators) inclusive of performance verification checks, recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum. Sound level measuring instrumentation shall conform to either: 'Type 1' of either British Standard BS 5969: 1981 'Specification for sound level meters', and/or BS EN 60651: 1994 'Specification for sound level meters', and/or BS 6698: 1986 'Specification for integrating-averaging sound level meters', and/or BS EN 60804: 1994/2001 'Specification for integrating-averaging sound level meters' and/or 'Class 1' of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications' (or any superseding standards as applicable).

Instrumentation shall have been verified either in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' or BS EN 61672: 2003 'Electroacoustics - Sound Level Meters - Part 3: Periodic Tests' within a preceding 2 year period of measurements being conducted, or else verified with a multifunction acoustics calibrator that has been UKAS certified within a preceding 2 year period.

In regard to specifying suitable noise mitigation measures to protect internal and/or external residential areas, reference can be made to guidance and criteria contained in British Standard BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' and World Health Organisation 'Guidelines for Community Noise 2000'.

Noise Policy Statement England (NPSE)

The NPSE sets out the long term Government noise policy which includes a Noise Policy Vision to 'promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development'. Noise Policy Aims are threefold. Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- i. avoid significant adverse impacts on health and quality of life;
- ii. mitigate and minimise adverse impacts on health and quality of life; and
- iii. where possible, contribute to the improvement of health and quality of life."

Note for applicant – Public Sewers

Severn Trent Water advises that there are public sewers located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals, Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of the Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval. If you require any further information please contact Rhiannon Thomas on 01902 793883.

Note for applicant – Highways

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

2. The applicant will be expected to enter into an agreement under S278 of the Highways Act 1980 with the Highway Authority for all works within the existing public highway.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 2.

Reason for bringing to committee: Major application

Application Number: 15/0221/FL

Application Type: Full application

Applicant: MACC Care Limited

Proposal: Demolition of the existing Nursing Home and associated outbuildings. Erection of a new 3 storey Nursing Home with single storey elements and provision of associated car parking and gardens. Erection of 6 no dwellings (comprising 3 semi-detached blocks) with a new access road.

Location: MEADOW HOUSE, STROUD AVENUE, WALSALL, WV12 4ET

Ward: Short Heath

Case Officer: Alison Ives

Telephone Number: 01922 652604

Email: planningservices@walsall.gov.uk

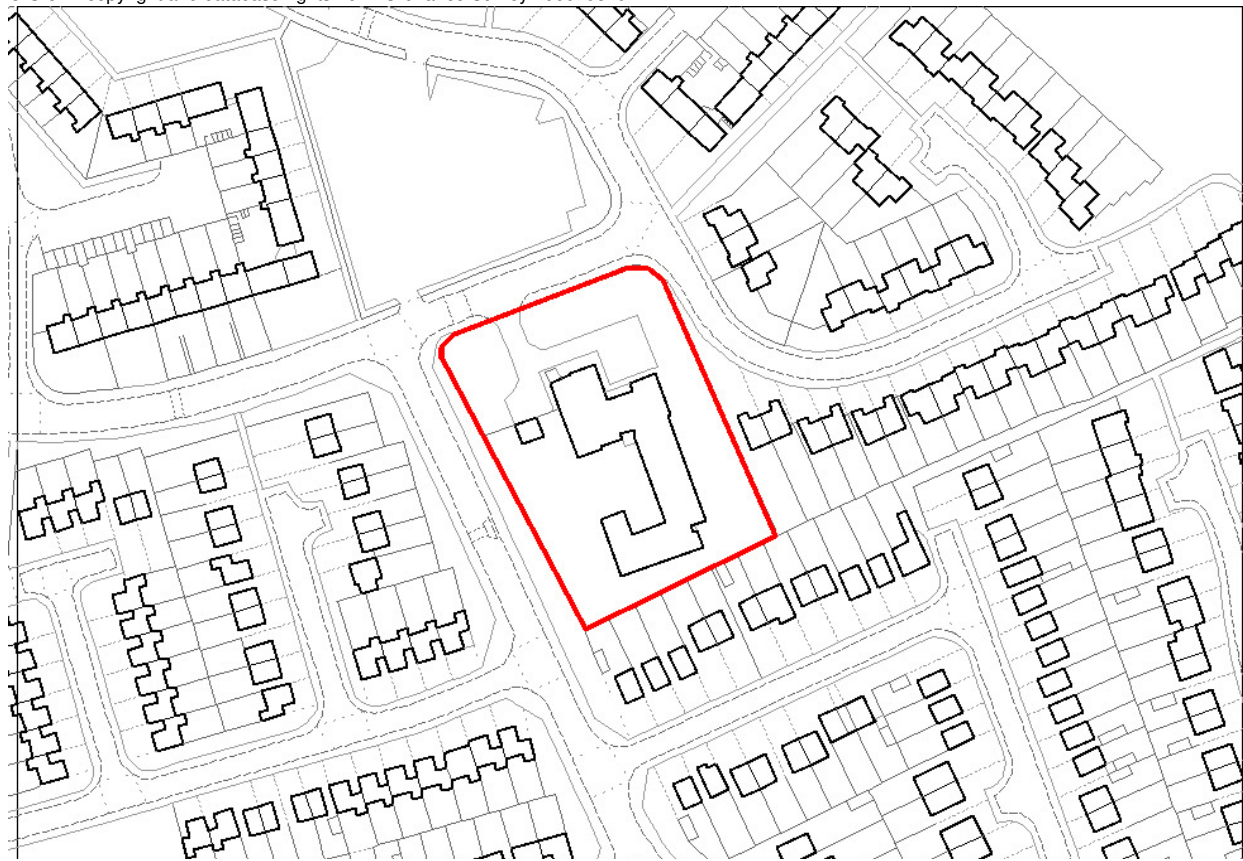
Agent: Martin Ward & Keeling Ltd

Expired Date: 15/06/2015

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The proposal is for demolition of the existing nursing home and outbuildings and erection of a new three storey nursing home with parking and gardens plus 6 new four bedroom semi-detached houses.

The site is opposite the vacant site of the former Cavalcade PH at the junction of Stroud Avenue and Ensbury Close which is also proposed for redevelopment (application 15/0061/FL). The existing building is boarded up and the site vacant and overgrown. There are existing trees across the front of the site and along the side of the building adjacent to Ensbury Close. The ground level of Meadow House is significantly lower than Ensbury Close. The surrounding area comprises predominantly two storey houses and flats. There is a bus stop opposite the site and traffic calming along Stroud Avenue.

The proposed nursing home is located on the front part of the site facing Stroud Avenue. It is a “u” shaped building forming a courtyard at the front where there is a landscaped garden. The proposed parking is also located in front of the building adjacent to Stroud Avenue. There are 23 car parking spaces including 2 disabled spaces, a delivery and unloading space and bin and cycle store provision. Private amenity space is located at the rear. New tree planting is proposed to replace those trees lost.

Each of the three wings of the proposed nursing home building is 12m wide which accommodates a central corridor with rooms on each side. The proposed care home has 72 bedrooms. Other accommodation includes a reception and office, communal lounges on all three floors (the largest are on the ground floor), kitchen, nurse and staff rooms, storage, laundry, admin and plant rooms, assisted bathrooms and a relative’s lounge. There is a lift near the main entrance which is within the western wing. The proposed building is 24m wide and 13m high with a pitched roof. A brick and tile construction is proposed and the third floor elevation is rendered.

The three pairs of proposed semi-detached houses are located behind the nursing home backing onto gardens of properties in Dursley Close. An access is brought in off Stroud Avenue at the rear of the proposed nursing home and the houses are set at a slight angle (15°) to this. The houses are four bedroom three storey properties the third floor comprising front and rear dormer windows in the roof space. The gardens vary in length between 9-14m but each has ample garden area exceeding the recommended 68m². Parking for 2 vehicles is provided in front of each house. New tree planting is proposed along the rear boundary.

The applicant is MACC Care Limited an established nursing home operator with 4 homes currently in the west midlands. There will be up to 50 full and part time employees at the site.

The site area is 0.5 hectares.

The Design & Access Statement – Describes the proposals and explains the need for additional nursing home accommodation, it discusses the access to the site, site assessment and context, staff numbers and car parking, and appearance and form of the proposed development.

The Planning Statement – Describes the site and surrounding area and gives a summary of the proposals. It also highlights the planning history, planning policy context, planning considerations and acceptability of the proposed land uses, quality of care provision provided, design, impact on neighbours, transport impact and sustainability.

The Sustainability Statement – Describes the services MACC Care offers the community, how they seek to maximise economic opportunities in terms of jobs, energy efficiency measures considered, waste considerations, access and linkages, community safety and the natural and historic environment.

The Transport Statement – Highlights the existing conditions, proposed development, expected trip generation, opportunities for sustainable travel and highway impact. The summary explains the site is in a sustainable location with easy access for pedestrians and cyclists and well connected by bus services. The access points would be lightly trafficked and access and turning movements have been tracked to demonstrate how they operate satisfactorily. Car parking is considered satisfactory. The increased journeys as a result of the proposals are expected to be low and existing infrastructure is sufficient to accommodate the proposals. A Travel Plan Framework has also been developed.

The Travel Plan Framework – Sets out the aims and objectives, existing conditions, proposed development, trip generation, travel plan targets, measures and incentives and implementation, monitoring and review. The measures and incentives include appointment of a Travel Plan Coordinator, travel plan training for staff and a notice board within the care home promoting information to encourage sustainable travel.

The Tree Survey Assessment – Identifies 23 individual trees and one group of trees were surveyed. The trees are predominantly category B and C trees with two category U trees (which are proposed to be felled). Low quality category C trees should not constrain the development and can be removed. A number of category B trees provide a collective canopy at the front of the site and should be retained where possible. Tree removal is anticipated but is considered tolerable to the amenity benefits the redevelopment will offer new tree planting and landscaping.

Relevant Planning History

12/1080/FL – Alterations to elevations including new entrance, new staircase, detached gym/activity room and alterations to car park to provide ambulance space, disabled parking and disabled ramped access – Application withdrawn 20/12/12.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Find ways to enhance and improve places in which people live their lives
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

The NPPF confirms that a plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate,

Paragraph 32 states all developments should have safe and suitable access to the site for all people.

Paragraph 34 advises decision should ensure developments that generate significant movement are located where the need to travel will be minimised and use of sustainable transport can be maximised.

Paragraph 50 aims to deliver a wide choice of high quality homes and advises local planning authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community such as older people and people with disabilities amongst others.

Paragraph 56 attaches great importance to the design of the built environment and states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57 states it is important to plan positively for the achievement of high quality and inclusive design.

Paragraph 58 states planning policies and decision should aim to ensure that development meet criteria including:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials
- Are visually attractive as a result of good architecture and appropriate landscaping

Paragraph 61 considers planning decisions should address connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 70 states to deliver services the community needs and advises planning policies and decisions should ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

Paragraph 110 aims to minimise pollution and other adverse effects on the local and natural environment.

Paragraph 111 encourages effective use of land by re-using land that has been previously developed (brownfield land) provided it is not of high environmental value.

Paragraph 118 states planning permission should be refused for development resulting in loss or deterioration of irreplaceable habitats...and the loss of aged or veteran trees...unless the benefits of the development clearly outweigh the loss.

Paragraph 120 seeks to prevent unacceptable risks from pollution and land stability.

Paragraph 123 aims to mitigate and minimise adverse impacts on health and quality of life from noise.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Costs

imposed on developments should pay careful attention to viability and take account of market conditions.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "decision-takers may continue to give full weight to relevant policies. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The Vision consists of three major directions of change and underpins the approach to the whole strategy;

- 1. Sustainable Communities** - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.
- 2. Environmental Transformation** - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country's natural and built environment.
- 3. Economic Prosperity** Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

The Spatial Objectives include

6. A high quality environment enhancing the unique biodiversity and geodiversity of the Black Country and making the most of its assets whilst valuing its local character and industrial legacy.

The above are supported by the following policies:

CSP2: Outside strategic centres and regeneration corridors a mix of good quality residential areas where people choose to live should be provided.

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

CSP4: A high quality of design of the built and natural environment is required.

DEL1: Development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements are provided.

DEL2: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

HOU2: Advises on housing density, type and accessibility and the need to achieve high quality design and minimise amenity impacts. All developments should aim to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness as defined

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport.

TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

TRAN4: Seeks to create an environment that encourages sustainable travel that requires new developments to link to existing walking and cycling networks.

TRAN5: Identifies priorities for traffic management including maximum parking standards and promoting measures to reduce the need to travel and facilitate a shift towards using sustainable modes of transport such as walking, cycling, public transport etc.

ENV1: Seeks to safeguard nature conservation.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character. Development proposals will be required to preserve and where appropriate enhance aspects of the historic environment together with their settings.

ENV3: Refers to design quality requirements.

ENV5: Seeks to minimise the probability and consequences of flood risk.

Walsall's Unitary Development Plan (UDP)

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

Policies that have been saved and not replaced by the BCCS remain part of the development plan.

However, in such cases the NPPF says "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant policies are:

GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

ENV14: Encourages reclamation and development of derelict and previously developed land where possible in accordance with other policies.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV32: Proposals should take in to account the surrounding context particularly within or adjacent to the Green Belt including consideration of the effect on the local character of the area, vehicular and pedestrian patterns and visual relationship to surrounding areas.

ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: The quality of all water resources will be protected.

H3: Encourages provision of housing through re-use of previously developed sites provided a satisfactory residential environment can be achieved, the site is not required to be retained for employment, there is good accessibility and residential development does not constrain the development of adjacent sites .

H5: Promotes housing for people with special needs including groups requiring specialist accommodation.

T1: All development should conform to the accessibility standards set out in policies T10-T13.

T4: Classifies the highway network and specifies that residential streets and minor roads are those where traffic volumes and speeds should be quite low. Sometimes traffic calming measures will be required.

T5: Seeks to implement selective improvements to highway infrastructure and states highway improvement schemes should be designed to minimise any adverse impact on the environment or the amenity of residents.

T7 – All development should satisfy the car parking standards set out in Policy T13.

T8: Encourages walking and provision in development to enhance this.

T10 (a): Refers to accessibility standards.

T13: Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

Nursing Homes – 1 space per 2 beds

4 bed houses – 3 spaces per dwelling

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The relevant SPD's are:

DW1: Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.

DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.

DW3: Character - all new development must be designed to respect and enhance local identity

DW4: Continuity - Well defined streets with a continuity of built form are important.

DW5: Ease of Movement – connections to existing routes

DW6: Legibility - new development should contribute to creating a place that has a clear identity

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

DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.

DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality.

DW 10: Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

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

Conserving Walsall's Natural Environment SPD

NE1: All relevant applications to be supported by an adequate impact assessment.

NE7: planning applications with a potential to damage or destroy trees, woodlands or hedgerows should be supported by an arboricultural assessment and demonstrate trees to be retained will survive and space for them to develop is maintained.

N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees.

It is considered in this case that the relevant provisions of SPD Conserving Walsall's Natural Environment are consistent with the NPPF.

Consultations

Transportation – No objections in principle subject to conditions to secure parking, access works and implementation of a travel plan. The proposed care home has 23 parking spaces inclusive of 2 disabled spaces which is below the UDP policy requirement. The applicant has submitted a parking accumulation statement based upon similar developments elsewhere in the country and concludes that 13 spaces should be sufficient to serve a care home development of this size. On this basis 23 spaces should be more than adequate to cater for this development. The developer has also submitted a Framework Travel Plan to be developed into a full Travel Plan to promote the sustainability of the site and to reduce car borne trips to the site.

The houses have 2 parking spaces each which is below the UDP policy requirement of 3 spaces per dwelling. Taking into account the sustainability of the site overall which has good links to public transport and is within reasonable walking distance of Stroud Avenue and High Road Local Centres, on balance the Highway Authority considers the level of parking provision is acceptable and overall the development will not have severe transportation implications and is acceptable in accordance with NPPF paragraph 32.

Equality & Diversity Officer – No objections. There appear to be good access facilities.

Fire Service – No objections.

Housing Strategy – No objections.

Landscape – Objects due to loss of trees which currently have a positive effect on the street scene. A landscaping condition could be incorporated to secure details of new hard and soft landscaping if the layout is revised to secure retention of more trees.

Local Access Forum – No objections.

Natural Environment (Ecology) – No objections.

NHS Care Commissioning – The proposals appear to be an old person's nursing home provider and this large unit is in a different location to other proposed new nursing resources.

Police – No objections in principle but recommends security measures. Secure by Design accreditation is recommended.

Pollution Control – Noise mitigation measures are required on any machinery/plant and demolition/construction working hours should be restricted. Odour mitigation measures are also required to address cooking odours associated with the communal kitchen. Conditions to secure these measures are recommended. The contractor carrying out the demolition needs to take actions to prevent contamination of the ground due to any potentially hazardous materials associated with the building structures or their previous use. A methodology statement needs to be agreed with the Local Planning Authority prior to any works commencing.

Internal noises within the proposed care home should be addressed by Health Technical Memorandum 08-01: Acoustics, which considers the acoustic design criteria essential for healthcare premises – covers noise levels in rooms, external noise levels, sound insulation between rooms, impact sound insulation, acoustically-absorbent material, audio systems, audiology facilities, and vibration caused by medical equipment.

Public Rights of Way – No objections.

Severn Trent Water – No objections subject to provision of drainage details. A condition to secure this is recommended. A note for the applicant regarding the public sewer within the site is recommended.

Tree Officer- Objects. Most of the trees on site will be removed despite the drawings showing their retention, the care home section is cramped with no soft landscaping space for replacement trees and the private amenity space for the houses is insufficient to accommodate replacement planting.

Walsall Clinical Commissioning Group – Primary Care medical cover for this size establishment needs to be considered.

Public Participation Response

Seven letters of objection have been received. These are summarised as follows:

- The site is designated for housing but most of the site is a Nursing Home
- The proposed nursing home is out of keeping in this residential area
- What type of nursing home is proposed?
- The housing is an unusual mix with the nursing home
- Height and proximity of the building in relation to adjacent houses
- 3 storey height out of keeping
- Size of the nursing home is overbearing, incongruous and out of keeping
- Loss of privacy from overlooking
- Loss of light and overshadowing
- Trees and leaf fall cause maintenance issues for surrounding properties
- The existing premises are in a state of disrepair and need to be made safe
- Inadequate parking
- Parking conflict and congestion in the street
- Increased traffic in the area
- Double yellow lines are requested in Ensbury Close

All letters of representation are available for inspection upon publication of this committee report.

Determining Issues

- Principle of development
- Layout and Design
- Relationship to surrounding properties
- Access and parking
- Local Finance Considerations

Observations

Principle of development

Residential redevelopment of this previously developed site in a sustainable urban location is in accordance with the NPPF and BCCS and local development plan policies.

The proposal for a Nursing Home is welcomed as it provides for people with special needs requiring specialist accommodation in accordance with UDP policy H5. There is already a care home on the site so the principle of this is already been established.

Objectors consider the site should be developed for housing not a nursing home as this is out of keeping. They also query the type of nursing home proposed. As there is a current nursing home on the site albeit closed this is the current use so there is an established principle for this type of development. The proposal introduces 6 new houses at the rear of the nursing home which is an

appropriate mix. The type of residents at the proposed nursing home does not have any impact on the material planning considerations.

Residents point out that the existing premises are in a state of disrepair and need to be made safe. The proposed development would address this problem.

The principle of a mixed development for a nursing home and new houses is considered appropriate in this sustainable location on a previously developed residential site.

Layout and Design

The proposed layout is for the nursing home at the front of the site utilising the existing vehicle access with new housing at the rear backing onto Dursley Close and served by a new access. One wing of the proposed nursing home projects closer to Stroud Avenue than the other and creates a prominent frontage to along the western boundary. The landscaped courtyard in front of the building helps enhance the setting of the building which will be coupled with new planting around the perimeter of the site.

The proposal involves removal of the majority of existing trees on site but significant new tree planting is proposed to compensate for this. The landscape and tree officer have objected to loss of trees on the site so the developer has provided a further plan to demonstrate the extent of trees lost, those retained and those proposed to be planted. This clearly shows significant new planting throughout the site. On balance it is considered that the regeneration benefits the proposals offer outweigh any harm by virtue of loss of the existing trees and the new planting will enhance the setting and visual amenities of the site. This will be secured by a recommended condition.

Objectors are concerned about trees and the falling leaves which cause maintenance issues for surrounding properties. This is no different a situation to elsewhere in the borough where there are trees close to housing or in the vicinity of this site.

The proposed nursing home is three storeys high with a hipped roof. Surrounding residents consider this to be too high, incongruous and out of keeping with the area. The existing building is two storeys high with a flat roof which has a utilitarian appearance. The proposed new nursing home is more of a domestic appearance in terms of window patterns and roof design and for this reason is considered more in keeping with the houses in the surrounding area. The three storey height will reflect the proposed apartment block opposite on the former Cavalcade site. The site is at a lower ground level than adjacent housing in Ensburys Close so will appear as a comparable height to this surrounding housing.

Pollution control officers recommend conditions to secure noise and odour mitigation for the nursing home and ensure potential contamination is dealt with. Other conditions are recommended to protect neighbouring amenities. Conditions are also recommended to secure details of landscaping and boundary treatments to address landscape and police comments.

The proposed semi-detached houses are between 21-28m away from the rear elevation of the proposed nursing home which is adequate distance to maintain privacy and outlook for future occupiers. The houses are angled to the road and have rear gardens between 9-14m long and each exceeding the 68m² recommended in SPD: Designing Walsall. There will be shading of the gardens for plots 5 and 6 but the size of the garden is sufficient to offer adequate amenity benefit.

The layout and design of the proposals are considered acceptable.

Relationship to surrounding properties

The proposed houses are further away from the adjacent houses on Dursley Close than the existing nursing home and there is 22-24m between the two storey facing elevations between the

two. Despite falling slightly short of the 24m sought in the Design Guide, this is considered adequate distance to maintain privacy and outlook to address neighbour's objections especially as the buildings are turned slightly on the plot to minimise overlooking. There is also proposed tree planting which will provide additional screening.

Objectors are concerned about the height and proximity of the nursing home building in relation to adjacent houses. The nearest house is 2 Ensbury Close but as the site has a lower ground level the proposed nursing home building is a comparable height. It is also 16m away from the front elevation of the house. This is considered an acceptable relationship and has no significant impact on outlook, daylight or privacy. Again, proposed planting will offer some screening.

In terms of potential overshadowing the relationship between the proposed care home and adjacent housing in Ensbury Close is such that any impact would be at the end of the day towards the front of the house and driveway. There is already shading from existing trees and the proposal does not make this any worse. The potential overshadowing between the proposed houses and Dursley Close is not significant given the distance between the properties.

The relationship between properties is considered acceptable.

Access and parking

The proposal shows utilisation of the existing access for the nursing home with a car park for 23 vehicles in front of the building. UDP policy T13 requires 1 space per two beds for nursing homes which equates to a requirement for 36 spaces. The developer has provided a parking survey of similar developments elsewhere that demonstrates the level of parking proposed is adequate despite being below the recommended levels. The Transport Statement concludes the level of parking is adequate and a Travel Plan is recommended to encourage residents and visitors to use alternative means of travel. The Transportation officer is satisfied with this and recommends conditions to secure parking and Travel Plan measures.

There are two parking spaces per dwelling for the semi-detached houses which despite being below the recommended 3 spaces for four bed houses is considered adequate. The site is in a sustainable location close to local bus stops and local centres. The Transportation officer is satisfied that the level of parking is adequate taking into account these factors and will not have severe transportation impacts or adverse impacts on the highway.

Residents are concerned there is inadequate parking to cater for the proposals and that increased on-street parking in the area will cause congestion in the street. For the reasons given above the proposed parking is considered acceptable and will not have a significant impact on the highway network. Other objections relate to increased traffic in the area and requests double yellow lines in Ensbury Close. The Transport Statement states that increased journeys as a result of the proposals are expected to be low and existing infrastructure is sufficient to accommodate the proposals. Requests for double yellow lines are a matter for Highways to consider but are not required as part of these proposals.

The equality and diversity officer is satisfied with the proposed disabled access.

A construction management plan is recommended to be secured by condition to ensure the highway is kept clear during construction and that adequate parking and turning for site operatives remains available.

The access and parking arrangements are considered acceptable.

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 6 new homes.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 411 new homes during 2011-2012 the award to the Council was £576,927. Taking into account the delivery of homes in previous years, the total amount awarded this year was £2,583,252. This figure (which included a premium for affordable housing) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards may be offset against reductions in the 'formula grant' the Council will receive from Government.

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

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant and their agent and discussed the process for determining this application. In response to this advice relevant supporting information and additional revised plans have been submitted. In light of the submitted details officers are able to support the scheme.

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Site Location Plan (2262-001)
- Proposed Site Plan (2262-101D) received 16/02/15
- Nursing Home Proposed Floor Plans (2262-103C) received 16/02/15
- Nursing Home Proposed Elevations (2262-104) received 16/02/15
- Proposed Site Plan – Key to existing and proposed trees (2262-105) received 19/05/15
- Tree Planting Schedule (2262-106) received 19/05/15
- Proposed New Houses Floor Plans (2262-201B)
- Proposed New Houses Elevations (2262-202B)
- Existing and Proposed Site Sections (2262-102) received 16/02/15
- Existing Site Plan (2262-100) received 16/02/15
- Proposed Semi-detached tree shading projections (2262-203) received 16/02/15
- Design & Access Statement prepared by Martin Ward & Keeling dated 19/05/15
- Planning Statement (March 2015) received 30/03/15
- Sustainability Statement prepared by Martin Ward & Keeling (March 2015) received 30/03/15
- Transport Statement prepared by Inspire Transport Planning received 17/03/15
- Travel Plan Framework prepared by Inspire Transport Planning received 17/03/15
- Tree Survey Assessment prepared by Indigo Surveys (15007/A1) received 16/02/15

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

3. In order to address potential contamination issues the following matters shall be determined:

- i. Prior to demolition a site survey to identify any potentially hazardous materials shall be undertaken. A Method Statement detailing actions and time scale to be taken to prevent localised contamination and control dust, noise and flying debris shall be provided to and agreed in writing prior to commencement of demolition.
- ii. Following demolition and removal of the buildings a validation report shall be provided to and accepted in writing by the Local Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials and the building.

Reason: To ensure safe development of the site and to protect human health and the environment. Potential contamination needs to be addressed from the outset of the development.

4. Prior to the commencement of the development full details of suitable noise mitigation measures to protect internal areas of the proposed development shall be submitted to and agreed in writing with the local planning authority, and the development shall not be occupied until such measures have been fully implemented in accordance with the agreed details. Care Home living accommodation shall be designed to ensure that the criteria of Health Technical Memorandum 08-01: Acoustics (2013) is achieved.

Reason: To ensure safe development of the site and to protect human health and the environment. Noise mitigation measures need to be confirmed prior to the commencement of the development to protect residential amenities.

5. External plant, machinery or equipment used for the purpose of liquid pumping, providing compressed air, heating, ventilation and air conditioning shall be situated within acoustically designed enclosures or designed to achieve a Noise Rating of 35 dB 1 metre from the facade of noise sensitive receptors.

Reason: To protect the amenities of surrounding occupiers.

6a. Hot food cooking points shall be served by an odour extraction and abatement system to be first submitted to and agreed in writing by the local planning authority.

6b. Any approved extraction and abatement system shall be fully implemented in accordance with the agreed details and maintained in accordance with manufacturer's instructions.

Reason: To protect the amenities of surrounding occupiers.

7a. Any flue serving hot food cooking points shall terminate at least 1 metre above the building roof level or building ridge level (whichever is the highest) of any building within 20m of the proposed development, and in any case, 1m above the building roof level or building ridge level housing the commercial kitchen / cooking facility. [Note: These requirements may be varied subject to the fitment and retention of a high efficiency odour control system]

7b. Where active ventilation of kitchen and cooking areas is required, this shall be facilitated via intake ventilation systems. [Note: These should be equipped with guards to prevent the ingress of insects].

7c. External windows and doorways serving hot food cooking areas shall remain closed whilst hot food cooking operations are in progress.

Reason: To protect the amenities of surrounding occupiers.

8a. Where extract ventilation flues and associated fan and motor units are attached to wall or other structural building elements that serve more than one premises, or include residential occupancy, appropriate vibration isolation mounting systems shall be used and ductwork shall be de-coupled from fan and motor units.

8b. Extract-ventilation systems shall be designed and operated to ensure that noise emissions do not give rise to a Rating Level of 10 dB as determined in accordance with British Standard BS 4142: 2014 'Methods for rating and assessing industrial and commercial sound'.

8c. Extract-ventilation systems shall be designed and operated to ensure that noise emissions do not give rise to a Noise Rating Exceeding NR 35 1m from the façade of occupied residential properties.

Reason: To protect the amenities of surrounding occupiers.

9a. A system that ensures Fats, Oils and Greases cannot enter the drainage system shall be agreed in writing with the Local Planning Authority.

9b. Any agreed drainage system shall be maintained in accordance with manufacturers' instructions.

Reason: To prevent pollution of the drainage systems.

10a. Prior to the commencement of the development drainage details for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

10b. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution. Drainage is below ground infrastructure that needs to be resolved before construction of any new dwellings is commenced.

11a. Prior to the commencement of the development a construction methodology statement shall be submitted to and approved in writing by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of construction.

11b. This provision shall be retained during construction in accordance with the approved details.

Reason: In order to minimise on street parking by site operatives and the potential disruption to the free flow of traffic along the public highway, in the interests of highway safety. Construction methodology needs to be implemented from the outset of a development so details are required for approval beforehand.

12a. Prior to the commencement of the development, full engineering details of the following highway improvement / access works required as a result of the development shall be submitted to and approved in writing by the Local Planning Authority;-

- i. The provision of tactile pedestrian dropped crossings across the Stroud Avenue junction, Ensbury Close junction and the Care Home access bellmouth,
- ii. The provision of a new vehicle dropped crossing to serve the residential element of the development up to the site boundary,

12b. Prior to the first occupation of any part of the development, the highway works detailed in part a (i) and (ii) of this condition, shall be fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

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

13. Prior to the commencement of any built development above damp proof level, a revised site layout plan shall be submitted showing the cycle shelter facility located nearer to the main building entrance.

Reason: The cycle shelter is remotely located at the far eastern end of the car park, underneath trees. The shelter should be relocated to a more convenient position nearer to the main building entrance where it will achieve better natural surveillance and improved security, in accordance with TRAN4 of the BCCS.

14a. Prior to the development first coming into use full details of the cycle shelter shall be submitted to and approved in writing by the Local Planning Authority.

14b. The cycle shelter shall be fully implemented in accordance with the approved details and thereafter retained.

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

15a. Prior to the first occupation of the Care Home, the access way, parking and vehicle manoeuvring areas shall be fully consolidated, hard surfaced and suitably drained so that surface water does not discharge onto the public highway and the parking bays shall be clearly demarcated on the ground.

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

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

16. Upon first occupation of the Care Home, the commitments, measures and targets to encourage sustainable travel modes to reduce car based trips to the site contained within the Framework Travel Plan dated February 2015 and submitted by Inspire Transport Planning shall be fully developed into a full Travel Plan and implemented, monitored and reviewed for the lifetime of the development, in accordance with the approved Plan.

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

17a. Prior to the first occupation of any dwelling house on the development, the access way and parking areas serving the dwelling shall be fully consolidated, hard surfaced and suitably drained so that surface water does not discharge onto the public highway.

17b. These areas shall thereafter be retained and used for no other purpose.

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

18a. Prior to the commencement of any built development above damp proof level, a detailed landscaping scheme and maintenance strategy for the development (including any necessary phasing of implementation) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include where applicable, details of:

- i. Topsoil specification. – If existing soils are to be used, details of its retention, improvement, cultivation or safe storage for re-use should be specified.
- ii. Further details of proposed tree/plant species, number of plants/shrubs, size at time of planting, density, ground surface treatment, tree support and tree pit details, root barriers and mulching. Full details of sizes/ container volumes/ seed mixes/ plant numbers/ provenance/ botanical and English names and methods of planting.
- iii. Full specification for walls, fences, gates (boundary and internal, showing materials, heights and location), and paving (materials and layout).
- iv. Tree planting and staking details which should be ideally shown as standard detail(s)
- v. Details of landscape establishment / maintenance proposals to be undertaken during the standard conditioned maintenance period.

18b. The scheme shall be completed fully in accordance with the approved details before the development is occupied and retained as such.

18c. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which die, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to safeguard the visual amenity and natural environment of the area.

19a. Prior to the commencement of any built development above damp proof level on any structure full details of all external facing materials shall be submitted to and agreed in writing by the local planning authority.

19b. The development shall be implemented in accordance with the agreed facing materials.

Reason: To ensure the materials throughout the development harmonise with those in the surrounding vicinity.

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

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

Reason: To protect the amenities of surrounding occupiers.

Note for applicant – Food Preparation Areas

With regards to food preparation areas it is appropriate that the developers have regard to: 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' Department for Environment, Food and Rural Affairs (2005).

Note for applicant – Severn Trent Water

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. The developer is advised to contact Severn Trent Water to discuss the proposals. Severn Trent Water will assist the developer in obtaining a solution which protects the public sewer and proposed building. Please note, when submitting a Building Regulations application the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 part H4, Severn Trent can direct the building control officer to refuse building regulations approval. If you require any further information please contact Rhiannon Thomas on 01902 793883.

Note for applicant - Highways

1. The attention of the applicant is drawn to the need to keep the highway free from any mud or other material emanating from the application site or any works pertaining thereto.
2. The applicant will be expected to enter into an agreement under S278 of the Highways Act 1980 or other appropriate agreement with the Highway Authority for all works within the existing public highway.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 3.

Reason for bringing to committee: Major Application

Application Number: 15/0238/FL

Application Type: Full application

Case Officer: Alison Ives

Telephone Number: 01922 652604

Email: planningservices@walsall.gov.uk

Agent: BM3 Architecture

Applicant: Galliford Try Partnerships Central/
WHG Developmen

Proposal: Erection of 48 no. 1, 2 and 3 bedroom dwelling houses with associated ground works and access road

Location: FORMER CLOTHIER STREET PRIMARY SCHOOL, HARRY PERKS STREET,
WALSALL

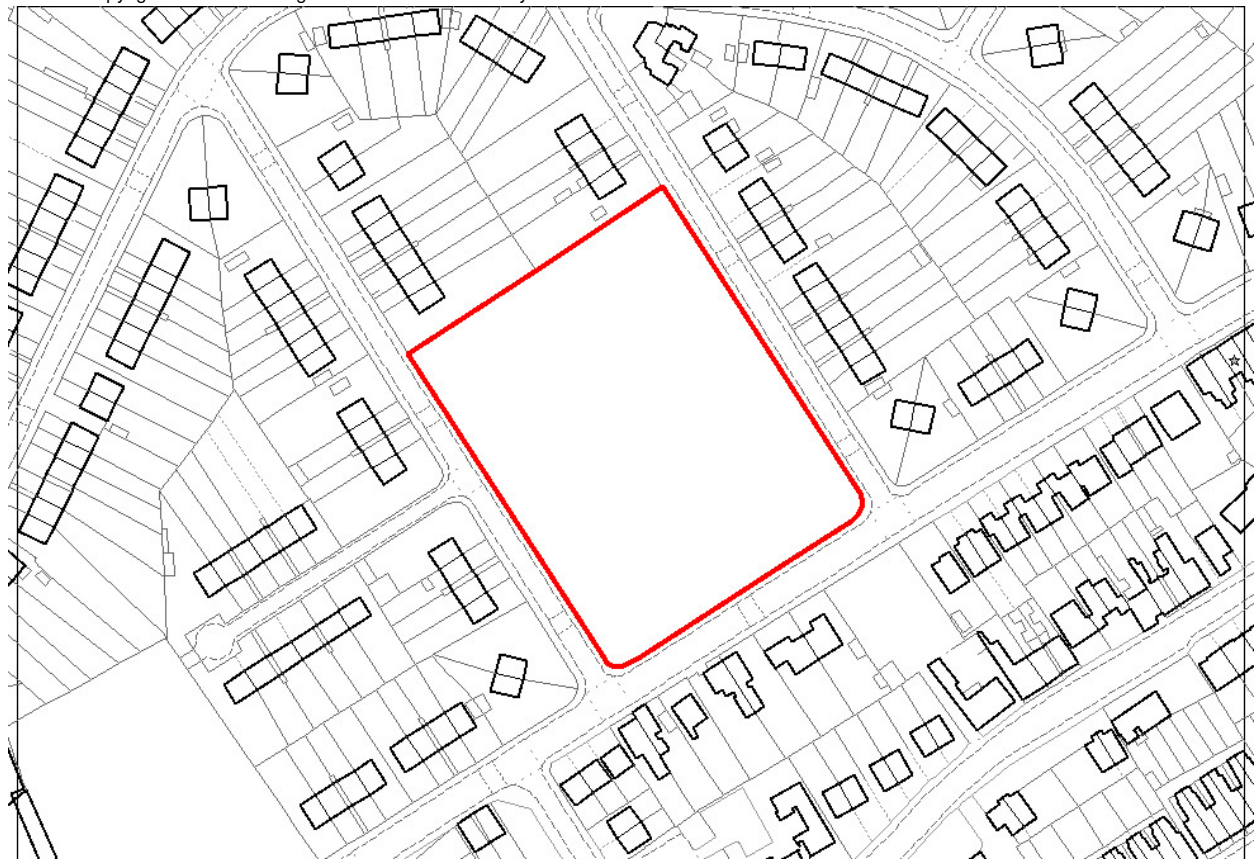
Ward: Willenhall South

Expired Date: 04/06/2015

Extension of Time Target Date: 30/06/2015

Recommendation Summary: Grant permission subject to conditions and subject to no new material planning issues arising and subject to a S106 Agreement to secure provision for urban open space unless the District Valuer confirms the scheme is not viable with the full contributions.

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Application and Site Details

The proposal is for erection of 48 dwellings comprising 25 social rented units and 23 private sale units on this former school site at the junction of Harry Perks Street, Clothier Street and Lawrence Street. The site is relatively flat and is enclosed by perimeter fencing. There is a parcel of land at the junction of Clothier Street and Lawrence Street which is excluded from the application site as it is owned by Severn Trent Water and accommodates their equipment. There are mature trees around the perimeter of the site which are protected by a Tree Preservation Order (TPO). The surrounding area is residential in character and comprises predominantly two storey houses but there are some two and a half storey houses in Clothier Street opposite.

There are 4 x 1 bedroom flats, 30 x 2 bedroom houses and 14 x 3 bedroom houses proposed. The layout shows new houses facing all three streets and introduces a new cul-de-sac off Harry Perks Street serving 14 properties including the 4 flats. Each house has a private rear garden and off-street parking provision. There are 72 parking spaces throughout the site which equates to 150% provision.

The design of the proposed housing is brick and tile construction with some render sections, pitched roofs, gable features and canopies above the front doors. There is also a brick banding around the first floor. The four flats are similar appearance.

The site is currently owned by the Council.

The site area is 0.81 hectares. This gives a density of 59 dwellings per hectare.

The Design & Access Statement – Describes the site and surroundings, local facilities in the area and surrounding residential context. It describes the proposals including car parking, density, layout, scale, landscaping, amenity, design details and access. The proposals will be designed to Secure by Design, Code for Sustainable Homes Level 3 and Housing Quality Indicator (HQI) standards.

The Affordable Housing and Urban Open Space Statement – Seeks to address the policy requirements in relation to affordable housing and urban open space. It explains that of the 48 dwellings proposed 25 are affordable units to be managed through Walsall Housing Group (WHG) who have already secured grant funding from the Homes and Communities Agency (HCA). This provision exceeds the policy requirement for 25% affordable housing. There is no provision for urban open space on site and the developers are offering no contribution for off-site provision.

The Traffic Management Plan for Harry Perks – Describes how construction traffic will be managed and accommodated on site on a hardstanding to minimise debris drag out from site and sweepers used to clear surrounding highways. A plan accompanies the statement identifying where car parking, materials storage and site offices will be located.

The Ecology Assessment – The site is of low ecological value. Semi-mature trees should be retained and protected through erection of root protection zones. Ecological enhancements are recommended although there are no features of significant ecological value on site and trees are to be retained. It recommends protection of trees, provision of bird and bat boxes, timing of vegetation clearance, landscape planting, climbing plants, good horticultural practice, insect houses and vegetated parking surfaces.

The Arboricultural Survey – Undertaken in September 2014 it identifies 14 trees present on site protected by a TPO comprising young, early-mature and mature trees which are predominantly in a fair to good condition. The trees are visually prominent and should be retained where their condition allows although most trees are only suitable for short-term retention or unsuitable for

retention within the new development. Trees selected for retention should be protected during construction.

The Ground Investigation & Test Report – Identifies ground conditions, geotechnical matters, Geoenvironmental contamination assessment and remediation and makes recommendations on ground gas.

Relevant Planning History

No relevant history other than relating to extensions at the former school.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Find ways to enhance and improve places in which people live their lives
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

The NPPF confirms that a plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate,

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

Paragraph 56 attaches great importance to the design of the built environment and states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57 states it is important to plan positively for the achievement of high quality and inclusive design.

Paragraph 58 states planning policies and decision should aim to ensure that development meet criteria including:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials
- Are visually attractive as a result of good architecture and appropriate landscaping

Paragraph 61 considers planning decisions should address connections between people and places and the integration of new development into the natural, built and historic environment.

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

Paragraph 110 aims to minimise pollution and other adverse effects on the local and natural environment.

Paragraph 111 encourages effective use of land by re-using land that has been previously developed (brownfield land) provided it is not of high environmental value.

Paragraph 118 states planning permission should be refused for development resulting in loss or deterioration of irreplaceable habitats...and the loss of aged or veteran trees...unless the benefits of the development clearly outweigh the loss.

Paragraph 120 seeks to prevent unacceptable risks from pollution and land stability.

Paragraph 123 aims to mitigate and minimise adverse impacts on health and quality of life from noise.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Costs imposed on developments should pay careful attention to viability and take account of market conditions.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "decision-takers may continue to give full weight to relevant policies. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led

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officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The Vision consists of three major directions of change and underpins the approach to the whole strategy;

1. Sustainable Communities - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.

2. Environmental Transformation - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country's natural and built environment.

3. Economic Prosperity Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

The Spatial Objectives include

6. A high quality environment enhancing the unique biodiversity and geodiversity of the Black Country and making the most of its assets whilst valuing its local character and industrial legacy.

The above are supported by the following policies:

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

DEL1: Development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements are provided.

DEL2: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impacts on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

HOU2: Advises on housing density, type and accessibility and the need to achieve high quality design and minimise amenity impacts. All developments should aim to achieve a minimum net density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness as defined

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

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport.

TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

TRAN4: Seeks to create an environment that encourages sustainable travel that requires new developments to link to existing walking and cycling networks.

TRAN5: Identifies priorities for traffic management including maximum parking standards and promoting measures to reduce the need to travel and facilitate a shift towards using sustainable modes of transport such as walking, cycling, public transport etc.

ENV1: Seeks to safeguard nature conservation.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character. Development proposals will be required to preserve and where appropriate enhance aspects of the historic environment together with their settings.

ENV3: Refers to design quality requirements.

ENV5: Seeks to minimise the probability and consequences of flood risk.

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

Walsall's Unitary Development Plan (UDP)

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

Policies that have been saved and not replaced by the BCCS remain part of the development plan.

However, in such cases the NPPF says "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant policies are:

GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

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

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

ENV14: Encourages reclamation and development of derelict and previously developed land where possible in accordance with other policies.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV32: Proposals should take in to account the surrounding context including consideration of the effect on the local character of the area, vehicular and pedestrian patterns and visual relationship to surrounding areas.

ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: The quality of all water resources will be protected.

H3: Encourages provision of housing through re-use of previously developed sites provided a satisfactory residential environment can be achieved, the site is not required to be retained for employment, there is good accessibility and residential development does not constrain the development of adjacent sites .

LC1: Residential developments will be required to make financial or other contributions which will enable the provision of new, or the improvement of existing urban open spaces.

T1: All development should conform to the accessibility standards set out in policies T10-T13.

T4: Classifies the highway network and specifies that residential streets and minor roads are those where traffic volumes and speeds should be quite low. Sometimes traffic calming measures will be required.

T5: Seeks to implement selective improvements to highway infrastructure and states highway improvement schemes should be designed to minimise any adverse impact on the environment or the amenity of residents.

T7 – All development should satisfy the car parking standards set out in Policy T13.

T8: Encourages walking and provision in development to enhance this.

T10 (a): Refers to accessibility standards.

T13: Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

1, 2 & 3 bed houses – 2 spaces per unit

Flats with communal provision 1.5 spaces per flat

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The relevant SPD's are:

DW1: Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.
DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.
DW3: Character - all new development must be designed to respect and enhance local identity
DW4: Continuity - Well defined streets with a continuity of built form are important.
DW5: Ease of Movement – connections to existing routes
DW6: Legibility - new development should contribute to creating a place that has a clear identity
DW7: Diversity – contribute to creating living places that offer a mix of activities to the widest range of possible uses
DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.
DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality.
DW 10: Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

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

Conserving Walsall's Natural Environment SPD

NE1: All relevant applications to be supported by an adequate impact assessment.
NE7: planning applications with a potential to damage or destroy trees, woodlands or hedgerows should be supported by an arboricultural assessment and demonstrate trees to be retained will survive and space for them to develop is maintained.
N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees.

It is considered in this case that the relevant provisions of SPD Conserving Walsall's Natural Environment are consistent with the NPPF.

Supplementary Planning Document for Affordable Housing

Guides delivery of affordable housing to appropriate locations in the Borough and provides for balanced, mixed communities.

Supplementary Planning Document Urban Open Space

Requires a contribution towards improvements to or provision of urban open space within the proximity of the application site on residential developments of 10 units or above, based on the number of bedrooms provided and the ward.

Consultations

Transportation – No objections. The proposal has 150% parking across the development which is considered acceptable taking into account the site is relatively sustainable being with reasonable walking distance to Willenhall district centre, community facilities such as Fibbersley school and public transport links. The development will not have severe transportation implications and is acceptable in accordance with NPPF paragraph 32.

Environmental Health – No objections.

Housing Strategy – The affordable housing provision exceeds the Council's usual requirement of 25%. The provision of 1 bed flats and majority of 2 bed houses meets housing need and is fully supported.

Landscape – No objection subject to securing landscape details. A condition is recommended to secure this.

Natural Environment (Ecology) – No objections provided that trees are properly retained and a quality landscape scheme is proposed.

Police – No objections. Specifications for windows, doors, fencing and gates are recommended to provide enhanced security.

Pollution Control – No objections subject to works being implemented to investigate and remediate any localised ground contamination and ground gas issues as identified in the Ground Investigation and Test Report. Conditions to secure these measures are recommended.

Severn Trent Water – No objections subject to provision of adequate drainage. A condition is recommended to secure this.

The Coal Authority – No objections subject to securing remedial measures to address the mining legacy on the site. A condition is recommended.

Public Participation Response

One letter of objection has been received. This is summarised as follows:

- Parking congestion may impede access to existing properties
- Narrow road and speed humps makes access difficult
- Are there any proposed start and finish dates available?
- Skips should have covers to prevent flying debris
- Houses in the vicinity have been painted and construction debris may ruin this

All letters of representation are available for inspection upon publication of this committee report.

The consultation on amended plans expires on 15th June 2015. Any further representations will be reported at committee.

Determining Issues

- Principle of residential development
- Layout and Design
- Relationship to surrounding properties
- Access and parking
- Provision for Affordable Housing and Urban Open Space
- Local Finance Considerations

Observations

Principle of development

Residential redevelopment of this previously developed site in a sustainable urban location is in accordance with the NPPF and BCCS and local development plan policies. The former school closed in 2007 and the site has been vacant since. In the circumstances redevelopment for residential purposes is welcomed in principle.

Although the site currently provides an open space function in terms of visual amenity it is not accessible by the public due to the existing boundary fencing and former use as a school site. The

developer has not justified fully the loss of open space but considering that the site is private land there is currently no public access to it. Provision for open space is discussed later in the report.

The principle of the proposal for residential development providing a mix of houses for a range of households is considered acceptable.

Layout and Design

The layout shows housing facing the street in a perimeter block with secure rear gardens. The position of the housing respects existing properties in Lawrence Street and Harry Perks Street. Plots 27-31 are closer to Harry Perks Street with a 1m set back and properties in Clothier Street have a varied set back between 6-10.6m. This is considered acceptable in the street scene and it allows for off street parking to be accommodated. The proposal allows for introduction of some soft landscaping in the form of front gardens to various properties. The cul-de-sac serves 14 properties which are focussed around a "square" of shared surfacing.

The design of the properties is a modern appearance and is considered compatible with surrounding properties. The scale and height of the proposed dwellings is in keeping with surrounding properties.

Wellington Place to the north of the site is 36 dwellings per hectare (dph), Harry Perks Street/Webster Road perimeter block of housing is 40 dph and housing opposite in Clothier Street is 65 dph. The proposal at 59 dph is considered an acceptable density in keeping with these surrounding developments and makes more effective use of vacant land in an urban area.

Pollution Control and The Coal Authority recommend conditions to secure remedial measures to address contamination and coal mining legacy on the site. In terms of the Police comments regarding security measures the developers have identified that they intend to achieve Secure by Design accreditation.

The proposed layout allows for retention of eight trees at the front perimeter of the site, most notably those clustered around the junction of Lawrence Street and Clothier Street. This will help assimilate the development into its surroundings. New tree planting is proposed to compensate for other trees to be removed. Conditions to protect the remaining trees are recommended.

The proposed new dwellings each have a private rear garden. Whilst there are some plots that have gardens smaller than the recommended 68m² they do provide a useable space. It is recommended that permitted development is removed for extensions to these plots (2-17, 27, 30, 31 and 44-47) to prevent the occupiers being deprived of further garden space.

The layout and design is considered acceptable.

Relationship to surrounding properties

The positioning of houses on Lawrence Street and Harry Perks Street respects the position of adjacent houses and so has no significant impact on outlook, daylight or privacy for existing occupiers.

Plots 38/39 within the new cul-de-sac face the end section of the rear gardens of 1 Lawrence Street and 2 Harry Perks Street at a distance of 7.6m away. The proposed new houses are at right angles to the existing houses so there is no direct overlooking other than the end of the garden. Despite the short rear garden length for plots 38/39 there is adequate garden area at 76m² each. The proposed houses are wide fronted and there is only a third bedroom and landing window on the first floor rear elevation facing neighbouring gardens which limits the potential overlooking.

As some of the gardens are smaller and separation distances between just below the recommended distances it is recommended that permitted development for extensions to the dwellings and for alterations to the roof, is removed for plots 2-17, 27, 30, 31 and 44-47 so as not to deprive those plots of further garden space, to prevent potential overlooking and to allow full assessment of future parking needs.

Objectors are concerned about when development may start and end and whether skips and construction traffic will be controlled to prevent flying debris from damaging neighbouring homes. Whilst there is a recommended commencement date within 3 years of any permission it is not possible to specify an end date under planning legislation. Pollution control officers have recommended conditions to control hours of construction and to secure measures to control noise and dust etc and a Traffic Management Plan has been provided to demonstrate how construction traffic can be accommodated on site. These measures will protect the amenities of surrounding occupiers.

The proposed development does not have a significant impact on the amenities of surrounding occupiers.

Access and parking

The proposal is to utilise the existing highways and create driveway access for the new dwellings that face the street. The driveways are at intervals so that there are no significant continuous dropped kerbs which is acceptable. The new cul-de-sac design is acceptable and has a turning head for refuse vehicles.

The parking equates to 150% parking throughout the development with two spaces available for some plots. This level of parking is considered acceptable to the Transportation officer given that this is a sustainable location close to Willenhall centre, public transport links and other local facilities. Although residents are concerned that parking congestion may impede access to existing properties there are no on-street parking restrictions at present so this situation could arise presently. There would remain adequate manoeuvring space within the highway for vehicles reversing off driveways even if on-street parking was prevalent.

There are speed humps within the existing highways and neighbours are concerned this makes manoeuvring difficult. The Transportation officer has recommended a condition to secure a review of these measures and secure their re-positioning if necessary to ensure there is no conflict with existing or proposed driveways.

The access and parking arrangements are considered acceptable and will not have a severe impact on the surrounding highway network.

Provision for Affordable Housing and Urban Open Space

Under the terms of policies DEL1 and HOU3 of the BCCS and SPD Affordable Housing the proposal triggers the need for provision of affordable housing. Provision of 25% would equate to the need for 12 units. The application is a joint application made by Galliford Try and Walsall Housing Group (WHG) and it is indicated that 23 of the properties will be market housing and 25 properties will be social rented to be provided by WHG a Registered Provider. In the circumstances the affordable housing provision is 52% well above the required provision. This will be secured by condition.

Under the terms of policies DEL1 of the BCCS and policies GP3 and LC1 of the UDP and SPD: Urban Open Space the proposal triggers the requirement for a contribution towards provision of urban open space. Based on the policy requirements this equates to a contribution of £73,458.00 normally secured by a S106 Agreement. The developer is proposing nil.

In their Affordable Housing and Urban Open Space Statement the developer has highlighted that if the contribution is to be secured for urban open space then this would mean the land purchase price would need to be re-negotiated. Whilst the developer has not fully assessed the functions provided by the current open space or made compensatory provision it is considered that the open space functions at present are merely visual as this is a private site that is secured and does not allow public access. Willenhall Memorial Park which does allow public access is just over 500m away from the site so there is alternative provision in the vicinity.

The developer has been made aware of the requirement for provision for urban open space and will be providing a Financial Assessment for independent review by the District Valuer. It is recommended that the Financial Assessment is reviewed by the District Valuer and depending on their conclusions as to whether the scheme is viable or not with the full policy contributions then the proposals should be approved subject to conditions and a S106 Agreement to secure this provision or just granted subject to conditions i.e. waiving open space contributions.

On balance, in light of the higher proportion of affordable housing being provided the committee may wish to consider waiving the urban open space contribution in this instance given the regeneration benefits the scheme has to offer, the higher proportion of affordable housing and availability of alternative urban open space.

Local Finance Considerations

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

This application proposes 48 new homes.

The New Homes Bonus award to Walsall for 2012-2013, and for each of the 4 years after that, was published in December 2011. Future awards would be for 4 years, then 3 years, then 2 years and finally for 1 year. Based on the provision of 411 new homes during 2011-2012 the award to the Council was £576,927. Taking into account the delivery of homes in previous years, the total amount awarded this year was £2,583,252. This figure (which included a premium for affordable housing) meant that – as a rough average - each additional home generated an annual grant to the council of approximately £1,380. In future New Homes Bonus awards may be offset against reductions in the 'formula grant' the Council will receive from Government.

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

Positive and Proactive working with the applicant

Officers have discussed the significance of the proposals with the applicant and their agent and discussed the process for determining this application. In response to this advice relevant supporting information and additional revised plans have been submitted. In light of the submitted details officers are able to support the scheme.

Recommendation: Grant permission subject to conditions and subject to no new material planning issues arising and subject to a S106 Agreement to secure provision for urban open space unless the District Valuer confirms the scheme is not viable with the full contributions.

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

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

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

- Site Location Plan (52505/P001) received 16/02/15
- Proposed Site Layout (52505/P002 Rev L) received 27/05/15
- Proposed House Type A-1A (52505/P003 Rev D) received 16/02/15
- Proposed House Type A-1B (52505/P004 Rev D) received 16/02/15
- Proposed House Type A-2B (52505/P005 Rev D) received 16/02/15
- Proposed House Type A-2D (52505/P006 Rev F) received 27/05/15
- Proposed House Type A-3A (52505/P007 Rev D) received 16/02/15
- Proposed House Type A-3B (52505/P008 Rev C) received 16/02/15
- Proposed House Type S-2B (52505/P009 Rev F) received 27/05/15
- Proposed House Type S-2D (52505/P010 Rev F) received 27/05/15
- Proposed House Type S-3A (52505/P011 Rev E) received 27/05/15
- Proposed Streetscene Elevations (52505/P012 Rev E) received 27/05/15
- Boundary Treatments Details Sheet 1 (52505/P020 Rev A) received 20/03/15
- Drainage Strategy (EC959-100 Rev P1) received 16/02/15
- Proposed Soft Landscaping (KL.268.001 Rev A) received 16/02/15
- Affordable Housing and Urban Open Space Statement prepared by Galliford Try Partnership Limited received 05/03/15
- Design & Access Statement prepared by BM3 Architecture received 16/02/15
- Traffic Management Plan for Harry Perks and Site Compound Plan prepared by Galliford Try received 16/02/15
- Ecology Assessment prepared by Dr Stefan Bodnar (revision 1.0) received 27/05/15
- Topographical Survey (1164 Rev 0) received 16/02/15
- Utility Survey (1164 Rev 0) received 16/02/15
- Arboricultural Survey prepared by Middlemarch Environmental (RT-MME-117934) received 16/02/15
- Tree Constraints Plan (C117934-01) received 16/02/15
- Ground Investigation and Test Report prepared by GIP (DAP/22358) received 16/02/15

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

3. In order to address potential impact from land contamination the following matters shall be addressed:

- vii. Prior to built development commencing a "Remediation Statement" setting out details of remedial measures to deal with the identified and potential hazards of any land contamination and/or ground gas present on the site and a timetable for their implementation shall be submitted to and agreed in writing by the Local Planning Authority. (see Note for Applicant CL2)
- viii. The remedial measures as set out in the "Remediation Statement" required by part i) of this condition shall be implemented in accordance with the agreed timetable.
- ix. If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

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

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

4. Prior to the commencement of the development the developer shall submit in writing to the Local Planning Authority details of measures for controlling noise, dust, flying debris and drag out from engineering and construction activities at the site. All agreed measures shall be fully implemented and maintained throughout the duration of the demolition operations and construction activities.

Reason: To minimise environmental impact during development. As environmental impacts may arise from the outset of a development the details are required prior to commencement of the development.

5a. Prior to the commencement of the development and notwithstanding the details shown on drawing "Drainage Strategy (EC959-100 Rev P1)" drainage details for the disposal of both surface water and foul sewage shall be submitted to and approved in writing by the Local Planning Authority.

5b. The development shall be completed with the approved details and retained as such.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding and pollution. As drainage is below ground infrastructure it needs to be addressed prior to commencement of the development.

6. The development shall be implemented and maintained fully in accordance with the Traffic Management Plan and accompanying plan identifying Site Compound Locations received on 20/03/15 during the period of construction.

Reason: To ensure the safe and satisfactory operation of the development during construction due to the sensitive nature of the site near to existing housing and to minimise on street parking by site operatives and potential disruption to the free flow of traffic along the public highway, in the interests of highway safety.

7. The development shall be implemented in accordance with the submitted schedule of external facing materials, vehicle access and hard standings and private pathways (52505 – Issue 1: 20.04.15).

Reason: To ensure the materials throughout the development harmonise with those in the surrounding vicinity.

8. The development shall be implemented in accordance with the submitted boundary treatments on the Boundary Treatments Details Sheet 1 (52505/P020 Rev A) received on 20/03/15 and maintained in accordance with the agreed details thereafter.

Reason: To ensure the satisfactory appearance of the development.

9a. Prior to the commencement of any built development above damp proof level, and notwithstanding the details shown on the submitted landscaping plan KL268.001A an amended detailed landscaping scheme and maintenance strategy for the development (including any necessary phasing of implementation) shall be submitted to and approved in writing by the Local

Planning Authority. The scheme shall be submitted on a plan to an appropriate scale and shall include where applicable, details of:

- i. Permanent/Final position of all proposed tree/shrub/hedge beds
- ii. Specified species matched with proposed tree/shrub/hedge beds shown on the submitted drawing KL268.001A
- iii. Plant numbers shown on species in shrub/hedge beds
- iv. Plant numbers totalled up on plant schedule

9b. The scheme shall be completed fully in accordance with the approved details before the development is occupied and retained as such.

9c. All planted areas shall be maintained for a period of 5 years from the full completion of the scheme. Within this period any tree(s), shrubs or plant which die, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and same species as that originally required to be planted.

Reason: In order to safeguard the visual amenity and natural environment of the area.

10a. Prior to the commencement of the development, full engineering details of all adoptable highway works and works within the existing highway, including layouts, alignments, widths and levels, together with all necessary drainage arrangements, shall be submitted to and be approved in writing by the Local Planning Authority in consultation with the Highway Authority. The details shall also include:-

- i. a plan demonstrating a 10.7m long refuse wagon can safely and satisfactorily make a full turning manoeuvre within the adoptable cul-de-sac off Harry Perks Street
- ii. tactile pedestrian dropped crossing points across the Harry Perks Street and Lawrence Street junctions with Clothier Street
- iii. a review and plan of all necessary alterations to the existing traffic calming features in Harry Perks Street, Lawrence Street and Clothier Street to accommodate the new access points on the development
- iv. details of an appropriate traffic calming feature across the new cul-de sac to denote shared surface highway
- v. All adoptable street lighting shall be with the agreement in writing with Walsall Council's street lighting partner Amey.

10b. Prior to the development first coming into use, the highway infrastructure works detailed under part (a) of this condition above shall be fully implemented in accordance with the approved details and to the satisfaction of the Local Highway Authority.

Reason: To ensure the satisfactory completion and operation of the public highway and in the interests of highway safety. The details are required prior to commencement of the development as highway infrastructure works need to be installed from the outset.

11a. Prior to the first occupation of any dwelling on the development, all access ways, parking and vehicle manoeuvring areas serving that dwelling shall be fully consolidated, hard surfaced and suitably drained so that surface water does not discharge onto the public highway. The parking bays for the flats shall be clearly demarcated on the ground.

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

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

12. None of the existing trees on the site (other than those indicated for removal on the proposed site layout plan - 52505/P002 Rev L) shall be lopped, felled or root pruned without the prior consent in writing of the Local Planning Authority. The development shall be implemented in accordance with tree protection measures that comply with the recommendations of BS5837:2012. The tree protection measures shall be maintained throughout the development.

Reason: To safeguard the protected trees on the site.

13. During site preparation and building operations no storage of materials, equipment or waste, nor passage of vehicles, nor lighting of fires shall take place beneath the canopy of any tree to be retained.

Reason: To safeguard the protected trees on the site.

14. No digging of trenches or changes in ground level shall be undertaken within the canopy of any tree to be retained on the site without the written approval of the Local Planning Authority.

Reason: To safeguard the protected trees on the site.

15. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no boundary treatments exceeding 600mm in height above footway levels shall be permitted with 2.4m x 3.4m pedestrian visibility splays measured at each driveway access point.

Reason: To ensure adequate pedestrian/vehicle inter-visibility is retained in the interests of highway safety.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Schedule 2, Part 1, Classes A, B & C shall be carried out on plots 2-17 (consecutive), 27, 30, 31 and 44-47 (consecutive) without the prior approval of the local planning authority.

Reason: To enable the local planning authority to retain effective control over further development to ensure the amenities of surrounding occupiers are maintained.

17a. The developer shall make appropriate provision for affordable housing on the site, as indicated on drawing 52505/P002 Revision L, or any alternative provision as may be agreed in writing by the local planning authority in accordance with policies HOU3 of the Black Country Core Strategy and policy GP3 of Walsall Unitary Development Plan.

17b. The agreed affordable housing provision shall be maintained throughout the life of the development.

Reason: To ensure adequate provision for affordable housing in accordance with policies HOU3 of the BCCS and policy GP3 of the UDP and Supplementary Planning Document: Affordable Housing.

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

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

Reason: To protect the amenities of surrounding occupiers.

Notes for Applicant – Contaminated Land

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

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

Note for applicant – The Coal Authority

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mining workings/coal mine entries for ground stability purposes require prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. Application forms for a Coal Authority Permit and further guidance can be obtained from The Coal Authority's website at <http://coal.decc.gov.uk/en/coal/cms/services/permits.aspx>

Note for applicant - Highways

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

2. The applicant will be expected to enter into an agreement under S38/278 of the Highways Act 1980 with the Highway Authority for all adoptable highway works and works within the existing public highway.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 4.

Reason for bringing to committee: Statutory Objection

Application Number: 15/0316/FL

Application Type: Full application

Applicant: Mr Paul Broadgate

Proposal: Mixed use redevelopment to give commercial space at ground floor, mezzanine and basement plus 9 apartments above and demolition of an unlisted building within a Conservation Area (No.12 High Street).

Location: 12-14 HIGH STREET, WALSALL, WS1 1QJ

Ward: St. Matthews

Case Officer: Karon Hulse

Telephone Number: 01922 652614

Email: planningservices@walsall.gov.uk

Agent: Brownhill Hayward Brown

Expired Date: 14/05/2015

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 4

Reason for bringing to committee: Statutory Objection

Application Number: 15/0405/LB

Application Type: Listed Building Consent
Alter/Extend

Applicant: Mr Paul Broadgate

Proposal: Listed Building Consent for the retention and restoration of front elevation of No.12 all other structures behind to be removed/demolished.

Location: 12 HIGH STREET, WALSALL, WS1 1QW

Ward: St. Matthews

Case Officer: Karon Hulse

Telephone Number: 01922 652614

Email: planningservices@walsall.gov.uk

Agent: Brownhill Hayward Brown

Expired Date: 12/05/2015

Extension of Time Target Date:

Recommendation Summary: Grant Listed Building Consent

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Applications and Site Details

The site is at the top of High Street, adjacent to the car park on Upper Rushall Street. It comprises property fronting both High Street and Goodall Street.

There are two applications to be considered, one for planning permission for a new building consisting of new A1-A5 commercial space at ground floor and mezzanine with 9 No apartments above and one for Listed Building Consent to demolish the remnant of the fire damaged building at the rear of no. 12 High Street with the retention of its existing façade.

The building will have 4 floors (and a basement). The flats are on the upper three floors which will be accessed from off the High Street through no. 12 where there will be an 8 person lift, a secondary access will be from off Goodall Street.

The building to be erected on the High Street frontage will include part of the ground floor of no. 12. This will give access to the flats and will replicate the shop frontages of nos 13 and 14 being constructed in materials which have been salvaged from the demolition. The new build (on High Street and fronting the car park) will be constructed using modern materials and techniques of light and shade to animate the elevations and use of deep set windows and a palette of materials such as glazing, render, timber cladding, metal cladding and a metal roof system.

The residential element will consist of the following:

Basement:

- gymnasium

First floor:

- One x 2 bedroom apartment with kitchen living area and bathroom

Second floor:

- Three x 2 bedroom maisonette style apartments with kitchen/living areas on this floor (lower)
- Two x 2 bedroom apartments one fronting High Street with balcony overlooking the car park to the south and one overlooking the car park to the south
- This floor includes an internal courtyard with access for all apartments. Primary rooms mostly look outwards to take advantage of the views of the area. Any secondary rooms face into the courtyard.

Third floor:

- Three x two bedrooms maisonettes (upper) accommodating two bedrooms and bathroom
- One x two bedroom apartment with balcony on the corner of High Street overlooking the car park
- Two x 2 bedroom maisonettes/penthouses (lower floor has one bedroom, bathroom and study)
- All these apartments on this floor have either balconies or terraces

Fourth floor:

- Two x maisonettes/penthouses (upper floor) accommodating one bedroom, kitchen/living area and bathroom. Both having outdoor terraces on this level.

Most apartments will have their own amenity areas by way of balconies or private terraces. Those without such will share an internal shared court yard area on the second floor.

Planning and Listed Buildings Consent was granted on this site in January 2007 (06/0065/LB/W3 & 06/0064/FL/W3) to rebuild the fire damaged frontages to High Street and develop the ground floor as A1/A3 retail with 13 no. one and two bed apartments above, and basement storage. Those have since expired.

No.s. 13 and 14 have been completely demolished and have now been delisted by English Heritage. The majority of no. 12 is missing to its rear and what does remain; the front third of its plot length is, apart from its façade, in a derelict condition with structurally parlous brickwork and tarpaulin roofs.

The site lies within Walsall Town centre to the south east of the primary retail area and within the Church Hill conservation area. The adjacent buildings, Nos. 10 and 11 are three storeys in height with a Georgian of red brick frontage. The buildings generally along High Street vary between 3 and 4 storeys in height.

The site sits within a secondary retail area where there are a range of uses located, including residential, retail and offices. The site opposite is occupied by a major new supermarket development. The site is within walking distance of both bus and train stations.

The Applicant has an existing right of way over land owned by the Council at the corner of what was no. 14 High Street which allows customer access to the entrance to the Hole in the Wall drapers. This right of way skirts the south east boundary of the site and follows the route of a former ginnell and access between 14 and 15 High Street. The Applicant owns the remainder of this route; although used by the general public it is not a Public right of Way. The Applicant, in principal, has an agreement with the council to purchase this land subject to Planning Consent and contract.

The application has been accompanied by the following documents:

- Planning Statement and Design and Access Statement - explains the design concepts and how they have evolved.
- Historical report – trial excavation and building recording
- Artefactual analysis – assessment of the quantity, range and potential of artefacts found from the excavation
- Viability statement – it states that the development represents an injection of high quality, non-mortgage dependent, rentable accommodation into this part of the town. Anything below nine apartments results in the development becoming unviable. If the site remains undeveloped it will continue to have a negative visual and commercial impact on this part of the town centre and the views from Church Hill will continue to suffer.

Relevant Planning History

15/0405/LB – Listed Building Consent for the retention and restoration of the front elevation of no.12 all other structures to be removed/demolished. to be considered and determined as part of this report.

06/0064/FL/W3 - Re-build fire damaged frontage to High Street. Ground floor retail (A1 & A3) with 13 no. 1 & 2 bed apartments over. Granted 22/12/2006

06/0065/LB/W3 - LISTED BUILDING CONSENT: Re-build fire damaged frontage to High Street. Ground floor retail (A1 & A3) with 13 no. 1 & 2 bed apartments over. Granted 19/1/2007

In addition there have been a number of residential and commercial schemes in the vicinity, but none raise critical issues beyond supporting the general issues in the present applications.

The corner of High Street / Goodall Street has been renovated and is in use as shops and commercial premises.

The new building for Asda opposite the site is very modern in design and would be at a similar height to the proposed building.

Relevant Planning Policy Summary (Note the full text version of the UDP is available from Planning Services Reception and on Planning Services Website)

National Planning Policy Framework (NPPF)

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

All the **core planning principles** have been reviewed and those relevant in this case are that planning should:

- Seek to secure high quality design and good standards of amenity for all existing and future occupants
- Take account of the different roles and character of different areas
- Contribute to conserving and enhancing the natural environment
- Conserve heritage assets in a manner appropriate to their significance

Key provisions of the NPPF relevant in this case:

2. Ensuring the vitality of town centres

23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period.

6. Delivering a wide choice of high quality homes

49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

53. Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

7. Requiring good design

56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

- Planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;

- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;
- and are visually attractive as a result of good architecture and appropriate landscaping.

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

11: Conserving and Enhancing the Natural Environment

109. The planning system should contribute to and enhance the natural and local environment:

- Protecting and enhancing valued landscapes

12. Conserving and enhancing the historic environment

129. LPS's should identify and assess the particular significance of any heritage asset that may be affected by a proposals.

131. In determining planning applications, local planning authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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

On balance it is considered that the proposal does not constitute substantial harm as set out in Para 132 and 133 as the structure will be largely retained and conserved instead the decision the balance of the decision will sit against Para 134 which states 134 that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

Local

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to*

give full weight to relevant policies. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity.

The key policies are:

ENV2: Historic Character and Local Distinctiveness - States that development proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness. Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their settings which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality.

ENV3: Design Quality - Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits. Key planning policy references include saved policy ENV2

Walsall's Unitary Development Plan (UDP)

Policies that have been saved and not replaced by the BCCS remain part of the development plan. However, in such cases the NPPF says "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

VII. The adequacy of the access, and parking.

GP7: Community Safety - The proposals will improve the current situation in that it maximises surveillance of public area by introducing dwellings into urban areas.

They will increase the amount of defensible space perceived to be controlled by occupiers and residents.

ENV 14: Development of derelict and previously developed sites.... are to be encouraged by the Council.

ENV15: Archaeology: the site has previously been the subject of an archaeological investigation; the archaeologist's report is included within the application documents.

ENV27: Buildings of Historic or Architectural Interest

Alterations, extension involving a listed building will only be permitted where it can be clearly demonstrated that the internal or external appearance, character and value of the building, its curtilage and the contribution the building makes to its surroundings are not adversely affected.

ENV32: Design and Development Proposals.

Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Criteria are provided that the Council will use when assessing the quality of design of any development proposal.

S1: Town Centre Uses - The proposals offer suitable Town Centre uses as Policy S1, adding to the sustainability and enhancement of Walsall Town centre in its sub regional role as the main centre for the Borough.

S8: Housing in Town centres - The proposals provide a satisfactory residential environment. The size of the proposed units would not encourage occupation by families or children which might not be suitable in the Town Centre.

T7 – Car Parking

All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

WA3: Other Town Centre Uses: Residential uses at upper floors are encouraged within primary shopping areas and generally outside of them.

WA5: Conservation Areas: The Church Hill Conservation area would be enhanced by the development.

It is considered in this case that the relevant provisions of Walsall's saved UDP policies are consistent with the NPPF.

Supplementary Planning Document (SPD)

On the basis that relevant Unitary Development Plan policies are consistent with National Planning Policy Framework, the related Supplementary Planning Document(s) will also be consistent provided they are applied in a manner consistent with National Planning Policy Framework policy. The relevant Supplementary Planning Document's are:

Designing Walsall

Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process

Annexe D: Numerical Guidelines for Residential Development ... identifies matters such as privacy and aspect distances between dwellings and garden dimensions. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours

DW1- Sustainability- New development should seek to simultaneously meet environmental, economic and community needs without compromising the needs of future generations

DW2 - Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3 - Character- All new development must be designed to respect and enhance local identity

DW4 - Continuity- Attractive spaces within new development should be defined or enclosed by buildings, structures and/or landscape

DW5 - Ease of movement- All new development should contribute to creating places that are well connected, easy to get to and safe to move through

DW6 - Legibility- New development should contribute to creating a place that has a clear image and identity and is easy to understand

DW7 - Diversity- All new development should contribute to creating lively places that offer a mix of activities to the widest range of possible users

DW8 - Adaptability- New development should contribute to creating flexible and adaptable places that can easily change over time

DW9 - High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality

DW10 - Well designed sustainable buildings- New development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment

It is considered in this case that the relevant provisions of Designing Walsall Supplementary Planning Document are consistent with the NPPF.

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

Consultations

Transportation – No objections subject to conditions

Pollution Control – no objections subject to conditions regarding noise and odour

Environmental Health - no objections.

Police Architectural Liaison - building details (glass, doors etc) should meet relevant security specifications - there is scope for nuisance in any town centre location and lighting and fencing are advisable.

Regeneration (Conservation) - Approval subject to conditions

Regeneration (Landscaping) – no objections

Regeneration (Ecology) – no objections

Archaeologist – no objections subject to condition relating to a programme of archaeological work being required.

Local Access Forum – no objections

Fire Service - no access issues.

Walsall Civic Society – Objects on grounds of scale and height

Historic England Advice – Objects for the following reasons:

Historic England accepts the principle of the loss of the structure to the rear of the facade of 12 High Street, in order to bring forward the viable reuse and restoration of the entire site.

However, whilst we have no objection to the principle of a contemporary building on the adjacent plot, the current design solution is appropriate in this location.

The Design and Access Statement emphasises the importance of the corner as the south eastern gateway to High Street and the desire to create a new 'stop'. To achieve this, the corner block has been increased in height.

We are not convinced that increasing the scale on the corner is the appropriate solution, both in terms of its impact on the street-scene and its juxtaposition with the roof-scape of the remaining listed buildings. In our view this will result in a fourth and fifth storey which are awkward and unduly dominant.

With regard to the ground floor of No 12 we would recommend that this reflects the traditional character of the floors above. In our view this would better retain the visual integrity of the historic buildings, whilst providing a clearer visual transition to the contemporary corner block.

Representations

One received from a member of the general public objecting on the grounds of close proximity of residential backing onto the rear of the Lyndon House hotel and its night club may very well lead to

complaints of noise. The Lyndon House hotel hosts regular music events and it would be detrimental to Walsall if this venue and its events were lost due to complaints.

Determining Issues

- Conservation Design/Appearance
- English Heritage objection
- Principle of the use/Residential amenity
- Parking/highway safety
- Security

Observations

Conservation/Design/Appearance

The site is prominent from Church Hill, from High Street, and from Upper Rushall Street. The site is in the Church Hill Conservation Area and affects a grade II listed building and the setting of a number of other listed buildings at this end of the town.

This application presents a clear opportunity to develop an important gateway to St Matthews Quarter of the town and also act as a positive termination to High Street. Whilst the design of the building is contemporary this reflects other recent planning approvals in this part of the St Matthews Quarter at the top of High Street in an important location.

The High Street part of the site was originally occupied by two Listed Buildings, that were extensively fire damaged in 2004 and subsequently largely demolished due to the extent of the damage. The building will have 4 floors (and a basement). The new building to be erected on the High Street frontage will infill the area and buildings lost to the fire. The new build on High Street and fronting the car park will be constructed using modern materials and techniques of light and shade to animate the elevations and use of deep set windows and a palette of materials such as glazing, render, timber cladding, metal cladding and a metal roof system.

This approach is to be welcomed.

The application has archaeological implications considering its position within the mediaeval extent of the town centre, which can be dealt with via condition requiring a programme of archaeological work in accordance with a brief written by the Black Country archaeologist.

The general principle of the development has been set under previous permissions 06/0064/FL/W3 and 06/0065/LB/W3. Since then a number of material considerations have changed, these include:

- The delisting of 13/14 High Street in 2013; and
- Revisions to the Development Plan through the introduction of the Core Strategy in 2011.

The 2006 decisions were made against the Unitary Development Plan (adopted a year earlier in 2005) which remains in place along with all saved policies relevant to these decisions. As such, the following general approach and principle of these new applications is appraised and concluded similarly:

- The removal of the listed building behind the façade of No. 12;
- The construction of a new building across No. 13 and 14; and
- The general arrangement, including reorientation towards Peel Street

The conditions for the 2006 applications are still relevant for this revised application.

The changes principally comprise two new issues:

1. The use of contemporary architecture across the High Street elevation; and
2. The additional scale of the building.

The use of contemporary architecture across the High Street elevation - The 2006 application attempted to reinstate Georgian architecture across the main building range along High Street. In terms of conservation practice this is not supported. Secondly, pastiche architecture is also not supported as it is unconvincing and construction methods can be in conflict with one another which could result in the construction of a building of different periods of architecture.

The proposed modern contemporary design makes strong visual connections back to the historic façades of the Georgian terrace, by replicating plot form, materials and windows bay arrangements, but allowing this to change as it moves away from the directly adjacent traditional elements of the design.

Whilst the design of the new build can be supported the detail of these architectural elements will need to be secured through a safeguarding condition.

The additional scale of the building –The 2006 design was faithful to the scale of the historic buildings. Georgian terraces either maintain strict parapet lines up to corners of blocks or step up incrementally along steep topography such as this. It was the advent of Victorian townscape that introduced architectural markets at street corners, considering the use of additional height through floors, turrets or towers to be a way of picking out prominent junctions in town centres.

The site offers an opportunity to mark the very end of the town centre and present a book-mark to viewers passing this top end of Walsall and St Matthews which is now dominated by parking, servicing and a relief road.

The applicant wishes to attract as much investment into the site to make it viable. The viability assessment sets out that the scale of the building supports the basis of the development and allows it to be a viable proposition, anything less could be detrimental to achieving and delivering a high quality development in this important location. The photomontages taken from the steps of the church show views of the Guildhall are not disrupted, and from the junction into George Street the scale is not overtly at odds with the wider townscape behind the form of the Guildhall.

Furthermore, there is no particular consistence with the scale of buildings in the town centre and this application presents an excellent opportunity to book-mark the start of the town and introduces a new vibrant piece of urban design. As such the design and scale of the proposal is supported and its benefits, which are brought about by the securing of the structural soundness of the listed terrace and its building envelope, plus tidying this end of the town which is exposed to the adjacent inner ring road (Upper Rushall Street) and facing the listed Church, is considered to outweigh the less than substantial harm of the taller element set 2.5 metres back from the external faces of the building.

English Heritage Objection

Whilst Historic England accepts the principle of the loss of the structure to the rear of the facade of 12 High Street, in order to bring forward the viable reuse and restoration of the entire site, they object to the principle of a contemporary building and consider the proposed design solution to be inappropriate in this location.

Historic England do not agree with the height or scale of the development but as outlined above it is considered that on balance the design of the proposed building offers an opportunity to secure a new vibrant piece of urban design which will book-mark the start of the town and as there is no particular consistence with the scale of buildings in the town centre the design is considered to be appropriate for this location and would add positively to this mix of building scales whilst retaining the historic plot widths.

They have stated that the ground floor of No 12 should reflect the traditional character of the floors above. The applicant has taken this on board and amended the drawings to reflect their comments. This element is now acceptable and will retain the visual integrity of the historic building whilst providing a clearer visual transition to the contemporary corner block.

Parking/highway safety

The principle is acceptable subject to measures involving safety measures to be installed to protect the projecting element of the building to be supported on pillars. The scheme seeks to bring the building forward of the previous building footprint on the South east elevation towards the public car park and service road into Asda. As a consequence the building is only 2.5m to 3m from the carriageway of the Asda service road at its narrowest and subsequently there is a concern about the vulnerability of the building overhang and supporting pillars as well as customers in the proposed seated areas below the new retaining wall to vehicles colliding with the new structure.

The applicant has suggested that the planted area could be raised 600mm above the carriageway level, constructed as a reinforced concrete box, designed to resist any impact and support the carriageway, faced with brick to match the existing planters. It will be detached from the building's structure so there would be no transfer of impact loading. The planter will be constructed to the site boundary, which is the back of the existing drainage grille and therefore behind the existing line of bollards which will remain.

These details can be secured through an appropriate condition.

With regards to car parking the Unitary Development Plan parking standards allow some flexibility in town centres, reflecting the needs of the site, its location in the town centre, and any other relevant issues.

Principle of the use/Residential Amenity

Town centre living is well established and widely supported. The scheme includes a shopping / restaurant element which reflects typical town centre usage, the principle is therefore considered in accordance with policy.

The site is opposite Asda superstore, adjacent to other commercial outlets, a restaurant, public house and a car park. The site is bounded by the Walsall Town Centre inner ring road (Upper Rushall Street) which is a busy road and as such the area already has a relatively high level of background noise. It is recognised that the surrounding uses are commercial and also potential generators of noise which could operate late into the evening.

As with any occupier who seeks to live within the town/district/local centre areas, they will be aware that this environment will be within a higher level of background noise which is not the same as a suburban location. In the circumstances it is considered the level of noise would not be so significant as to warrant the refusal of the application on this ground alone.

There will be a requirement for the applicant to assess noise impacts on potential users (residents) of the building with due regard to British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' and British Standard BS4142:2014 'Methods for rating and assessing industrial and commercial sound' – the external amenity area (balconies) should also be

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considered. The noise assessment needs to consider existing noise sources as well as potential future noise sources e.g. lift machinery, air conditioning and ventilation units etc.

Any noise assessment should also consider the potential noise mitigation measures that may be required by businesses in the area to accommodate a new sensitive user in the area, for example commercial activities in the area may be required to alter their working hours, undertake noise insulation/mitigation measures, undertake odour mitigation measures etc although this would be dealt with through other legislation not planning.

Furthermore where the future use of the commercial ground floor is to include an element of hot food preparation and sales then there will be a need to consider the Guidance from the Department for Environment, Food and Rural Affairs (DEFRA) on the control of odour and noise from commercial kitchen exhaust systems. Additional controls on drainage systems will be required for food premises to prevent fats/oils/greases entering into them.

Any proposed commercial element will need to consider operating hours, including deliveries, to ensure residential elements will not be impacted.

It is considered that all of the above comments can adequately be controlled by way of conditions.

The proposed development would not impose a burden on the future development of adjoining businesses which would already need to consider the existing residential uses in the area and considering that the NPPF states that decisions should recognise that development will often create some noise and existing businesses wanting to develop should not have unreasonable restrictions put on them because of changes in nearby land uses. There is existing residential around the site in Goodall Street, High Street, George Street and Upper Rushall Street. Any occupier who seeks to live within the town/district/local centre areas, will be aware that this environment is usually within a higher level of background noise which is not the same as suburban locations. In the circumstances it is considered the level of noise would not be so significant as to warrant the refusal of the application on this ground alone.

Security

Due to the high crime experienced in this area it is recommended that the site achieves Full Secure by Design standards to safeguard future occupiers whilst helping to protect the building. This can be secured by way of a condition, combined with increased activity from future residential occupiers and users of the ground floor uses will bring an improvement in security at this part of the town through natural surveillance from the upper floor apartments plus increased footfall outside usual shopping hours. The security benefits and the improvements to the viability and vitality to the evening economy in this location that proposal brings are supported are all considered positive.

Recommendation: Grant Permission Subject to Conditions and Grant Listed Building Consent Subject to Conditions

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

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

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

- Location Plan received 26/2/15
- Level Update (4224a) received 26/2/15
- Existing Ground Floor Plan (3002-012) received 26/2/15
- Existing South West Elevation (3002-032) received 26/2/15

- Existing South East Elevation (3002-031) received 26/2/15
- Existing Basement Floor Plan (3002-011) received 26/2/15
- Existing First Floor Plan (3002-013) received 26/2/15
- Existing Second Floor (3002-) received 26/2/15
- Existing Roof Plan (3002-015) received 26/2/15
- Section A-A (3002-023A) received 26/2/15
- Section B-B (3002-024A) received 26/2/15
- Proposed Land Transfer Plan (3002-010) received 26/2/15
- Proposed Ground Floor Plan (3002-002C) received 26/2/15
- Proposed Basement Floor Plan (3002-001C) received 26/2/15
- Proposed First Floor Plan (3002-010) received 26/2/15
- Proposed Second Floor (3002-) received 26/2/15
- Proposed Third Floor Plan (3002-) received 26/2/15
- Proposed Penthouse Plan (3002-) received 26/2/15
- Proposed Roof Plan (3002-07) received 26/2/15
- Proposed South East (Car Park) Elevation (3002-021) received 26/2/15
- Proposed South West (High Street) Elevation (3002-922A) received 26/2/15
- Proposed south west (High Street) elevation (3002-922C) received 26/2/15

and the following documents:

- Planning Statement received 26/2/15
- Design and Access Statement 26/2/15
- Historical report received 26/2/15
- Artefactual analysis received 26/2/15
- Viability statement received 8/5/15
- Demolition Method Statement received 2/4/15

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

3a. Prior to work commencing the following design and details shall be submitted to the Local Planning Authority at a scale of 1:20:

- Shop front including sections through;
- All external doors including sections through;
- All windows (including reveals, cills and projecting pod arrangements plus sections through cills and frames at 1:20);
- Balcony and rails including sections through;
- piloti (pillars/piers);
- Reveal in brickwork (*The set back or depth of any brickwork i.e. a window reveal is the depth of brickwork behind which the window is positioned*);
- Brick bonding;
- Application/fixing of cladding materials;
- Form of roof eaves and soffits;
- Position of rainwater goods and fixings (gutters, hoppers and downpipes etc).

3b. The agreed details shall be fully implemented prior to any occupation of the development and retained thereafter.

Reason: The site is in an area of archaeological interest, affects the siting of a Listed Building and is in the Churchill Conservation Area as such it is necessary to ensure that prior to any development commencing that the external finishes of the development are acceptable in order to be in accordance with the NPPF Paragraphs 131, 132, 133 and 135 which aim to sustain and

enhance heritage assets and ensure that there is no substantial harm to or loss unless it is necessary to achieve substantial public benefits, PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide and Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment: English Heritage (2008). Furthermore it is necessary in order to secure the development against local policies as set out in the Walsall Unitary Development Plan, policy ENV27 and ENV29 and Black Country Core Strategy policy ENV2) which aim to safeguard the historic significance of the site.

4a. No development shall be commenced until a programme of archaeological work in accordance with a brief written by the Black Country archaeologist (Eleanor Ramsey - Archaeologist tel. no: 01902 555493) and a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority.

4b. The agreed details shall be secured and implemented fully prior to physical construction and site preparation takes place.

Reason: The site is in an area of archaeological interest, affects the siting of a Listed Building and is in the Churchill Conservation Area. As such it is necessary to ensure that prior to any development commencing an appropriate study is carried out to safeguard the possible historic significance of the site in accordance with the NPPF Paragraphs 131, 132, 133 and 135 which aim to sustain and enhance heritage assets and ensure that there is no substantial harm to or loss unless it is necessary to achieve substantial public benefits, PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide and Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment: English Heritage (2008). Furthermore it is necessary in order to secure the development against local policies as set out in the Walsall Unitary Development Plan, policy ENV27 and ENV29 and Black Country Core Strategy policy ENV2) which aim to safeguard the historic significance of the site.

5a. No development shall commence until full details of all materials plus details of the external (curtilage) boundary and surface treatments of the site have been submitted to and approved in writing by the Local Planning Authority.

5b. The approved details shall be fully implemented prior to first occupation.

Reason: It is considered important to establish the details of the materials prior to any commencement in order to ensure the development enhances and conserves the adjacent listed buildings and conservation area and to ensure the satisfactory appearance of the development.

6a. Prior to any development or demolition commencing details for controlling dust, flying debris, and drag-out from the site shall be submitted to and approved in writing with the Local Planning Authority.

6b. All agreed measures shall be implemented and maintained throughout the duration of demolition operations and construction activities.

Reason: To safeguard the amenities of the occupiers of adjoining premises and dwellings in accordance with policies env32 of the UDP.

7a. Prior to the commencement of the development, full design and engineering details together with structural calculations of the vehicle restraint system (VRS) required between south east elevation of the development and the superstore delivery access road, shall be submitted to and approved in writing by the Local Planning Authority.

7b. Prior to first occupation of any part of the development, the VRS shall be fully implemented in accordance with the approved details and shall thereafter be retained and maintained at all times in a condition fit for its original purpose.

Reason: It is considered that satisfactory measures to ensure the safety of future occupiers are a priority and that such measures may be required to be implemented upon commencement of any works and to ensure adequate protection is provided to the proposed building in the event of an errant vehicle on the adjacent superstore service road in the interests of the safe and satisfactory operation of the development and public safety.

8a. Prior to the commencement of the development, a construction methodology statement shall be submitted to and approved by the Local Planning Authority detailing where the parking and turning facilities for site operatives and construction deliveries will be located and including full details of the wheel cleansing arrangements to prevent mud from being deposited on the highway during the period of demolition and construction.

8b. This provision shall be retained during demolition and construction in accordance with the approved details.

Reason: this is necessary to ensure any associated works regarding the development of the site are controlled and 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 policies

9a. Prior to any development above damp proof course details of the proposed refuse and waste recycling facilities shall have been submitted and approved in writing by the Local Planning Authority.

9b. The approved scheme shall be fully implemented before the development is first brought into use, and shall be thereafter retained

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

10a. No amplification equipment shall be installed in the commercial part of the development until details have been submitted to and approved in writing by the Local Planning Authority.

10b. The equipment shall be installed and maintained in accordance with the approved details.

Reason: To safeguard the amenities of the occupiers of adjoining premises and dwellings on the site.

11a. Prior to any A3-A5 use occupying the ground floor, details of the kitchen drainage control equipment, ventilation and fume control equipment shall be submitted to and approved in writing by the Local Planning Authority.

11b. The approved details shall be implemented before the development is brought into use, and thereafter retained in good working order.

Reason: To safeguard the amenity of the area.

12a. Prior to the construction of the development above damp proof course the following shall be submitted to and agreed in writing by the Local Planning Authority:

- i) A noise survey of the area carried out to an agreed specification and the result

of such together with any necessary mitigation measures

ii) Details of measures to insulate dwellings on the site from the proposed A3/A5 use on the ground floor

iii) A report confirming the details and performance of the measures installed.

12b. The approved details shall be implemented and completed before any dwelling is first occupied, and thereafter retained in good working order.

Reason: To safeguard the amenity of residential occupiers of the site.

13a. No A3-A5 use shall commence until details of ventilation and fume control equipment have been submitted to and approved in writing by the Local Planning Authority.

13b. The approved details shall be implemented before this development is brought into use, and thereafter retained in working order.

Reason: To safeguard the amenity of the area.

14a. Prior to any development above damp proof course details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development will meet Secure By Design specification.

14b. The approved details shall be fully implemented prior to first occupation of any part of the development and thereafter retained

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

Reason: To ensure the safety of future occupants.

15a. No development shall be carried out until revised details of the roof, and the junction of the modern component of the development and the replica Listed Building (to show a clearer distinction between the two components) have been submitted to and approved in writing by the Local Planning Authority.

15b. The approved details shall be implemented concurrently with the construction of the development.

Reason: To create a clear distinction between modern and replica elements, to improve the visual impact of the development.

16a. No development shall be carried out until lighting details around the development have been submitted to and approved in writing by the Local Planning Authority.

16b. The approved details shall be implemented and completed before the development is brought into use, and shall be thereafter retained in working order.

Reason: To ensure the security of the site and its occupiers.

17a. Prior to any development above damp proof course details of how the door cills on the south-east and south-west elevations will be designed and constructed to prevent the ingress of water shall be submitted to and approved in writing by the Local Planning Authority.

17b. The agreed details shall be fully implemented.

Reason: To ensure the satisfactory functioning of the development.

18a. Prior to any development above damp proof course, a revised layout plan shall be submitted for approval in writing by the Local Planning Authority, showing a covered, secure cycle shelter facility for the use of staff and residents.

18b. Prior the development first coming into use, the cycle shelter facility shall be fully implemented in accordance with the approved details and thereafter retained and used for no other purpose.

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

19a. Prior to any development above damp proof course a detailed hard and soft landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include the following:

- details of plants and planting techniques,
- measures for protection of the planting,
- provision of protective fencing while the landscaping is established,
- arrangements to be made for the disposal of surface water from the landscaped area where those areas are sloping and likely to lead to surface water run-off,
- hardsurfacing,
- paving,
- hard landscaping details,
- and a programme of implementation.

19b. The agreed works shall be carried out in accordance with the details as approved prior to first occupation of any part of the development.

Reason: To ensure the satisfactory landscaping and appearance of the proposed development.

20. This permission authorises the use of the ground floor of the development for uses falling within Classes A1 to A5 of The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

Reason: To define the permission.

21. No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 08.00 to 18.00 weekdays and 08.00 to 14.00 on Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. (* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday)

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

22. At no time shall any plant, air conditioning units or otherwise be installed on the roof.

Reason: To ensure the satisfactory appearance of the development and ensure the visual amenity of the area.

Notes to applicant

Noise Policy Statement England (NPSE) - The NPSE sets out the long term Government noise policy which includes a Noise Policy Vision to 'promote good health and a good quality of life through the effective management of noise within the context of Government policy on sustainable development'. Noise Policy Aims are threefold. Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development:

- i) avoid significant adverse impacts on health and quality of life;
- ii) mitigate and minimise adverse impacts on health and quality of life; and
- iii) where possible, contribute to the improvement of health and quality of life.

Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems. Defra 2005. Although this guidance is not statutory, it provides information on best practice techniques for the minimisation of odour and noise nuisance from kitchen exhaust systems.

Noise Surveys & Designing Mitigation - Noise surveys may need to adequately establish the spatial variation of noise across a proposed development site using one or more measurement and/or calculation points, and may also need to consider changes in noise levels on account of relative heights above ground floor level to account for noise exposure at sensitive receptor points.

Additionally, a noise survey may have to take into consideration changes in noise climate between normal weekdays, and weekends, effects of holiday periods, and require continued monitoring over a 24 hour period or longer. Secondary 'spot check' surveys may be required to corroborate a single noise survey.

Submitted noise measurement data should include details of all instrumentation used (microphones, sound level meters, data loggers, acoustic calibrators etc.) inclusive of performance verification checks, recordings of prevailing climatic conditions on site of the course of noise measurements incorporating air temperature, wind speeds and direction as a minimum.

Sound level measuring instrumentation shall conform to either: 'Type 1' of either: British Standard BS 5969: 1981 'Specification for sound level meters', and/or BS EN 60651: 1994 'Specification for sound level meters', and/or BS 6698: 1986 'Specification for integrating-averaging sound level meters', and/or BS EN 60804: 1994/2001 'Specification for integrating-averaging sound level meters'; and/or 'Class 1' of BS EN 61672: 2003 'Electroacoustics- Sound Level Meters - Part 1: Specifications' (or any superseding standards as applicable).

Instrumentation shall have been verified either in accordance with British Standard BS 7580 'Specification for the verification of sound level meters' Part 1: 1996 'Comprehensive procedure' or BS EN 61672: 2003 'Electroacoustics - Sound Level Meters - Part 3: Periodic Tests' within a preceding 2 year period of measurements being conducted, or else verified with a multifunction acoustics calibrator that has been UKAS certified within a preceding 2 year period.

In regard to specifying suitable noise mitigation measures to protect internal and/or external residential areas, reference can be made to guidance and criteria contained in British Standard BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings', British Standard BS 4142:2014 'Methods for rating and assessing industrial and commercial sound', and World Health Organisation Guidelines for Community Noise 2000. The following may have general relevance:

7.7.2.a). Internal noise levels within bedrooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq 8 hours, of 30 dB together with a maximum instantaneous level# of 45 dB LAFmax, between the hours 23.00 to 07.00;
Not to be exceeded for more than 10 instances.

7.7.2.b). Internal noise levels within living rooms of residential development shall not exceed a Continuous Equivalent Noise Level, LAeq 16 hours, of 35 dB between the hours 07.00 to 23.00.

Contaminated Land - No specific detail of contaminated ground conditions in the area is available other than that obtained from historic mapping. This information should be brought to the attention of the builder or contractor undertaking any ground works in order that they may implement any Health and Safety at Work precautions they feel appropriate.

Adverts - This permission does not grant consent for any signs or advertisements, illuminated or non-illuminated. A separate application may be required under the Town and Country Planning (Control of Advertisements) Regulations 1992 or subsequent legislation. Listed Building Consent may also be required in connection with the display of advertisements.

West Midlands Police - The Police Architectural Liaison Officer has been consulted on the application and has made the following comments:

1. All windows should be to PAS 24 2012 or equivalent standards with all ground floor and accessible windows (directly above flat roof and amenity space areas) having at least one pane of 6.8mm laminated glass.
2. All external doors at ground level which contain glass should have at least one pane of 6.8mm laminated glass. These measures will help increase the security of vulnerable windows and doors.
3. All internal doors within this development should be a minimum of PAS 24 2012 rated door sets.
4. Where thumb turn locks are to be utilised consideration should be given to the 'By Pass' method of entry, a simple and effective method used by offenders to gain entry to thumb turn cylinders. Any thumb turn cylinder used should be designed so that it cannot be 'by passed'.

All doors need to be fitted with letter box internal protectors, this will help reduce the risk of the thumb turn lock being manipulated from the outside.

5. All communal entry doors should be to PAS 24: 2012 standard or equivalent the door should be self-closing and locking.
 6. There should be a vandal resistant access control system in place on all external doors.
 7. There should be a vandal resistant video intercom system on main entry / exit doors linked to each flat. Images of callers should be high resolution colour images during the daylight and monochrome images when operating below 0.5 lux, there should also be clear two way audio.
 8. Access control measures should be in place on the ground floor stairway doors giving access to higher floor levels, lift and basement areas, these doors should also be fitted with self-closing /locking mechanism. This would limit the access around the building for unauthorised persons, this could be in the form of key code, fob, or swipe card.
- At present once a person has entered the building via the entrance door they have unlimited access throughout the building.
9. There should also be an access control measure in place on the Gym door.
 10. All external doorways should be well light.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 5.

Reason for bringing to committee: Fails to meet normal separation standards for facing habitable rooms

Application Number: 14/1879/RM

Application Type: Reserved Matters

Applicant: Classic Refurb Ltd

Proposal: Reserved Matters for the Erection of 2 no. dwellings and associated works. Demolition of existing buildings to consider access, appearance, landscaping, layout and scale.

Location: LAND ADJACENT 33 GREAT CHARLES STREET, WALSALL, WS8 6AE

Ward: Brownhills

Case Officer: Devinder Matharu

Telephone Number: 01922 652602

Email: planningservices@walsall.gov.uk

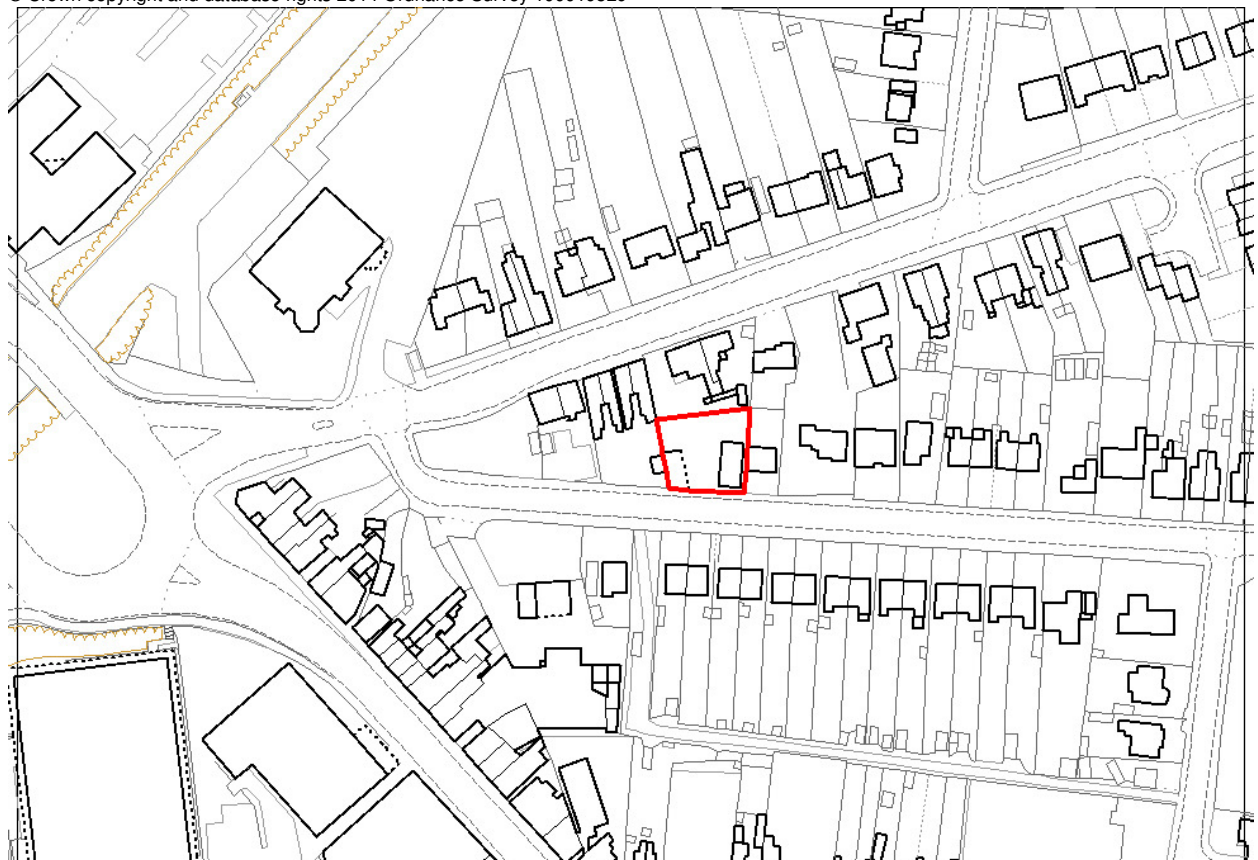
Agent: J Mason Associates Ltd

Expired Date: 12/02/2015

Extension of Time Target Date: 08/05/2015

Recommendation Summary: Grant Permission Subject to Conditions

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Economy and Environment, Development Management, Civic Centre, Darwall Street, Walsall, WS1 1DG
Website: www.walsall.gov.uk/planning, Email: planningservices@walsall.gov.uk, Telephone: (01922) 652677,
Textphone: 0845 111 2910, Fax: (01922) 652670

Application and Site Details

The application site is located on the northern side of Great Charles Street, approximately 75m from the junction with Lichfield Road.

The application site was previously the rear garden of number 34 Lichfield Road, now a 1.8m high boundary wall divides the two sites. The outbuildings within the application site along the eastern and western boundaries remain a steel structure of garages and storage sheds adjacent 32 Lichfield Road and the other structure a garage and workshop adjacent 33 Great Charles Street.

The workshop adjacent number 33 has a flat roof and the workshop adjacent number 32 Lichfield Road has a mono pitch roof. The outbuilding on the western side of the application site forms the boundary with number 32 Lichfield Road.

The existing front boundary treatment with Great Charles Street is a brick wall approximately 2m high with vehicular gates to allow access to the site.

A lamp post is located outside the application site fronting Great Charles Street to the west, adjacent number 32 Lichfield Road.

To the north of the site are numbers 34 and 36 Lichfield Road, two storey semi detached houses which have a rendered external finish. These houses sit at an angle to the application site.

To the east of the site is number 33 Great Charles Street, a brick built detached house with a rear two storey wing adjacent the application site. A small bathroom window at first floor faces the application site. The house is set back with the front garden having been converted into a driveway. A small brick wall with piers forms the boundary with the highway.

To the west of the site are the rear gardens of numbers 30 and 32 Lichfield Road, these are terrace properties. There is a shed in the rear garden of 32 and a large outbuilding in the rear garden of number 30. The boundary treatment to numbers 30 and 32 Lichfield Road are double gates for vehicular access and a boundary wall 1.8m high that is rendered.

On the southern side of Great Charles Street are semi detached houses with front gardens, some of which have been converted into driveways. These houses have chimneys, porches, bays windows at ground floor, some of these properties have a rendered external finish and have low boundary treatments. The houses on this side of the road sit in uniform row.

The houses along the northern side of Great Charles Street are set back with long front gardens. Numbers 33, 35, 37 and 39 are modern style houses that sit on the northern side of Great Charles Street. Numbers 43 to 49 are semi detached houses. Numbers 33 and 51 are anomalies which sit further forward towards the highway.

The site is approximately 33m from the edge of Brownhills district centre.
The application is a reserved matters application that seeks the approval of scale, appearance, layout, landscape and access.

The submitted plans show a bungalow and a two storey house to be erected on the site. The two storey house would be positioned adjacent number 33, to the east of the site and the bungalow positioned to the west of the site adjacent the rear garden of 32 Lichfield Road.

The bungalow would be 10.3m wide, 6m high and the front of the house would be stepped on both sides by 7.2m and 7.8m with the hallway being stepped back. The rear garden would be

quadrilateral in shape, being wider than longer and would have an average garden length of 5.2m and a total amenity area of 70 square metres.

The two storey house would be a square shaped building in essence with a projecting element that would project 3.5m from the main structure of the building. The overall dimension of the house would be 7.5m in length and 7.8m in width and 6.9m high. The house would have an integral garage and a first floor that would overhang the garage. The rear garden would be quadrilateral in shape, being longer than wider and would have an average garden length of 7m and a total amenity area of 71 square metres.

The bungalow and house would have horizontal timber redwood cedar cladding panels and through colour white render and would have Marley modern interlocking roof tiles in slate grey.

The agent has confirmed that Secure by Design principles will be adopted where possible.

Relevant Planning History

12/0689/OL - Outline: Erection of 2 no. dwellings and associated works. Demolition of existing buildings, layout and access for consideration, new garage to the rear of 36 Lichfield Road. Granted Subject Conditions 29 September 2012.

Relevant Planning Policy Summary

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

National Planning Policy Framework (NPPF) www.gov.uk

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Find ways to enhance and improve places in which people live their lives
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas
- Encourage the effective use of land by reusing land that has previously been developed

Key provisions of the NPPF relevant in this case:

- ***NPPF 1 - Building a strong, competitive economy***
- ***NPPF 6 - Delivering a wide choice of high quality homes***
- ***NPPF 7 - Requiring good design***
- ***NPPF 11 - Conserving and enhancing the natural environment***

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy

Black Country Core Strategy

CSP4: Place Making

The design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers in terms of its local character and heritage whilst responding to current day needs, changes in society and cultural diversity.

HOU2: Housing Density, Type and Accessibility

States that the density and type of new housing provided on each site will be informed by, amongst other factors, the need to achieve high quality design and minimise amenity impacts, taking into account the characteristics in the area where the proposal is located. All developments will aim to achieve a minimum net density of 35 dph except where higher densities would prejudice historic character and local distinctiveness.

ENV3: Design Quality

Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits

Unitary Development Plan

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

ENV14: Development of Derelict and Previously-Developed Sites

Encourages the development of previously developed land.

ENV32, 3.113, 3.114, 3.115 and 3.116: Design and Development Proposals

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. Criteria are provided that the Council will use when assessing the quality of design of any development proposal.

(b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-

- The appearance of the proposed development
- The height, proportion, scale, and mass of proposed buildings/structures.
- The materials proposed for buildings, external spaces and means of enclosure.
- The integration and co-ordination of buildings and external space.
- The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
- The effect on the local character of the area.

ENV17 new planting will be encouraged.

3.117 & ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: Adequate foul and surface water drainage infrastructure should be provided.

H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings

T4 - The Highway Network

Residential Streets are minor roads where traffic volumes and speeds should be quite low.

T7 - Car Parking

All development should satisfy the car parking standards set out in Policy T13, and be well designed.

T13: Parking Provision for Cars, Cycles and Taxis

3 bedroom houses and above – 2 spaces per unit

Supplementary Planning Document Designing Walsall

DW3 – Character -design to respect and enhance local identity;

DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;

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

Consultations

Transportation- No objection subject to planning conditions on parking, access and visibility.

Natural Environment Team Ecology–No objection

Pollution Control Contaminated Land –No objection subject to conditions to address land contamination.

Pollution Control – No objection subject to conditions to address noise to protect neighbouring amenity.

Environment Health – No objection

Fire Officer – No objection

Severn Trent Water – No objection to the drainage details as shown on the landscape and drainage plan.

Landscape – No objection

Police – No objection but makes comments on Secure by Design.

Public Participation Responses

Four letters from one resident have been received objecting to the proposal on the following grounds:

- Projecting house out of the building line with other properties on Great Charles Street
- Closest of the soak-away to the property and boundary wall
- assurances soakway is within the guidelines and would not affect neighbouring property.
- Planning conditions on outlined preventing habitable room windows on rear and side elevations
- Proposal does not protect or safeguard the amenity of 34 and 36 Lichfield Road
- No occupied rooms on the rear and side elevations
- Loss of privacy
- Loss of light
- Obscure glazing in first floor windows
- Window shown with no obscure glazing
- Windows reverted back to normal once built
- Windows to apex of the roof to the bungalow
- Reassurances 1.8m high wall will remain
- Proposal does not have regard to Secure by Design
- Permitted development rights for extensions, roof etc should be removed as per outline permission
- Residential development on the site is appropriate
- Within walking distance of district centre

All letters of representation are available for inspection upon publication of this committee report.

Determining Issues

- Principle of development
- Layout, scale and appearance
- Landscaping
- Impact upon surrounding residential occupiers
- Impact upon the amenities of proposed occupiers.
- Drainage
- Parking and Access
- Planning conditions
- Local Finance Considerations

Observations

Principle of development

The principle of residential development has already been accepted under the outline permission 12/0699/OL. The site is in a sustainable location within walking distance to Brownhills District Centre.

The provision of good quality housing is supported by the BCCS. The sites were formerly occupied by workshops and an outbuilding and the provision of new housing is acceptable in principle as it brings forward vacant land in accordance with UDP policy ENV14.

UDP policy H3 encourages provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

There has been no change to the Development Plan that would alter the previous recommendations to grant planning permission and the principle of development is accepted.

The planning conditions on the outline permission 12/0689/OL would remain, which includes the condition restricting any extensions to the proposed development.

Layout, scale and appearance

The proposal seeks the erection of a bungalow and a two storey house. The bungalow and house would be similar in design with both an "A" symmetrical and gable roof.

The layout of the development would be that the proposed bungalow would sit in line with the existing property at 33. The proposed house, however would sit further forward of number 33 by 3.5m. Objectors have also raised concerns that the proposed house would not sit in line with other neighbouring properties. The building line along the northern side of Great Charles Street is one where the majority of the houses sit in line with numbers 33 and 51 being anomalies which sit further forward towards the highway. The projection of the proposed house further forward of 33 would result in a small section of the house being seen further forward of 33. It is considered that the proposed house would not unduly detract from the character and setting of the street scene. The proposed mono pitch roof would assist in reducing the prominence.

The layout of the bungalow allows for a quadrilateral shaped rear garden being wider than longer and having an average garden length of 5.2m with a total amenity area of 70 square metres.

The layout of the proposed house allows for a wider rear garden and having an average garden length of 7m and a total amenity area of 71 square metres.

The scale of the houses are considered acceptable as the bungalow would be lower than the proposed house and in the street scene this would be seen as a gradual step up from the western part of Great Charles Street to a two storey house to reflect the existing two storey housing development along this part of Great Charles Street.

Whilst the houses along Great Charles Street vary with brick and render properties with roof tiles, the proposed development would have horizontal timber redwood cedar cladding panels and through colour white render and Marley modern interlocking roof tiles in slate grey. Houses along Great Charles Street are built out of brick and have external render finishes, the proposed materials are considered acceptable, as they would add to the character and overall appearance of the dwellings within the street scene. The roofing and facing material can be discharged under this current scheme.

The Police have advised that the development should have regard to Secure by Design with regards to doors and windows, defensible planting, boundary treatments and gates, garage doors, lead substitute materials and an intruder alarm. These can be secured by way of a planning condition. The plan shows defensible planting in front of the main ground floor habitable room windows. The submitted plan does show the side gates having been brought to the front of the site, on plot 2, the main elevation is set back, which is where the gate has been located.

The existing boundary wall between number 33 Great Charles Street and the application site will be retained with a new boundary fence and low level wall with piers being retained with 32 Lichfield Road. The front boundary to the site will have to remain at 600mm high to maintain highway visibility. Whilst details of boundary treatments have been requested, they have not been submitted, however, these can be sought by way of a planning condition, to ensure the development will be secure and to ensure the design and appearance of them are acceptable.

Landscaping

The Landscape Officer has no objection to the proposal and the submitted scheme is considered acceptable.

Impact upon surrounding residential occupiers

The original outline planning permission, 12/0689/OL which was for the principle of residential development, a note for applicant was stipulated that no windows on the rear or side elevations shall be installed on any proposal. The submitted scheme shows windows on these elevations and will be addressed below.

Towards the rear of the proposed bungalow is number 34 Lichfield Road. This property has a rear single storey extension with habitable room windows and windows at first floor that face to the application site at an angle. The separation distance between these windows would be 14m at the closet point and 16.2m at the furthest point. The existing 1.8m high wall between the two sites would prevent any overlooking from the bungalow towards this property at ground floor level. The proposed boundary between the bungalow and number 32 Lichfield Road would also prevent any overlooking from the bungalow towards this property at ground floor level.

Towards the rear of the proposed house is number 36 Lichfield Road. This property has a rear single storey conservatory with habitable room windows at first floor that face the application site at an angle. The separation distance from these windows to the rear of the proposed house would be 18.2m at the closets point and 22m at the furthest point. The windows on rear elevation at first floor of the proposed house would be an ensuite, which is not shown as an obscurely glazed window and an obscurely glazed bedroom window, with skylights to allow light into the rear habitable room. Whilst the bedroom window would be obscurely glazed, a planning condition would ensure the ensuite window is also obscurely glazed and that both of these windows are fixed and remain in perpetuity. It is considered that obscurely glazed windows would protect the

amenities of the occupiers of number 36 Lichfield Road, as views out of the windows would not be obtainable.

If these windows were fitted with clear glass at a later stage then the occupier would be in breach of planning conditions and it is likely that planning enforcement action would be taken to remedy the situation.

A planning condition could be stipulated to ensure the existing 1.8m high boundary wall remains in perpetuity to protect the amenity of the occupiers of both 34 and 32 Lichfield Road.

The proposed house has a side facing window at ground floor that faces towards number 33 Great Charles Street. This would be a secondary window to the kitchen.

It is considered that this secondary window would not unduly impact upon the amenities of the occupiers of number 33 to warrant refusal of the application.

Neighbours have raised concerns that the proposal shows windows to the apex roof of the bungalow. The windows at that height would not result in overlooking or loss of privacy to the occupiers of number 34 Lichfield Road, these windows would allow additional light into the main living area of the bungalow. If planning permission was to be granted then it can be conditioned that the bungalow remains as a bungalow with no dormer windows or skylights to protect the amenities of the occupiers of 34 Lichfield Road.

The proposed development is to the south of numbers 34 and 36 Lichfield Road, it is considered that whilst there may be some loss of sunlight and shading to the rear gardens of these neighbouring properties, this would not be significant to warrant refusal of the application. The majority of the shading would be to the rear gardens of the proposed development.

It is considered that the proposed development of a bungalow and a house would not unduly impact upon the amenities of the occupiers of numbers 32, 34 or 36 Lichfield Road or 33 Great Charles Street in terms of overlooking, loss of privacy, shading or loss of light.

Impact upon the amenities of proposed occupiers.

The proposal would provide adequate amenity space in the form of rear gardens. The rear gardens along the northern side of Great Charles Street vary in size with some having long rear gardens and others smaller. Number 33 has a small rear garden and the proposed rear gardens for the bungalow and house would match the rear garden of this existing property, albeit the rear garden for the bungalow would be wider than longer.

The outlook from the rear of the bungalow and house would be a 1.8m high wall, at a relatively short distance. To enhance the amenity of residential occupiers some form of planting within the site could be incorporated to soften the outlook and create a pleasant living environment.

Number 34 Lichfield Road is set at an angle to both the proposed bungalow and any views from the first floor of this property would not result in any direct overlooking towards the bungalow and furthermore, any views would be interrupted by the boundary wall. The proposal would not unduly impact upon the amenities of the occupiers of the proposed house.

The proposed house would have an obscurely glazed window to the first floor rear bedroom with skylights to provide light into the room. Whilst this habitable room does not have an outlook, there would be adequate light into the room.

Number 36 Lichfield Road is set at an angle to both the proposed house and any views from the first floor of this property would not result in any direct overlooking towards the house and

furthermore, any views would be interrupted by the boundary wall. The proposal would not unduly impact upon the amenities of the occupiers of the proposed house.

The proposal would result in loss of sunlight and shading to the rear garden of the proposed development, however, the development would still have early morning and late afternoon sunlight, which would not unduly impact upon the amenities of these potential occupiers to warrant refusal of the scheme.

Drainage

Neighbours have raised concerns over the position of the soak away and want reassurances that the soak way is within the guidelines and would not affect neighbouring property. Severn Trent Water have no objection to the proposal with regards to surface and foul water drainage as shown on the submitted plans. Furthermore, the suitability of a soak-away would be an issue to be addressed at Building Regulations stage. The drainage condition can be discharged under this current scheme.

Parking and Access

Policy T13 of the UDP requires 2 off road car parking spaces to be provided for both the bungalow and house. The proposal provides 2 off road car parking spaces for both the bungalow and house.

Planning condition 8a of the outline planning permission required details of a new vehicle footway crossing to serve the dwellings to be shown and the redundant crossing to be reinstated. Planning condition 8b required the crossing to be completed in accordance with the approved details. The submitted plan illustrated the proposed vehicular crossings for both the bungalow and house. On this basis, Transportation have agreed to discharge planning condition 8a with further planning conditions to address access, visibility and parking. With regards to the redundant vehicular access whilst this has not been shown on the plans, Transportation have agreed this could be retained and included within the new planning conditions. The new planning conditions would ensure the approved access points are retained and maintained at all times.

Transportation have no objection to the proposal.

Planning Conditions

On the outline planning permission, 12/0689/OL a number of planning conditions were stipulated, those being:

- 4- Facing and roofing materials, these details have been submitted and the planning condition will be amended to include the materials.
- 5- Drainage details, these have been shown on the submitted plans and planning condition will be amended to include the details approved by Severn Trent Water.
- 6- Land level details, these have been shown on the submitted plan and the planning condition will be amended to approve these details.
- 7- Boundary treatments – these details have not been provided, so the planning condition will remain.
- 8- Details of vehicular crossing, these details have been shown on the submitted plan; see report above for further details.
- 9- vehicle hard standing, condition to remain.
- 10- front boundary treatment being restricted to 600mm, condition to remain.
- 11- number of bedrooms to each property, to be amended to reflect the number of bedrooms for the bungalow and the house.
- 12- demolition of buildings on site, condition to remain.
- 13, 14 and 15 relating to bats, the Natural Environment Officer has verbally advised these planning conditions are no longer necessary on the reserved matters.
- 16- hours of operation condition, condition to remain.

- 17- garage to the rear of 36, this garage has been constructed and the condition is no longer required.
- 18- restricting extensions, alterations to the roof and outbuildings, condition to remain.

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 the erection of two properties.

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

Positive and proactive working with the applicant

Amendments to the scheme have been made to reduce the front projection of the proposed houses and also to alter one of the proposed dwellings from a bungalow to a two storey house.

Recommendation: Grant Permission Subject to Conditions

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

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

2. The development shall be completed in accordance with the following plans:

- Drawing number 1730/100G entitled "landscape and drainage plan" submitted 2 June 2015
- Drawing number 1730-02C entitled "sketch proposals" submitted on 10th April 2015.

Reason: To define the permission.

3a. Prior to demolition of the outbuildings on site, a site survey to identify any potentially hazardous materials shall be carried out and a Method Statement produced detailing actions and time scale to be taken to prevent localised contamination shall be submitted to and approved in writing by the Local Planning Authority.

3b. Following demolition and removal of the buildings a validation report shall be submitted to and approved in writing by 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.

Reason: To protect the amenity of potential occupiers.

4a. Prior to the construction of development above damp proof course, full details of the proposed boundary treatment around the site shall be submitted to and approved by the Local Planning Authority.

4b. The development shall be completed with the approved details and thereafter retained.

Reason: In order to safeguard the amenities of the occupiers of premises in the vicinity and secure the satisfactory development of the application site.

5. The bungalow and house hereby approved shall be constructed using the following facing and roofing materials:

- horizontal timber redwood cedar cladding panels
- through colour white render
- Marley modern interlocking roof tiles in slate grey.

Reason: In the visual amenities of the area.

6. The foul water and surface water drainage details as shown on drawing number 1730/100G entitled "landscape and drainage plan" submitted 2 June 2015 shall be fully implemented prior to the development first being brought into use and retained and maintained at all times.

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.

7. The development shall be completed in accordance with the land levels and finished floor levels as shown on drawing number 1730/100G entitled "landscape and drainage plan" submitted 2 June 2015 and thereafter retained.

Reason: In the interests of the amenity of the area and to ensure satisfactory development of the site.

8a. Prior to the first occupation of either dwelling on the development, the frontage parking area for that dwelling shall be fully consolidated, hard surfaced and suitably drained so that surface water from the parking area does not drain onto the public highway.

8b. The parking areas shall thereafter be retained and used for no other purpose.

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

9. Prior to the first occupation of Plot 2 on the development, the dropped kerb footway crossing shall be installed to align with the new access point in accordance with the approved details and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance all statutory requirements. Any existing redundant footway crossing shall be reinstated back to full kerb height.

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

10. No structure or planting exceeding 600mm in height above footway level shall be permitted at any time within 2.4m x 3.4m pedestrian visibility splays at each access point.

Reason: To ensure adequate pedestrian/vehicle inter-visibility at the access points in the interests of highway safety and UDP policy GP2 and T7.

11. The proposed bungalow shall only have 2 bedrooms and the proposed houses shall only have 3 bedrooms.

Reason: The submitted layout allows for two off-street parking spaces per dwelling. To accord with T13 parking policy this will restrict each dwelling to no more than 3 bedrooms.

12. No development within Class A, B, C, D, E, F of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development)(Amendment)(No. 2)(England) Order 2008 shall take place without first submitting a formal planning application.

Reason: To protect the amenity of the occupiers of 34 and 36 Lichfield Road and given the small plot sizes of the proposed development.

13. The first floor windows on the rear elevation and the side facing window to the landing of the proposed house hereby approved shall be fixed and non opening and shall comprise of obscure glazing of Pilkington Level 4 standard of privacy, or equivalent, and retained thereafter.

Reason: To protect the amenity of the occupiers of 34 and 36 Lichfield Road and the proposed bungalow.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no side facing windows or doors, other than as shown on the deposited plans, shall be installed in any part of this development.

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

15. The development shall have regard to Secure by Design (see note below).

Reason: To secure the site and for the safety of the occupiers.

16. No demolition, engineering or construction works (including land reclamation, stabilisation, preparation, remediation or investigation) shall take place on any Sunday, Bank Holiday or Public Holiday*, and otherwise such works shall only take place between the hours of 0800 to 1800 weekdays and 0800 to 1400 hours Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. (* Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday, Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday).

Reason: To safeguard the amenity of occupiers of premises within the vicinity.

Informative

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 reinstatement of the existing dropped kerb footway crossing works within the public highway.

3: New windows/ roof lights / patio / French doors/ windows should conform to PAS 24 2012 Standard or equivalent.

- There should be an area of defensible space in front and across the length of each front facing window, which should be around 1m in depth and consist of dense low level shrubbery, suitable for the light / soil environment at its location. The defensible space will help protect ground floor windows and make access to them by offenders more difficult.
- All external doors should be to PAS 24 2012 standards. If a europrofile cylinder lock is to be utilised this doors testing and certification should incorporate a TS-007 3star cylinder lock.
- Most properties are attacked from the rear therefore perimeter security needs to be effective in order to protect the most vulnerable area of any property. With this in mind perimeter and boundary fencing should be at least 2.1m in height, the fencing should also be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. 2.1m fencing can include 300mm trellis topping ie 1.8m fence plus 300mm anti climb trellis topping.
- Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.
- All gates should be 2.1m in height and be key lockable from both sides.
- Fencing and side gates should be located as near to the front building line as possible.
- Garage doors must be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or STS 202 issue 3:2011 burglary rating 1.
- Where there is an interconnecting door into the dwelling the interconnecting door should be rated to PAS24 2012 standards.
- Due to the increase in metal theft consideration should be used to minimising the use of lead in the design, by using lead substitute or alternative products.
- The property should be fitted with a suitable intruder alarm utilising dual technology sensor or above and alarm sirens front and back of building.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 6.

Reason for bringing to committee: Delicate Judgement

Application Number: 15/0443/FL

Application Type: Full application

Applicant: Mr Prem Kharabanda

Proposal: Change of use (YMCA – Sui Generis use class) to 22 supported accommodated rooms for young people who are vulnerable to homelessness.

Location: PREMSON HOUSE, 5-8 GREEN LANE, WALSALL, WS2 8HE

Ward: St. Matthews

Case Officer: Karon Hulse

Telephone Number: 01922 652614

Email: planningservices@walsall.gov.uk

Agent: Mr Maurice Cotton

Expired Date: 03/06/2015

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

This application seeks consent to use 5-8 Green Lane for supportive housing accommodation (HMO) by the YMCA. The building will involve internal alterations only to create 22 bedrooms with en-suite facilities.

The site is situated on the western side of Green Lane within Walsall Town Centre and comprises a three storey Victorian premises formerly used for manufacturing, then as a training centre. Planning permission was granted in 2003 for a change of use to student accommodation, although the building has recently been occupied by residents of the proposed use now being considered by this application.

The rear part of the ground floor of the premises is used by the Salvation Army as a drop in centre, accessed from the rear and does not form part of the application.

Immediately to the north is a single storey pitched roof Salvation Army citadel, to the south is a single storey pitched roof vacant vehicle garage premises. To the east on the opposite side of Green Lane is an open car public car park and to the west, to the rear of the building is Crown Wharf Retail Park.

The applicants are an association which provide accommodation for vulnerable young people, adults and homeless who require support.

The accommodation would comprise:

Ground floor	2 x bedsits with shared bathroom lobby Refuse store Communal Facilities Office WC Laundry
First Floor	10 x one bedroom with en-suite facilities Communal kitchen/dining/living room
Second Floor	10 x one bedroom with en-suite facilities Communal kitchen/dining/living room

Total of 22 residential units within communal facilities.

No off street parking or amenity space would be provided for the proposed use and no external alterations to the building would be required for the proposed use.

A Design and Access Statement has been submitted in support of the proposals which discusses the history of the site, the layout, energy and sustainability of the premises, design objectives, access and further details of the proposed student accommodation.

The site is within 100 metres of the primary shopping centre of Walsall and 300 metres of both the railway station and bus station. The local police station and magistrates courts are within 200 metres north along Green lane.

Relevant Planning History

13/0180/FL – Change of use to student accommodation. Granted 8th April, 2013

04/0661/FL/W3 - Change of use to training centre. Granted 25th June, 2004.

14/0521/FL - Change of use to Supportive Housing Accommodation (HMO) - 22 beds. Granted 18th September 2014. This permission has since expired with none of the planning conditions imposed being discharged.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF) www.gov.uk

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Proactively drive and support sustainable economic development to deliver homes
- Actively manage patterns of growth to make fullest possible use of public transport, walking and cycling
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants.
- Take account of the different roles and character of different areas
- Encourage an effective use of land by reusing that that has been previously developed
- Promote mixed use developments

Key provisions of the NPPF relevant in this case:

- ***NPPF 2 - Ensuring the vitality of town centres***
- ***NPPF 4 - Promoting sustainable transport***
- ***NPPF 6 - Delivering a wide choice of high quality homes***
- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy

Black Country Core Strategy

- CSP1: The Growth Network
- CSP5: Transport Strategy
- HOU2: Housing Density, Type and Accessibility
- HOU3: Delivering Affordable Housing
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV3: Design Quality
- CEN7: There is a clear presumption in favour of focusing development in centres.

Unitary Development Plan - http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

- GP2: Environmental Protection
- GP5: Equal Opportunities

- ENV14: Development of Derelict and Previously-Developed Sites
- ENV29: Conservation Areas
- ENV32: Design and Development Proposals
- H3: Windfall Sites on Previously Developed Land and Conversion of Existing Buildings
- H5: Housing for People with Special Needs
- H7: Hostels and Houses in Multiple Occupation
- S8: Housing in town centres
- T7: Car Parking
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

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

Other relevant legislation

Circular 08/2010 – Changes to Planning Regulations for dwelling houses in multiple occupation

Identifies that large houses in multi occupation – those where there are more than six people sharing – are unclassified by the Use Classes order and therefore are considered to be “sui generis”.

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

Consultations

Fire –No objections

Transportation –No objections

Environmental Health – No objections

Pollution Control (Scientific Team/Contaminated Team) - No objections

Housing Standards and Improvements – No objections

Severn Trent Water – No objections subject to drainage scheme

Communities and Public Protection (Community Safety) – hopefully this latest project will be better managed than previous ones and the YMCA will manage the facility more effectively and work with partners on tackling any issues.

Police ALO – Objects on the following grounds:

*This development is situated in the St. Matthews Neighbourhood Beat Team area and is the **HIGHEST CRIME** area on the Walsall Local Policing Area with over **3058 reported crimes in the last 12 months.***

The crimes include a high number of sexually related offences such as prostitution and sexual assault, high levels of anti-social behaviour, as well as 267 Burglaries and 247 vehicle related crimes.

I have grave concerns about positioning a development of this type in such an environment. Experience has shown us that previous schemes at this location have impacted negatively upon Police Resources and the Local Community. Placing vulnerable individuals in a vulnerable environment can only have negative consequences to the residence themselves, surrounding area and partner agency resources.

I would strongly object to this application based upon the grounds of its impact on crime, Police resources and signal crimes in the immediate / surrounding areas.

The Neighbourhood Team Sergeant for the area also wishes to object to this application, his objections are based on its possible and likely impact upon crime and Police resources.

Public Participation Responses

None received to this application

Determining Issues

- Crime and disorder/Secure By Design
- Principle of the use
- Design and Layout
- Amenities of the surrounding occupiers

Observations

There has been no material planning changes or circumstances to this application since the previous consent for the HMO approval with the exception of the operator of the proposed use. Whilst this is not necessarily a planning consideration in this case the YMCA, a worldwide organisation, will be running the centre.

Crime and disorder/Secure by Design

The Police architectural liaison officer (ALO) has advised the site is within the St. Matthews Neighbourhood Beat Team area and has the highest crime statistics in the Walsall Local Policing Area with over 3058 reported crimes in the last 12 months including a high number of sexually related offences such as prostitution and sexual assault, high levels of anti-social behaviour, as well as burglaries and vehicle related crimes.

The Police ALO has concerns regarding the proposed use and strongly objects to the application based upon the grounds of its impact on crime, Police resources and signal crimes in the immediate / surrounding areas. That said they have recommended several conditions in order to protect and secure the amenity of future occupiers and existing occupants around the site and advised that the development should at the very least meet the specifications of Secure by Design standards should the application be approved.

The measures required by Secure by Design conditions may assist in securing the site, however, many of the issues which have been raised at similar establishments are usually generated by the tenants themselves. This is not a matter that can be dealt with directly or wholly by the planning system. The planning system can however, assist by ensuring that secure by design measures are

required through safeguarding conditions to ensure the building is secured and monitored at all times.

It is considered that the YMCA is more likely to have strict vetting procedures in place to assess the suitability of each and every tenant and it would be in their own interests to have detailed tenant's contracts of behaviour which ultimately have consequences for breaches of conduct and behaviour and a robust system to deal with such breaches resulting in possible eviction. This is outside the scope of the planning system and would be a matter dealt with by Housing Standards who work with landlords and licence such establishments.

Principle of the use

The site is situated within Walsall Town Centre and is considered a sustainable location that can easily be accessed by public transport with access to shops and services that are available in the town centre.

The proposals are reusing an existing building which was partially vacant, in line with the NPPF and UDP policy H3, which encourages the provision of residential accommodation through the conversion of existing buildings in sustainable locations. UDP Policy S8 encourages the provision of residential accommodation within town, district and local centres where a satisfactory level of residential amenity can be achieved and the use would not adversely impact on other town centre uses. Further, UDP policy H7 encourages the provision of Houses in Multiple Occupation (HMO) where there would be no harm to the amenity of the occupants of neighbouring properties or the occupiers of the accommodation or no harm to the character and appearance of the building or the area. The current proposals do not require external alterations to the property and so would not impact on the visual appearance of the building within the street scene. It is considered that the proposed use would not have any adverse impact on the amenities of the adjacent premises or occupiers and that the amenity of the future occupiers would not be affected by the adjacent commercial use which is likely to only operate during normal office working hours. It is considered that the proposed use as an HMO in this location would have no adverse impact on the character of the area and there are no Walsall planning policies to minimise HMO's within the town.

The proposed use would comply with policy and would have no adverse impact on the vitality and viability of the centre and would not harm the character of the area.

Design and Layout

All housing developments must comply with national housing standards such as the decent Homes Standard and must be free from category 1 hazards when assessed in accordance with the Housing Health and Safety Rating System (HHSRS) (sections 1 and 2 of the Housing Act 2004). The Council's Housing Services also apply specific standards to premises defined as Houses in Multiple Occupation (HMO's). The standards may relate to matters such as, minimum room size, and occupancy levels, numbers of kitchens and bathrooms and fire precautions. Further requirements may also be imposed where premises are subject to Mandatory HMO Licensing.

All rooms both single a twin rooms would have en-suite facilities. Each floor will have shared kitchen, dining and living room facilities. The two disabled units on the ground floor would have their own cooking facilities.

The proposals provide no amenity space or off street parking. However, it is considered that as this is a sustainable location within walking distance of the town centre with good bus services, supermarket shopping and public car parks. It is likely that car ownership of the expected clientele will be low and as such off street parking is not considered necessary in this instance. The local police station and magistrates courts are within 200 metres north along Green lane. Whilst amenity space would be desirable it is also not considered necessary in this case as the site is situated in a

town centre location where facilities are available, the arboretum park one kilometre away and the canal front in close proximity.

Amenities of the Surrounding occupiers

It is considered that the proposals would have no adverse impact on the amenities of the surroundings residential occupiers, the nearest being around the Gallery Square area and the Town Wharf. Neither will it have any impact on the operations of the adjacent premises provided the establishment is operated under the terms of its licence, this is a matter which is dealt with separately by other legislation and not planning. Likewise, it is considered that the surrounding uses would not impact on the amenities of the future residential occupiers.

As such and on balance it is considered that subject to conditions the proposals in planning terms can be adequately controlled.

Positive and proactive working with the applicant

The nature of the application has not required proactive working with the applicant to enable full support to be given to the scheme.

Recommendation: Grant Permission Subject to Conditions

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

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

2. The development hereby approved shall be built in accordance with the following plans:

- Block Plan and Location Plan submitted 25/7/14
- Ground Floor Plan 19th March, 2015
- First Floor Plan received 19th March, 2015
- Second Floor Plan received 19th March, 2015
- Front Elevation received 19th March, 2015
- Roof and site plan received 19th March, 2015
- Design and access statement received 19th March, 2015

Reason: To define the permission.

3a. Prior to first occupation of the development, details of proposed refuse and waste recycling facilities have been submitted and approved in writing by the Local Planning Authority.

3b. The agreed details shall be fully implemented within three months of the date of the submitted details are agreed in writing and shall be retained and maintained at all times.

Reason: To ensure the satisfactory functioning of the development and ensure the visual amenity of the area

4a. Prior to first occupation of the development, details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development will meet Secure By Design specification.

4b. The agreed details shall be fully implemented within three months of the date of the submitted details being agreed in writing and shall be retained and maintained at all times.

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

Reason: To provide appropriate levels of security and safety, in order to protect future occupiers and to gain and record evidence of any breaches of tenants contract or other crime related incidents.

5. The disposal of surface water and foul sewage shall be to the main drainage system only.

Reason: To ensure the development is provided with 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.

6. Habitable rooms with facades onto Green Lane shall have acoustic glazing and ventilation with minimum sound reduction properties, R_w , of 38 dB.

Reason: To ensure the satisfactory amenity of future occupiers.

NOTE FOR APPLICANT: For further information on Secure by Design specifications please go to http://www.securedbydesign.com/pdfs/SBD_New_Homes_2010.pdf or contact West Midlands Police (Police Architectural Liaison Officer) on 0845 113 5000.

The developer should be aware of the following Secure By Design specifications which will significantly increase the security of the building (doors and windows) and should be taken into account when demonstrating compliance with condition 6a and 6b.

1. Installation of a comprehensive CCTV system covering all external areas of the site as well as internal stair ways, communal rooms, corridors and kitchen areas. There should also be CCTV cameras covering entry and exit points to the building. Cameras should be housed in vandal resistant housings. The CCTV should provide evidential standard images and images should be stored for a minimum of 30 days on a DVD recorder located in a secure room in a locked steel cabinet to LPS1175 SR1 standards.
2. There should be an access control system in place for residents on all entry / exit doors. A PAC style system should be adopted which will enable effective management of access to the building and will also help maintain resilience, security and integrity of the system as well as provide accurate records of users.
3. Any electronic access control system reader should be vandal resistant and covered by CCTV.
4. There should be a video intercom access control system in place linked to each residential room. This will help reduce unauthorised access onto the site.
5. All internal doors should be to PAS 24 2012 standards.
6. There should be access control measures preventing un restricted movement around the building e.g. on each floor from the stairway and lobby area.
7. Ground floor windows should be to PAS24 2012 standards
8. All entry and exit points should be well light.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 7.

Reason for bringing to committee: Significant Community Interest

Application Number: 15/0263/FL
Application Type: Full application

Case Officer: Stuart Crossen
Telephone Number: 01922 652608
Email: planningservices@walsall.gov.uk
Agent: Master Design Studio

Applicant: Mr Kuldip Johal

Proposal: Demolition of the existing bungalow and erection of new 5 bedroom detached dwelling.

Location: 55 LODGE ROAD, WALSALL, WS5 3LA

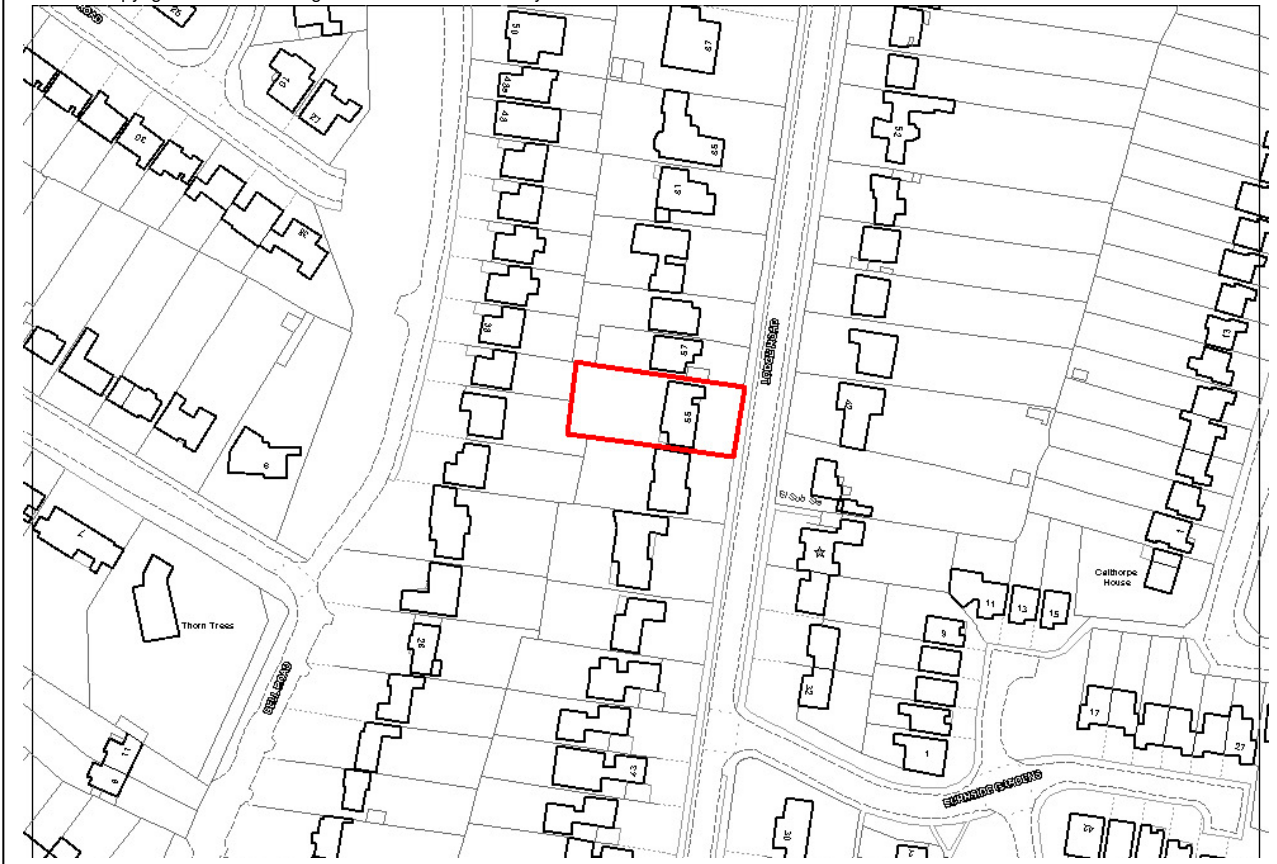
Ward: Paddock

Expired Date: 29/04/2015

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The application proposes to demolish an existing bungalow to be replaced with a new 5 bedroom house.

The proposal would be within a row of houses with contrasting designs including hipped roofs, front gable and dormers, there is no uniformity and the existing bungalow is unusual being single storey in this part of Lodge Road.

Amended plans have been received which have lowered the height of the roof, changed the design from a part hipped, part flat roof to a hipped roof, reduced the depth and omitted a front gable feature.

The design includes a front gable with feature projecting flat roof entrance, an integral garage and single storey mono-roof rear projection. The house would have a lounge, dining room, family area, kitchen, hall, study, store, garage, utility room, shower room and gym on the ground floor and on the first floor would be 5 bedrooms with shower/bathrooms and a seating area on the landing.

The key measurements are:

900mm further back than the existing bungalow

7.7 metres high to the roof ridge (the same height as number 57)

5 metres high to the eaves

16.2 metres wide

11.7 metres deep

2 metre deep, 3 metre high and 3.6 metre wide front porch

2 metre deep, 3.4 metre high and 4.5 metre wide rear projection

1.8 metre gap to the boundary with number 57

1 metre gap to the boundary with number 53

The application proposes to use red brick, stone cills, dark tiles white upvc windows and a hardwood timber door.

The application house is currently a side gable bungalow between two houses of contrasting styles.

Number 57 is on higher ground with a gable roof design, detached garage along the shared boundary to the front and which extends 5 metres further back than the application house, a side window of this house serves a bathroom and there is a door to a kitchen (main window on the rear elevation). There is a metre gap to the shared boundary defined by a 1.8 metre high fence.

Number 53 is on slightly lower ground (250mm or less) and is a large hipped roof house. Side elevation windows serve a bathroom and office both already face the bungalow. There is a 0.5 metre gap to the shared boundary with the application house which is defined by a 1.8 metre high fence. The proposal would project 3 metres beyond the rear elevation of this house.

The frontage is large enough to provide at least 3 car parking spaces.

Relevant Planning History

None

Planning Policy

National Planning Policy Framework (NPPF)

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Always seek to secure high quality design and good standards of amenity for all existing and future occupants
- Contribute to conserving and enhancing the natural environment

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

63. Great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

11: Conserving and Enhancing the Natural Environment

109. The planning system should contribute to and enhance the natural and local environment by:

- Protecting and enhancing valued landscapes

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that pre-application engagement is encouraged and

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should

not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework “*decision-takers may continue to give full weight to relevant policies*. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall’s UDP) the NPPF advises that “*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*”

To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a ‘Compatibility Self-Assessment Checklist’ (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council’s Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The relevant policies are:

ENV1, ENV2 and ENV3 states that all development should aim to protect and promote nature conservation, the special qualities, design quality and local distinctiveness of the Black Country.

Walsall’s Unitary Development Plan (UDP)

Policies that have been saved and not replaced by the BCCS remain part of the development plan.

However, in such cases the NPPF says “*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*”.

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

VII. The adequacy of the access, and parking.

ENV23: Nature Conservation and New Development

- (b) The Council will require the layout of all new development to take full account of existing features of value for wildlife or geology. Where loss or damage of existing features is unavoidable, the Council will require mitigation measures to which adequately compensate for the features lost.

ENV32: Design and Development Proposals.

- (a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.

- (b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-
- The appearance of the proposed development.
 - The height, proportion, scale, and mass of proposed buildings / structures.
 - The materials proposed for buildings, external spaces and means of enclosure.
 - The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.

ENV40 (c) The quality of all water resources will be protected and, where possible, improved. Development will not be permitted if the drainage from it poses an unacceptable risk to the quality or usability of surface or ground water resources. In particular the Council will need to be satisfied that:-

I. Adequate foul and surface water drainage infrastructure is available to serve the proposed development.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

1, 2 and 3 bedroom houses	2 spaces per unit
4 bedroom houses and above	3 spaces per unit

It is considered in this case that the relevant provisions of Walsall's saved UDP policies are consistent with the NPPF.

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The relevant SPDs are:

Designing Walsall

DW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3 – Character -design to respect and enhance local identity;

DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;

DW 10 – new development should make a positive contribution to creating a sustainable environment.

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix D (listed below) although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front
- 13m separation between habitable windows and blank walls exceeding 3m in height.

- 45 degree code: particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk).

Consultation Replies

Transportation – No objections

Natural Environment Team – Ecology – No objections

Fire Officer – No objections

Severn Trent – No objections subject to drainage condition

Public Participation Responses

3 objections have been received on the following grounds:

Over intensive / over development

Not enough parking

Out of character due to the number of bedrooms

Impact on traffic due to parking on the road

Construction work would be noisy and intrusive

Determining Issues

Design and Character of the Area

Neighbouring Amenity

Parking

Observations

Design and Character of the Area

Amended plans have been received reducing the height, omitting a flat roof and second gable feature. These changes have resulted in a design which has a single feature front gable and main hipped roof reflecting local characteristic of traditional styled houses along Lodge Road.

The character of this part of Lodge Road is a mix of traditional and more modern designs houses. The height of the proposal would be no higher than number 57, with the gaps to the neighbouring boundary reflecting the detached character of the house and its neighbouring houses. It is considered that for these reasons the proposal would be compatible with the existing character of the area.

It is considered that the number of bedrooms does not define the character of the area. The rooms of existing houses could be converted to provide a similar number of rooms without the need for planning permission.

Roof extensions and a second porch under permitted development (PD) would not integrate with the proposed design. be prominent in the street and would be out of character, a condition can be attached to remove these PD rights.

Neighbouring Amenity

The proposal would not result in any significant loss of light to neighbouring habitable room windows, the closest window at number 53, is to the south of the proposed house and accords with the Councils 45 degree code. The relationship to number 57 and orientation to number 53 ensures that there would not be an unacceptable overbearing impact on the amenities enjoyed by occupiers of either neighbouring house.

The application proposes no main habitable side elevation windows, a condition can be attached to ensure any side windows proposed are obscurely glazed.

The proposal would increase the size of the house and extensions under PD may have unacceptable impacts on the amenities of neighbours and a condition can be attached to remove permitted development rights for extensions.

Construction noise and any associated intrusion would be temporary and not a sufficient reason to warrant refusal. A condition can be attached to control construction hours.

Parking

The Transportation Officer has no objections to the proposal, the frontage and proposed garage would be large enough to provide at least 3 car parking spaces to accord with the Council's parking policies which can be conditioned.

Positive and Proactive working with the applicant

Officers have requested amendments to the proposed design from the agent which have been submitted so that the proposal can be fully supported.

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Location plan and block plan (15.90.P01) received 23/02/15
- Amended existing and proposed front elevations (15.90.P04revA) received 16/04/15
- Amended existing and proposed rear elevations (15.90.P05revA) received 16/04/15
- Amended existing and proposed North side elevations (15.90.P07revA) received 16/04/15
- Amended existing and proposed South side elevations (15.90.P06revA) received 16/04/15
- Proposed ground floor plan (15.90.P02) received 23/02/15
- Proposed first floor plan (15.90.P03revA) received 23/02/15
- Amended proposed roof plan (15.90.P08revA) received 16/04/15
- Amended proposed streetscene (15.90.P09) received 16/04/15

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

3a: Notwithstanding the submitted details, prior to the commencement of the development the following details shall be submitted and approved in writing by the Local Planning Authority:

- Brick type including size texture and colour
- Tile type including its size texture and colour

3b: The approved details shall be fully implemented and retained thereafter.

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

4a. No development shall begin until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved in writing by the Local Planning Authority.

4b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, to minimise the risk of pollution and in accordance with UDP policy ENV40.

5. No development within Classes A, B, C, and D of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) shall take place.

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

6: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, 3 car parking spaces shall be provided within the application site, they shall be retained as such and used for no other purpose.

Reason: To provide satisfactory parking provision and to comply with policies T7 and T13 of Walsall's Unitary Development Plan.

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

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

Reason: To protect the amenities of surrounding occupiers.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 8.

Reason for bringing to committee: Significant community interest

Application Number: 15/0440/FL
Application Type: Full application

Applicant: Mr Indie Singh
Proposal: New detached house.

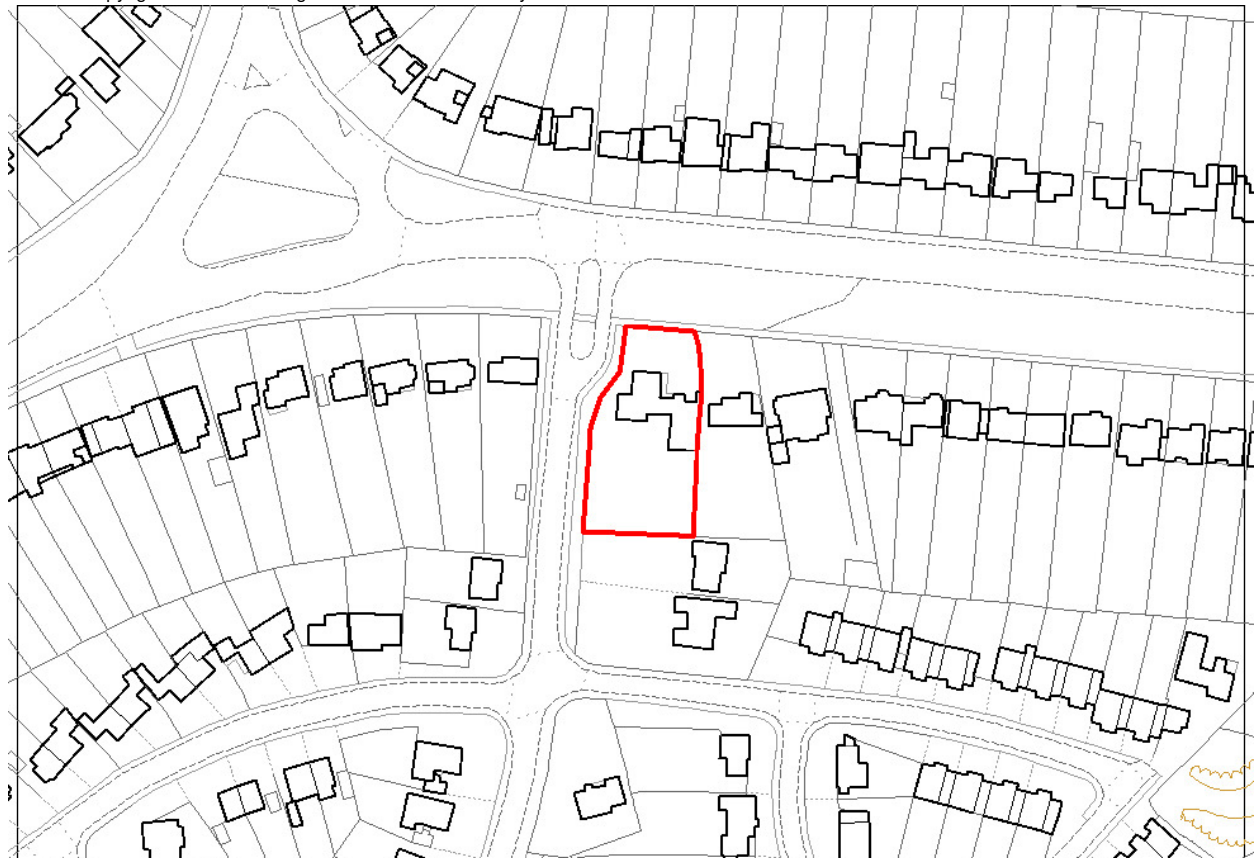
Location: 454 SUTTON ROAD, WALSALL, WS5 3AZ
Ward: Pheasey Park Farm

Case Officer: Stuart Crossen
Telephone Number: 01922 652608
Email: planningservices@walsall.gov.uk
Agent: Field Building Design Partnership

Expired Date: 14/05/2015
Extension of Time Target Date: 30/06/2015

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The application site is part of the rear garden of 454 Sutton Road, at the corner of Sutton Road and Fallowfield Road. This retrospective proposal would front Fallowfield Road at a dip in the road sloping down from the junction with Sutton Road before starting to rise again past its junction with Elmstead Close. 1 and 3 Fallowfield Road are set back from the roadside behind large open front gardens, such that the southern boundary of the site is considered to be prominent. There is an established screen of trees within the site along this boundary, and 3 trees within the highway verge in the vicinity of the site.

There are a variety of different housing styles and designs in the area in open plan layout without strongly defined building lines. Properties along Sutton Road are of individual design, with three main styles within the immediate vicinity of Fallowfield Road including large bungalows with front to back ridgeline roofs, detached dwellings with gable ends and detached dwellings with front to back ridgelines. The density of the vicinity is 14.6dph. There is a bus stop on the pavement directly in front of the application site.

The application proposes the erection of a four bedroom side gable house, which would be set 13 metres from the grass verge and would measure 13m wide, 7.6m deep and 6.4m high. A projecting gable feature would accommodate a porch and garage which would be a metre further forward. The rear garden would measure 7m in depth and have a total amenity area of 102 square metres. The proposed house would be further forward of 1 Fallowfield Road by 7m, to be built in line with the driveway of this house. The application site would have a density of 20dph.

A Design and Access has been submitted with the application which although refers to a bungalow provides the following information which is also relevant to this proposal:

- The location of the house.
- The house will be constructed in matching brickwork and roof tiling to the adjacent houses and bungalows that form the street scene of Fallowfield Road.
- There will be a minimum of 2 parking spaces available, to the to the left hand side of the site and one garage space to the right of the proposed bungalow.
- The dwelling will be set back as to comply with the space about dwelling requirements and positioned forward of the adjacent dwelling at 1 Fallowfield Road.
- The house will not be dominant to 1 Fallowfield Road, due ground levels. The height of the ridge of the house, will be identical to the height of the previously approved ridge of the dormer bungalow.
- The access drive has been repositioned to the centre of the site so that the existing Lime and Cherry trees within the grass verge will not be lost or damaged.
- All materials will be locally obtained and all heating lighting will be from energy saving units.
- Storm water will be taken to soakaways or into water butts, for use within the garden.
- With the requirements for low cost/ first time buyers housing, this property will be made available for these people, to purchase and remain in the area or if need be to the applicants immediate family.

- The property will be sustainable and compliment the housing that exists within this street scene, which is of mixed development, semis', detached, houses and bungalows.
- This dwelling is within walking distance to local shops and supermarkets, making them acceptable for people without transport.

Relevant Planning History

11/0570/FL – New Dormer Bungalow – This application was for a dormer bungalow the same height and footprint as the proposal. Granted subject to conditions 04/07/12

09/0672/OL - Outline application for erection of a detached bungalow to include scale and layout. refused 25/8/2009 on the grounds (1) of poor relationship to surrounding properties in Fallowfield Road thus appearing dominant and incongruous, and unrelated to surrounding development, failure to take into account the context that defines the character of the area disrupting the street scene and (2) failure to demonstrate no damage or loss to Lime and Cherry trees within grass verge by creation of the vehicular access whose potential loss would have an adverse impact on the character and amenity of the area.

The proposal was allowed at appeal on 22 June 2010 the grounds of:

- The loss of the trees would have no unacceptable impact on the local environment
- Proposal would not appear unduly assertive or incongruous in the street scene.
- Impact of the development can be softened and screened by replacement planting
- In relation to the issue of character and appearance the proposal does not conflict with policies GP2, ENV18, ENV32 or H10 or the Designing Walsall SPG.
- Agrees the loss of the trees within the highway verge would be a loss but the applicant provides no details of the method to construct the driveway.

08/0019/OL – Outline application for a single detached bungalow to include access, scale and layout – Refused 23/05/08. Two reasons for refusal broadly relating to (1) poor relationship to surrounding properties in Fallowfield Road thus appearing dominant and incongruous, failing to take account of the context and disrupting street scene to detriment of visual amenities and (2) failure to demonstrate no damage or loss to Lime and Cherry trees within grass verge by creation of the vehicular access whose potential loss would have an adverse impact on the character and amenity of the area.

08/1593/FL – First floor extension over existing lounge to form larger bedroom, together with new conservatory to rear (no.454) – Granted subject to conditions 28/11/08.

Various planning refusals and a dismissed appeal for wall and railings to the front boundary of 454 Sutton Road.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF was published on Tuesday 27th March 2012. It cancels and replaces all PPGs and PPSs (except for PPS10 'Planning for Sustainable Waste Management'), several Mineral Policy Statements and Planning Guidance, a number of Circulars and several Letters to Chief Planning Officers.

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Seek to secure high quality design and good standards of amenity for all existing and future occupants
- Take account of the different roles and character of different areas
-

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

35. Plans should protect and exploit opportunities for the use of sustainable transport modes

39. If setting parking standards for residential LPA's should also take into account: accessibility, the type and mix of the use, availability of public transport, levels of car ownership and the need to reduce the use of high emission vehicles.

6: Delivering a Wide Choice of High Quality Homes

49. Housing applications should be considered in the context of the presumption in favour of sustainable development

53. LPA's should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people

58. Policies should set out the quality of development that will be expected of an area, including:

- Will function well and add to the overall quality of an area
- Establish a strong sense of place
- Optimise the potential of the site to accommodate development
- Respond to local character and history and reflect the identity of local surroundings and materials
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion
- Are visually attractive as a result of good architecture and appropriate landscaping

59. Consider using design codes where they could help deliver high quality outcomes.

Design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles.

60. It is, proper to seek to promote or reinforce local distinctiveness

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

On **planning obligations and conditions** the NPPF says:

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Costs imposed on developments should pay careful attention to viability and take account of market conditions.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Annex 2- Glossary - Previously developed land

Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted in February 2011 under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies ... even if there is a limited degree of conflict with this Framework*".

The key planning policies include CSP4, HOU2, ENV2 and ENV 3

It is considered in this case that the relevant provisions of the BCCS are consistent with the NPPF

Walsall's Unitary Development Plan (UDP)

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

Policies that have been saved and not replaced by the BCCS remain part of the development plan. However, in such cases the NPPF says "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*".

Key planning policy references include saved policies:

3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

ENV14 and 3.9 The Council will encourage the reclamation and development of derelict and previously developed land.

3.64: Trees are an important visual, ecological and historical resource, which should be retained and protected wherever possible.

ENV18: The Council will ensure the protection, positive management and enhancement of existing trees and hedgerows.

3.113, 3.114, 3.115, ENV32 & 3.116: new development should be considered in relation to its setting and should create high quality of built and landscape design, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

Policy ENV23: Nature Conservation and New Development

(a) The layout of all new development must take account of:-

II. The nature conservation opportunities provided by buildings by designing in features which provide roosting / nesting places for bats / birds and other species.

ENV33 and 3.117 landscape design is an integral part of urban design

H3: Windfall Sites and Conversion of Existing Buildings

(a) The Council will encourage the provision of additional housing through the re-use of brownfield windfall sites and through the conversion of existing buildings.

ENV40 (c) The quality of all water resources will be protected and, where possible, improved.

Development will not be permitted if the drainage from it poses an unacceptable risk to the quality or usability of surface or ground water resources. In particular the Council will need to be satisfied that:-

I. Adequate foul and surface water drainage infrastructure is available to serve the proposed development.

T7: All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

1, 2 & 3 bedroom houses 2 spaces per unit

Supplementary Planning Document (SPD)

On the basis that relevant Unitary Development Plan policies are consistent with National Planning Policy Framework, the related Supplementary Planning Document(s) will also be consistent provided they are applied in a manner consistent with National Planning Policy Framework policy. The relevant Supplementary Planning Document's are:

Designing Walsall (Feb 2008) refers to the development respecting massing, scale and rhythm of adjacent buildings, plots sizes and built density will relate to their local context , privacy and aspect distances between buildings must ensure all occupants have a satisfactory level of amenity, whilst reflecting the emerging and existing character of the area, ground floor activity and natural surveillance will be maximised, a clear definition between private and public realm and building frontage to overlook the public realm, common building lines along road frontages must be maintained with buildings have a clear relationship with their neighbours and new development should make a positive contribution to creating a comfortable, adaptable and sustainable built environment.

DW3 – all new development must be designed to respect and enhance local identity

DW9 new development must seek to ensure it creates places with attractive environmental quality

Annexe D: Numerical Guidelines for Residential Development ... identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing and 20m² per dwelling where communal provision is made, setbacks to avoid terracing and provision of boundary walls. Although failure to comply with these guidelines may not by itself be a reason for refusal of an application, it will be a factor to be used in determining whether a proposal would be compatible with the wider character of the area or the existing dwelling or the amenity of neighbours.

The Vision: Homes, provides guidance on designing homes in Walsall.

It is considered in this case that the relevant provisions of Designing Walsall Supplementary Planning Document are consistent with the NPPF.

Conserving Walsall's Natural Environment SPD

Policies N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees.

It is considered in this case that the relevant provisions of Designing Walsall Supplementary Planning Document are consistent with the NPPF.

Consultations

Transportation – No objection subject to conditions relating to layout and access.

Pollution Control– No objection

Police Architectural Liaison Officer – No objection but requests that measures are taken to achieve secure by design.

Fire Officer – No objections.

Severn Trent Water – No objection details acceptable.

Landscape – Objection but no conditions.

Ecology – *No objection subject to conditions in compliance with the submitted bat survey and no external lighting. (awaiting confirmation)*

Environmental Health – No objection.

Arboricultural Officer – No objection – previous conditions to ensure the development is completed in accordance with the tree protection measures and method statement are no longer required, the trees had low amenity value and have been removed to accommodate the construction of the bungalow which has started.

Centro – No objection. The bus stop will require relocation in agreement with Centro, bus operators and the Highway Authority at the applicant's cost.

Public Participation Responses

10 objections have been received on the following grounds:

A new house here would be out of character

Too close to bus stop, dangerous access.

Other houses nearby have been refused for permission for a second floor. (each case is assessed on its own merits)

Would set a precedence changing the locality into a concrete jungle. (each case is assessed on its own merits)

Not in-keeping with other buildings

In relation to number 1 Fallowfield Road:

- Loss of privacy
- Rear elevation windows would result in overlooking
- Boundary planting cannot be relied upon and is already damaged
- Existing fence which is proposed to remain is damaged
- Plot too small for house causing subsidence of the driveway due to the loss of boundary trees.
- Drainage concerns

- Hours of construction should be controlled
- Consideration for parking of vehicles on the highway during construction

Additional buildings would destroy the character.

Large brick wall facing the fronts of houses on Fallowfield Road

Building equipment is an eyesore

Would overlook the garden of number 456 Sutton Road, loss of privacy

Does not accord with the density of the area

Precedence for selling gardens for development (each case is assessed on its own merits)

Work has already started and it premeditates and approval as the walls for the house have begun to be built

Four bedrooms would increase traffic

Increase in bedrooms and parking

The parking provision would be inadequate for the development

Parking on the road would block the highway

Poor design

Householder does not care about the community and has built a high wall which after objection was reduced in height.

Determining Issues

- Principle of Development
- Character of the area
- Provision of a satisfactory residential environment
- Amenities of the surrounding residential properties
- Drainage
- Access and parking

Observations

Principle of Development

The principle of a new house here was established through the previous planning permissions and this proposed house raises no new considerations in this respect.

Character of the area

The proposed house would be positioned towards the rear of the site but would be prominent in views from the south. This was considered by the Planning Inspector in 2009 for the approved dormer bungalow when granting consent.

The bungalow width, depth and height are as per planning application 09/0672/OL and 11/0570/FL. The previous permission included a low main roof with dormer windows, this proposal replaces them with a side gable house design which has more in common with 1 and 3 Fallowfield Road which would be in the same row of houses.

The boundary planting to the side of the proposal has been removed which means the side elevation would be visible when approaching Sutton Road along Fallowfield Road. Amended plans have been received which have provided some brick detail and a window recess to break up the side elevation facing the frontage of 1 Fallowfield Road the most prominent elevation in the street, the principle is acceptable, but more detail is considered necessary to reduce its impact, details of which can be conditioned. It is considered that the points raised by the Planning Inspector regarding the visual link to 454 Sutton Road and that due to the land levels only the previously proposed roof of the bungalow being visible, remains valid to this proposal, as the building height is no higher than the 2009 and 2011 application.

The simple design is considered to be an improvement to the previous scheme and relates well with the neighbouring houses.

Provision of a satisfactory residential environment

The proposal includes a rear garden length of 7m; this is below the Council's guidance of 12m. However, the garden would be 102 square metres in area more than Walsall Design guidance and reflecting the neighbouring properties in Fallowfield Road and Elmstead Close. This part of the proposal is no different to the 2011 application and was considered acceptable at that time.

Amenities of the surrounding residential properties

It is considered that the proposal would not unduly result in any direct overlooking of the rear garden of 456 Sutton Road from the rear bedroom windows as the trees along the shared boundary with the neighbouring property, interrupting any direct views, as well as providing some privacy between the application site and the adjoining site. No side windows are proposed which would protect the amenity of both the existing dwelling at 454 Sutton Road and 1 Fallowfield Road, therefore the proposal would not unduly result in any loss of privacy or amenity to these occupiers.

Whilst the proposed house, would be positioned forward of 1 Fallowfield Road and visible from 1 Fallowfield Road, the proposed house would not be within a direct sight line from 1 Fallowfield and would not unduly result in loss of outlook for 1 Fallowfield Road.

The proposed house is considered would have no more impact on the privacy enjoyed by occupiers of number 1 Fallowfield Road than the previously approved bungalow which included first floor windows.

Although objections have been received relating to potential for noise and disturbance during construction it is considered that subject to a condition imposed restricting construction operating hours to protect residential amenity a refusal based on this would not be justified.

Impact on protected species

The Ecology Officer has no objection to the development provided the bat roosting scheme set out in the submitted bat survey are installed before the development is brought into use and no external lighting installed.

Drainage

Concerns have been raised about drainage. Severn Trent has no objections to the proposal which is considered acceptable in this respect.

Access and parking

The development proposals to enlarge the previously approved 3 bedroom bungalow to a 4 bedroom house. The Transportation Officer raises no concerns about any significant increase in traffic. An integral garage and driveway parking for at least 3 vehicles is provided which accords with UDP Policy T13. The proposed access is considered satisfactory subject conditions to ensure driveway surfacing, dropped kerb and for the relocation of the bus stop.

Any blocking of the public highway is controlled by other legislation and is outside of this planning application.

Although neighbours are concerned about the potential increase in traffic congestion and parking problems at this narrow part of Fallowfield Road, close to the Sutton Road junction, the Transportation officer is satisfied that the proposals will not cause a danger to highway safety. This is subject to details of the vehicular crossing, surfacing the driveway and parking areas, relocation of the bus stop.

The relocation of the existing bus stop can be conditioned to ensure that it is appropriately relocated in conjunction with Centro, to ensure local bus serves continue.

It is considered that vehicle movements associated with the provision of one additional dwelling would not significantly increase traffic congestion in the area to the detriment of highway safety. There is ample space within the site to park and manoeuvre vehicles so that they emerge in a forward gear.

Security

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

Windows, doors, roof lights, defensible space for front ground floor windows, new boundary fencing, rear access gates and intruder alarm.

Other issues raised through consultation:

Concerns about the appearance of building equipment being unsatisfactory during construction. The works are temporary and any temporary visual amenity issues as a result of the works would not warrant refusal of a planning application.

Construction vehicles parking on the highway are outside of the scope of the planning application, any obstructions from such vehicles would be a matter for the police.

At the time of the site visit it was not clear that the works begun were part of this proposal or the previous permission as the footprint is the same and the ground floor elevations were unfinished. If the applicant chooses to implement any works without planning permission it would not prejudice a planning decision but they do so at their own risk as planning permission could be refused which could leave them open to planning enforcement action.

Comments received in relation to past planning breaches by the applicant or their level of involvement in the community is not a material consideration of a planning application.

Damage through current construction works to neighbouring properties is a private matter and not a material consideration of a planning application.

Recommendation: Grant Permission Subject to Conditions

1) The development shall be carried out in accordance with the following plans unless otherwise superseded by condition:

- Amended elevations and floor plans (14-821-01-B) deposited 27/05/15
- Location and site plan 1 (14-821-02-A) deposited 19/03/15
- Location and site plan 2 (14-821-03-A) deposited 19/03/15
- Tree survey (14-821-04-A) deposited 19/03/15
- Drain layout (14-821-06-A) deposited 19/03/15
- Parking arrangements (14-821-07-A) deposited 19/03/15
- Existing and proposed site sections (14-821-08-A) deposited 19/03/15
- Proposed site levels (14-821-09-A) deposited 19/03/15
- Landscape and fencing (14-821-10-A) deposited 19/03/15
- Design and access statement 19/05/15

Reason: To define the permission.

2a) Notwithstanding the submitted details, prior to any further construction of the development, a plan shall be submitted to and approved by the Local Planning Authority for the side elevation of the proposed house facing the boundary to number 1 Fallowfield Road to provide further elevation detailing.

2b) The approved plan shall be fully implemented and thereafter retained

Reason: To ensure the satisfactory appearance of the development in accordance with UDP policy ENV32. The details are required prior to any further works because the elevation detailing required is part of the construction of the house.

3a) Prior to any further construction of the development full details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the development will meet Secure By Design specification.

3b) The approved details shall be fully implemented prior to first occupation of the house and thereafter retained

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

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

4) Prior to any further construction of the development a scheme for the provision of bat roosting sites as set out on pages 16-19 of S Christopher Smith dated 16/6/11 shall be installed and retained thereafter with access openings maintained free of obstructions at all times.

Reason: To conserve local bat populations and in accordance with UDP policy ENV23.

5) No demolition, construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation), shall take place on any Sunday, Bank Holiday or Public Holiday*, and such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 16.00 Saturdays. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours. * Bank and Public holidays for this purpose shall be: Christmas Day; Boxing Day; New Year's Day; Good Friday; Easter Monday; May Day; Spring Bank Holiday Monday and August Bank Holiday Monday.

Reason: To protect the amenity of adjoining residential occupiers.

6) The external elevation walls shall be completed with ibstock Ivanhoe olde village bricks and be retained thereafter.

Reason: To ensure the satisfactory appearance of the development.

7a) Prior to the commencement of the roof of the house hereby approved a schedule of the roof tiles to be used in the roof shall be submitted to and approved in writing by the Local Planning Authority.

7b) The development shall be completed with the approved details and retained and maintained at all times.

Reason: To ensure the satisfactory appearance of the development.

8a) Within 1 month of the date of this decision details for the relocation of the bus stop in Fallowfield Road inconjunction with Centro shall be submitted to and approved in writing by the Local Planning Authority and approved in writing.

8b) The approved details shall be fully implemented before the occupation of the approved house and retained thereafter.

Reason: In the interests of highway safety.

9a) Prior to the development first coming into use, a vehicular footway crossing shall be installed to serve the new driveway and carried out in accordance with Council's footway crossing specification SD11/8 dated January 2008 and to the satisfaction of the Highway Authority. All works within the public highway shall be in accordance all statutory requirements.

9b) The approved details shall be fully implemented and maintained at all times.

Reason: To ensure the satisfactory completion and operation of the development and compliance with the requirements of the Highways Act 1980.

10a) Prior to the development first coming into use, the proposed driveway and parking areas shown on the approved plan shall be fully consolidated, hard surfaced and drained in accordance with the approved details.

10b) The parking area shall thereafter be retained and used for no other purpose.

Reason: To ensure the satisfactory completion and operation of the development

11) No external lighting scheme shall be installed on site.

Reason: To conserve local bat populations.

12) The drainage on site shall be carried out in-accordance with plan number 14/821/06/A submitted on 19th March 2015.

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

13). No development within Classes A, B, C, D and E of Part 1 and Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) shall take place.

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

Notes for applicant:

1. New windows/ roof lights / patio / French doors/ windows should conform to PAS 24 2012 Standard or equivalent with at least one pane of 6.8mm laminated glass in all ground floor windows,

2. There should be an area of defensible space in front and across the length of each front facing window, which should be around 1m in depth and consist of dense low level shrubbery, suitable for the light / soil environment at its location. The defensible space will help protect ground floor

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windows and make access to them by offenders more difficult.

3. All external doors should be to PAS 24 2012 standards. If a europrofile cylinder lock is to be utilised this doors testing and certification should incorporate a TS-007 3star cylinder lock.

4. Most properties are attacked from the rear therefore perimeter security needs to be effective in order to protect the most vulnerable area of any property. With this in mind perimeter and boundary fencing should be at least 2.1m in height, the fencing should also be erected so that the smooth face is always facing outwards so that the frame cannot be used as a climbing aide. 2.1m fencing can include 300mm trellis topping ie 1.8m fence plus 300mm anti climb trellis topping.

5. Where panel and concrete post style fencing is to be used there needs to be a fixing between panel / slats around the posts which should create a secure mechanical bond. This should provide a chain linking effect where each panel and post acts in concert with the next to resist attack by pushing, pulling and lifting. Fixings should be made of galvanized steel or stainless steel with a design life to match the timber components.

6. All gates should be 2.1m in height and be key lockable from both sides.

7. Fencing should be located as near to the front building line as possible.

8. Garage doors must be certificated to one of the following standards - Loss Prevention Certification Board standard LPS1175 security rating 1 or STS 202 issue 3:2011 burglary rating 1. Where there is an interconnecting door into the dwelling the interconnecting door should be rated to PAS24 2012 standards.

9. Due to the increase in metal theft consideration should be used to minimising the use of lead in the design, by using lead substitute or alternative products.

10. The property should be fitted with a suitable intruder alarm utilising dual technology sensor or above and alarm sirens front and back of building.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 9.

Reason for bringing to committee: Significant Community Interest

Application Number: 15/0399/FL

Application Type: Full application

Applicant: St. Anne's Catholic Church

Proposal: Demolition of attached Presbytery and proposed church extension.

Location: ST ANNE'S ROMAN CATHOLIC CHURCH, 26 BRIDLE LANE, WALSALL, B74 3HB

Ward: Streetly

Case Officer: Mike Brereton

Telephone Number: 01922 658021

Email: planningservices@walsall.gov.uk

Agent: Wood Goldstraw and Yorath

Expired Date: 13/05/2015

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

This application proposes the demolition of a two storey presbytery and erection of a single storey extension to the church to provide meeting rooms, an office, tea bar and toilet facilities. An additional 5 car parking spaces are also proposed off Francis Close. The site is surrounded by residential properties of mixed character including semi-detached and detached houses with hipped and pitched roofs along Bridle Line and six detached bungalows to rear.

The proposed extension would measure 10.8m long, 11.4m wide and 6m high (2.4m to eaves) which would be 5.2m below existing ridge height using a hipped roof with glazed gable end feature.

Relevant Planning History

11/1110/FL - First floor extension to Presbytery. GSC 10/11/2011.

Planning Policy

National Planning Policy Framework (NPPF)

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Always seek to secure high quality design and good standards of amenity for all existing and future occupants

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

63. Great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that pre-application engagement is encouraged and

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*"

To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The relevant policies are:

ENV1, ENV2 and ENV3 states that all development should aim to protect and promote nature conservation, the special qualities, design quality and local distinctiveness of the Black Country. CEN6 states that small scale local facilities in out of centre locations may be acceptable where they serve a local need and do not exceed 200m² gross floor space.

Walsall's Unitary Development Plan (UDP)

Policies that have been saved and not replaced by the BCCS remain part of the development plan.

However, in such cases the NPPF says "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*"

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

- (a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted.
- (b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-
 - The appearance of the proposed development.
 - The height, proportion, scale, and mass of proposed buildings / structures.
 - The materials proposed for buildings, external spaces and means of enclosure.
 - The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit
4 bedroom houses and above 3 spaces per unit

It is considered in this case that the relevant provisions of Walsall's saved UDP policies are consistent with the NPPF.

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The relevant SPDs are:

Designing Walsall

DW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3 – Character -design to respect and enhance local identity;

DW 10 – new development should make a positive contribution to creating a sustainable environment.

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. It sets out privacy and aspect distances to protect neighbours amenity. This will normally mean designing developments that, as a minimum, meet the numerical guidelines contained in Appendix D (listed below) although distances greater than these guidelines state will be applicable where it is appropriate to the character of the area. It may be possible to achieve shorter distances through creative design or in order to protect an area's character.

- 24m separation between habitable windows in two storeys (and above) developments. This standard will be applied more robustly at the rear than across roads at the front
- 13m separation between habitable windows and blank walls exceeding 3m in height.
- 45 degree code: particularly where new development impacts on existing (details of this code are available on request or can be downloaded from www.walsall.gov.uk).

Consultation Replies

Transportation – No objections. The five proposed parking spaces accords with UDP T13 parking policy. Francis Drive is a private road and is not a publicly maintained highway.

Natural Environment (Ecology) – No bat survey required.

Public Participation Responses

5 objections have been received on the following grounds:

- Unable to see where the existing 12+1 disabled car parking spaces are on submitted plans (*the car parking area is shown on submitted plans at front of site*);
- Potential for bats in area to roost in the church or presbytery (*the Natural Environment Team has advised there is insufficient green infrastructure for there to be a high risk of bats in this location*);
- Loss of 1 residential unit not prudent with current house shortages (*each application is judged on its own merits and the presbytery is not considered to be a traditional form of housing as part of the housing stock*);
- Opening hours on submitted application form for Saturday and Sunday are incorrect (*these are the proposed opening hours for this proposal not for existing church premises*);
- Proposal will result in increased on-street parking;
- The access road is only suitable for 1 vehicle and has to provide access for emergency services vehicles and Council refuse collection vehicles;
- Access to Francis Close should be free from all obstructions;
- Cars are parked on Francis Close and Bridle Lane on Saturday evenings and Sunday mornings making it dangerous to drive out of;
- The proposed parking spaces should have sufficient depth so not to intrude onto Francis Close;
- The additional parking spaces will make no difference at all;
- Existing parking problems on Ferndale Road from use of church makes it difficult for double decker buses to get through with ease; and
- The land should be used for a whole car park.

Determining Issues

Design and Character of the Area

Neighbouring Amenity

Parking

Observations

Design and Character of the Area

It is considered by the officer that the existing two storey presbytery of plain design does not positively address the site frontage due to more than half of the front elevation being blank. Its demolition and erection of a single storey extension to the church would put greater emphasis on the church building itself resulting in a positive impact on the street scene. The nearby street is of mixed character including semi-detached and detached houses with hipped and pitched roofs and the officer considers the proposed hipped roof with glazed gable end feature would not harm the character of the area. A condition would be included if members are minded to grant permission to seek the approval of materials prior to commencement to ensure satisfactory appearance of the development.

Neighbouring Amenity

A separation distance of 6m would be retained between the side elevation of the proposed extension and the garage attached to No.24 Bridle Lane, across Francis Close, directly opposite which is shown on the submitted plans as being within the same ownership as the application site. This separation distance matches the existing situation and the officer considers the proposed replacement of a two storey presbytery with a single storey extension would improve the opportunity for natural light to reach any side facing habitable windows at first floor at No.24. The officer considers the proposed use of the extension as meeting rooms and an office in conjunction with the Church would have minimal impact on nearby neighbours' amenity with regard to noise

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and disturbance which would be limited to the proposed opening hours of 9am to 6pm seven days a week. The proposed floor space at 115m² is under the threshold of 200m² in BCCS policy CEN6 which is to be used only in conjunction with the existing church and the officer considers a sequential test to justify the extension is not necessary. Conditions would be included if members are minded to grant permission to ensure the proposed side facing window to the toilet is obscure glazed and to ensure the extension is used solely in conjunction with the church and for no other purposes to safeguard neighbours' amenity.

Parking

The Transportation Officer does not object to the proposal which includes the provision of an additional 5 car parking spaces and accords with UDP Policy T13. Neighbours' have objected to this proposal on the grounds that the extension would result in increased on-street parking adding to the existing parking problems along Francis Close and Bridle Lane. Photographs have been submitted by a neighbour showing cars parked along Ferndale Road and Bridle Lane but it is unclear what time of day the photographs were taken and whether the cars are linked to the use of the Church or whether they have been parked for other purposes i.e. to drop off children for any nearby schools. Neighbours' have requested that Francis Close be kept clear from obstruction at all times as it provides the only access for emergency vehicles and Council refuse vehicles to the bungalows at rear. The officer considers the proposed modest extension along with an additional 5 parking spaces is unlikely to create significant additional local parking issues and existing parking issues are outside the scope of this application. The officer recommends this application for approval subject to conditions, including a condition requiring the laying out and provision of the additional 5 spaces prior to the extension first coming into operation and thereafter retained.

Positive and Proactive working with the applicant

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

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Application Form. Deposited 17/03/2015
- Design and Access Statement. Deposited 17/03/2015
- Location Plan. Deposited 17/03/2015
- Site Plan. Deposited 17/03/2015
- Survey Plan (3478-03-01A). Deposited 14/04/2015
- Proposed Extension and Alterations Plan (3478-03-20). Deposited 17/03/2015

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: Notwithstanding the submitted details, prior to the commencement of the development the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Brick type including size texture and colour
- Roof tile type including its size and colour

3b: The approved details shall be fully implemented and retained thereafter.

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

4a. No development shall begin until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved in writing by the Local Planning Authority.

4b. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

5a. The five proposed car park spaces as shown on submitted plan 'Proposed Extension and Alterations (3478-03-20)' shall be fully consolidated, hard surfaced, drained and fully operational prior to the extension first coming into use.

5b. The above parking spaces shall thereafter be retained as such.

Reason: To ensure provision of adequate car parking to comply with Policy T13 of Walsall's Unitary Development Plan.

6. The proposed side facing window serving the proposed toilet as shown on submitted plan 'Proposed Extension and Alterations (3478-03-20)' must be obscure glazed to Pilkington (or equivalent) privacy level 4 and any opening parts to be more than 1.7m higher than the floor level of the rooms they serve and must be retained as such.

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

7. The extension shall be used in conjunction with St Annes Catholic Church, Bridle Lane, Streetly and for no other purposes.

Reason: To define the permission.

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

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

Reason: To protect the amenities of surrounding occupiers.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 10.

Reason for bringing to committee: Significant Community Interest

Application Number: 14/1771/FL

Application Type: Full application

Applicant: Mr Mohammed Ayub

Proposal: Change of use from clothing manufacture to catering supplier with commercial kitchen; and refurbishment including installation of fume extract flue and bricking up of windows.

Location: Premises rear of 39 Cairns Street, Walsall

Ward: Pleck

Case Officer: Philip Wears

Telephone Number: 01922 652611

Email: planningservices@walsall.gov.uk

Agent: G & G Building Consultancy Ltd

Expired Date: 06/02/2015

Extension of Time Target Date:

Recommendation Summary: Refuse

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Application and Site Details

The application site is a vacant, former industrial premises with a small front yard located to the rear of 39 Cairns Street, an end of terrace house, currently unoccupied. The house and a small amenity space at the rear are excluded from the application site. Access to the application site is via a driveway alongside 39 Cairns Street, between this house and the flank wall of Number 35. The application premises is a traditional Victorian brick-built two-storey building with a pitched slate roof with a side flat roofed single storey later addition..

The street contains mainly traditional terraced houses, with a modern terrace of six opposite number 39. At the rear of the premises, is a 3 storey block of flats in landscaped grounds accessed from Hollyhedge Lane.

The application proposes to convert the existing building into a catering supplier with a commercial kitchen. The ground floor comprises;

- Approximately 167 sq m gross floorspace in the single storey and two-storey sections.
- Existing side single storey flat roofed section would have a new flat roof becoming the food preparation kitchen measuring 5.4m by 4.7m internally.
- The flue would extend from the kitchen roof by 2.3 metres, terminating 1.5 metres below the roof ridge of the two storey building and being 3.05 metres from the rear boundary. A hood to prevent ingress of rain etc would give 0.8m additional height
- The flue diameter would be 0.4metres
- In front of the kitchen would be a lobby, then storage before the loading/unloading access via a new roller shutter door.
- The ground floor of the two-storey building would have its windows in-filled with brickwork and used for storage.
- A toilet in a front outbuilding, which merges with a single storey rear wing to the house at 39 Cairns Street.

The first floor of the two storey part includes;

- gross floor-space of approximately 75 sq m.
- Its window openings would be in-filled with brickwork.
- The application does not include use for the first floor of the building.

The single storey section is adjacent to the rear garden boundary of 35 Cairns Street. The two-storey section is adjacent to the rear garden boundaries of 41 and 43 Cairns Street. The rear elevation of the application premises is adjacent to the boundary with the grounds of the 3-storey flats on Hollyhedge Lane.

The hours of operation are proposed are 0900 to 1900 Monday to Friday, and 0900 to 2200 Saturdays, Sundays and Bank Holidays.

The applicant confirms proposals to treat cooking fumes with a cooking fume extraction system, incorporating carbon filters for odour control, and a silencer.

The proposed number of employees is 4.

The applicant makes reference to needing parking for two vehicles only and deliveries and collections of goods to be by one small van only.

Relevant Planning History

BC 10287P – Alterations, extensions and part change of use to clothing manufacture. Permitted 22/02/1984, subject to conditions to require different maximum noise levels during a normal

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working day, evenings and at night time, and also require that the premises are used for light industrial clothing manufacture and no other light industrial use. The reason given for the restriction of use was that the circumstances of the applicant were a material consideration.

BC19817P – Change of use to light vehicle repairs. Refused – noise and disturbance for residents, and insufficient parking leading to parking on the street.

Relevant Planning Policy Summary (Note the full text version of the UDP is available from Planning Services Reception and on Planning Services Website)

National Planning Policy Framework (NPPF)

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- Always seek to secure high quality design and good standards of amenity for all existing and future occupants
- Take account of the different roles and character of different areas
- Support the transition to a low carbon future, encouraging the reuse of existing resources including the conversion of existing buildings

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

35. Opportunities for the use of sustainable transport modes should be protected and exploited.

39. If setting parking standards, LPA's should take into account: accessibility, the type and mix of the use, availability of public transport, levels of car ownership and the need to reduce the use of high emission vehicles.

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

70. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

123. Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Costs imposed on developments should pay careful attention to viability and take account of market conditions.

Decision-taking

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that "*... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*" To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity. The results of this assessment are to be published on the BCCS and Council websites and it is planned to report to the Council's Cabinet to

confirm this view. In the absence of evidence to the contrary it is considered that the BCCS policies should be given full weight in planning decisions.

The relevant policies are:-

ENV3 high quality design required, responding to identity of each place, and to deliver economic, social and environmental benefits.

Walsall's Unitary Development Plan (UDP)

Policies that have been saved and not replaced by the BCCS remain part of the development plan.

However, in such cases the NPPF says "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant policies are:

3.7 seeks to protect people from unacceptable noise, pollution and other environmental problems.

GP2: The Council will expect all developments to make a positive contribution to the quality of the environment and the principles of sustainable development, and will not permit development which would have an unacceptable adverse impact on the environment. The following considerations will be taken into account:-

I. Visual appearance

II. The creation of, or susceptibility to, pollution of any kind

VII. Accessibility by a choice of means of transport; traffic impact, including the adequacy of the proposed access; and the adequacy of parking facilities

XIX. The hours of operation of any activities proposed.

XX. Any other factor of environmental significance.

JP8- Bad neighbour industrial uses to be within a employment area and impacts mitigated .

ENV10: (a) not to cause unacceptable adverse effect in terms of smoke, fumes, gases, dust, steam, heat, light, vibration, smell, noise or other polluting emissions.

(b) development will not be permitted if the health, safety or amenity of its occupants or users would be unacceptably affected by pollution caused by installations or activities that are a source of any form of pollution.

ENV32: states poorly designed development which fails to take into account the context or surroundings will not be permitted.

T7: Long stay parking for commuters to be strictly controlled or reduced.

In Town and District Centres it may be appropriate for developments to contribute to general fund for car park improvements or public transport improvements. All development should satisfy the car parking standards set out in Policy T13

T13 Class B2 and B8 premises – 1 car park space per 50sq m (up to 250 sq m), plus 1 bike locker every 10 spaces.

It is considered in this case that the relevant provisions of Walsall's saved UDP policies are consistent with the NPPF.

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The relevant SPDs are:

Designing Walsall

DW3: all new development must be designed to respect and enhance local identity

DW9: new development must seek to ensure it creates places with attractive environmental quality

DW10: New development should make a positive contribution to creating a sustainable environment.

It is considered in this case that the relevant provisions of Designing Walsall are consistent with the NPPF.

Consultations

Environmental Health:- Although previously used for manufacturing the premises would now be considered incongruous and inappropriate for the residential area. Other industrial/commercial uses have been redeveloped for residential.

Cooking to supply large functions such as weddings, will have impact on neighbouring residents and is not comparable with the previous manufacture using inert fabrics.

High potential for complaints regarding cooking odours. Carbon filters for odour control need supplementing, for example with an ozone unit. Fume flue must be at least 1m above roof ridge level.

Even with a fume extraction /odour control system, odours for residential neighbours likely to remain in view of close proximity, leakage from access and egress, odours remaining poorly treated or un-dispersed.

Noise disturbance from handling equipment, loading up and deliveries, and plant and equipment for refrigeration and ventilation are likely sources of noise for residents. No noise mitigation proposals submitted.

Narrow access and yard may encourage loading/unloading on highway, exposing additional residents to noise.

Measures to prevent fat and oil entering the drainage system , and for storage of waste are all needed.

Pollution Control - Scientific Team - recommends refusal

-The fume flue terminating below the 3-storey flats will impede dispersal of odour. - more information on type and scale of customer needed.

- numbers of deliveries/despaches.

- Further details of fume extraction/odour control.

- A noise impact assessment needed for fixed plant/machinery and operational factors.

Transportation – Objection on the grounds that there is insufficient transport related information on how the proposed change of use will operate to enable the Highway Authority to make a fully informed comments. The site is located in a predominantly terraced type of residential street, where vehicle movements and parking are likely to be key issues..To be updated at Committee

Representations

Letters/emails from 4 addresses in Cairns Street objecting on the following grounds:-

- Noise from food processing machinery.
- Odours from cooking.
- Pungent food odours will stick to clothes hung out to dry.
- Odours from raw ingredients
- Dust and powders escaping.
- Rats problems increased because large volumes of waste.
- Increased traffic noise
- Increased parking congestion in the street.
- Noise and disturbance as catering will require working unsocial hours, possibly shift working 24hrs.
- Fire risk from kitchen in close proximity to residential uses, and poor emergency access.
- Business in a residential street will create a variety of problems for residents.

A petition with 32 signatures in support has been received from the applicant. Most signatures are from residents of Cairns Street. The petition cites removing a focal point for anti-social behaviour, and bringing the building back into use.

Determining Issues

-
- Residential amenities
Design and visual amenity
Highways impacts

Observations

Residential amenities

Cooking odours

The proposed cooking fume extraction flue would terminate 1.5m below the roof ridge, relying on carbon filters alone for odour control. Environmental Health Officers confirm that the flue should be at least 1 metre higher than the roof ridge with additional odour control to be included for example from an ozone unit, but would rely on regular maintenance of the equipment, which is difficult to monitor and enforce. The effectiveness of fume dispersal at this location, would also be reduced in calm weather or weather conditions bring fumes downwards towards the ground. The adjacent residential terrace itself presents a physical barrier to fume dispersal in these conditions. The proposed kitchen would be in very close proximity to residential uses, with the flue 3.1m from the rear boundary, approximately 9.5m from the Hollyhedge Lane block of 3-storey flats, approximately 12m from residential use created in a former two-storey industrial building at the rear of 33 Cairns Street, and 14.5m from the house at No. 39. This proximity means that there is an increased risk of a large number of residents experiencing cooking odours which would be exacerbated at times when maintenance and weather conditions are not optimum.

In order to control the leakage of cooking odours from within the building, caused by room ventilation for staff, and access/egress, a ventilation scheme possibly based on mechanical ventilation would be necessary. There are no details of such a scheme proposed and its degree of control is therefore not certain.

Overall this location between the terrace of houses and the 3-storey flats is considered vulnerable to cooking odour nuisance and considered an unsuitable location for the proposed use.

Waste storage and drainage contamination.

Residents have expressed concerns at waste exacerbating the problem of rats. The ground floor may be large enough to allow waste storage separate from foodstuffs and prepared foods, but no details are submitted. A pre-commencement condition could be attached.

Oils and fats entering the drainage system can cause blockages affecting the drainage at adjacent properties as well as the application site. There are no submitted details of a grease trap but a pre-commencement condition could be attached.

Noise and Disturbance

The proposed commercial kitchen use operating at the following hours of operation; 0900 to 1900 Monday to Friday, and 0900 to 2200 Saturdays, Sundays and Bank Holidays, would bring activity into a location amongst rear gardens where a quiet environment is desirable and expected for residential amenities especially into the evening hours, weekends and during bank holidays when its reasonable for residents to expect less noise and disturbance.

There are several likely sources of noise; the receiving of deliveries of raw materials, the despatching of the products, staff coming and going, all likely to include vehicle movements as well; mechanical ventilation to help control odour inside the building, refrigeration equipment and noise from the fume extraction. Whilst the applicant suggests that deliveries to and from the property would be with a single small van, this would be impossible to control and enforce. The receiving of deliveries of ingredients and packaging together with the making of deliveries of prepared food, would be a source of noise with vehicles parking in Cairns Street close to the terraced houses or using the access driveway between the houses. Both of these options would generate noise and disturbance for residents due to the close proximity to the houses, accentuated by the narrowness of Cairns Street. There is also a possibility of customers making their own collections of prepared food from the premises adding to concern of noise and disturbance to adjoining residents. .

The houses at Numbers 35 and 39 Cairns Street, either side of the driveway would be particularly affected by noise and vibration from vehicles passing their side walls, and by immediate proximity to the loading and unloading activity in the yard.

Whilst a resumption of light industrial use would also generate noise and disturbance, the history of the premises does not suggest that this is a likely outcome if the change of use does not take place. It is many years since last used for clothing manufacture. The Rates records suggest vacancy from 1997 to 2003, and only short term use of the ground floor by various glazing companies between 2003 and 2006, with the first floor empty since 2001 except for a brief period in 2010. The restricted access and potential for noise complaints from adjoining residents may make the premises unattractive for industrial investment.

Impacts on house at 39 Cairns Street.

The house at Number 39 Cairns Street is currently vacant, and has a living room window in its two storey side wall, facing into the driveway access to the proposed catering supplier and commercial kitchen. Furthermore all of its rear windows face the driveway and yard, which is maximum of 2.3m away, and with only a 2m high timber fence as a barrier to noise. It is considered that it would therefore be particularly vulnerable to noise, general disturbance, and vibration, especially during weekends, bank holidays and into the evenings. Proximity to the doors for the building would also bring special risk of exposure to any leakage of cooking odours, additional to any cooking odours from the flue. Overall this would prejudice the viability of the house for residential use and put it at risk of vacancy and worsening appearance.

Design and visual amenity

The cooking fume extraction flue is proposed to be 1.5 metre below the roof ridge, but to meet minimum guidance it would need to be 1 metre above this roof ridge. This additional height would make it visually prominent amongst the rear gardens, and its appearance, with a diameter of 0.4 metre and metal construction, would be harmful to residential amenities. Encasing the flue in a brick chimney would only slightly improve appearance because at this height it would be a large feature.

The proposed bricking-up of windows on the ground floor and first floor is considered acceptable visually. It is understood this is to improve security and reduce maintenance.

Highways

Under UDP policy T13 the parking standard for the 167 sq m ground floor of the premises with a Class B2 industrial use would be 3 car parking spaces. To be updated at Committee.

Summary

The change of use poses an unacceptable risk of long term harm to residential amenities from exposure of a substantial number of residents to cooking odours. The site is in an unsuitable location for the investment involved. The adjacent residents would also experience noise and disturbance from coming and goings of vehicles, and the loading /unloading of vehicles in the yard or on the highway. Noise from equipment used for building ventilation, food refrigeration and fume extraction is an additional risk. Whilst the applicant proposes only one small delivery van, if the investment takes place to change the use and create a kitchen with a fume extraction system, it would be unreasonable not to expect the business and level of activity to grow. The future of the former industrial building is outside the scope of this one application, but the current proposal is considered particularly harmful to the future residential use of the house at number 39 Cairns Street.

Positive and Proactive working with the applicant

Walsall Council seeks to work proactively with owners, developers and their agents in the public interest to promote sustainable developments in the borough. In accordance with paragraphs 186 and 187 of The National Planning Framework we encourage pre application discussion in all formats to help ensure that proposed developments are delivered in the most appropriate way that creates economic growth, suitable housing and other forms of development so long as they safeguard the natural and built environment, highway safety and the amenity of citizens.

Recommendation: Refuse

1. Notwithstanding the submitted proposals for extraction of cooking fumes and odour control, a substantial risk of odour nuisance remains owing to their limitations of inadequate flue height, odour treatment, and the possibility of building ventilation and access/egress causing odour leakage. Additionally, the level of maintenance of odour control equipment is difficult to control, and weather conditions can prevent effective dispersal of odours. The use for catering supply and commercial kitchen, together with its fume extraction flue, would be in close proximity to a substantial number of flats and houses, and it is considered that the use poses unacceptable risk of odour nuisance for their residents. Accordingly it would be contrary to Policy ENV 3 in the Black Country Core Strategy, and saved policies ENV10, JP8 and GP2 in the Walsall Unitary Development Plan.
2. An increase in the height of the cooking fume extraction flue, to 1 metre above roof ridge level, in order to assist with fume dispersal, would create an unsightly feature, harmful to the level of visual amenity enjoyed by residents. Accordingly it would be contrary to Policy ENV 3 in the Black Country Core Strategy, saved policies ENV10 and GP2 in the Walsall Unitary Development Plan, and policy DW3 in the supplementary planning document 'Designing Walsall'.
3. The change of use would be harmful to residential amenities by reason of noise and disturbance from vehicles using the access driveway between numbers 35 and 39 Cairns Street, the unloading and loading of ingredients and prepared foods in the service yard and in Cairns Street, and likely mechanical noise sources such as building ventilation systems, fume extraction equipment and refrigeration equipment. Accordingly the use would be contrary to Policy ENV 3 in the Black Country Core Strategy, and saved policies ENV10, JP8 and GP2 in the Walsall Unitary Development Plan.

PETITION IN SUPPORT OF PLANNING APPLICATION IN CAIRNS STREET

We the undersigned, being residents of Cairns Street, Walsall, ask Walsall Council to approve the planning application on the commercial premises at the rear of 39 Cairns Street, thus removing a focal point for anti-social behaviour and bringing the building back into use.

NAME	Address	Signature
	32 CAIRNS ST WS28QT	
	34 CAIRNS ST WS28QT	
	41 Cairns St WS2 8QT	
	25 CAIRNS ST WS2 8QT	
	15 Hospital St WS28JP	
	14 CAIRNS STREET WS2 8QT	
	21 CAIRNS ST WS2 8QT	
	19 CAIRNS ST WS2 8QT	
	19 Cairns st Walsall.	
	23. Cairns st walsall	



Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 11.

Reason for bringing to committee: Significant Community Interest

Application Number: 15/0369/FL
Application Type: Full application

Case Officer: Karon Hulse
Telephone Number: 01922 652614
Email: planningservices@walsall.gov.uk
Agent: GT Designz Ltd

Applicant: Mr & Mrs G & J Benning

Proposal: Erection of a pair of semi-detached dwellings (6 bedroom)

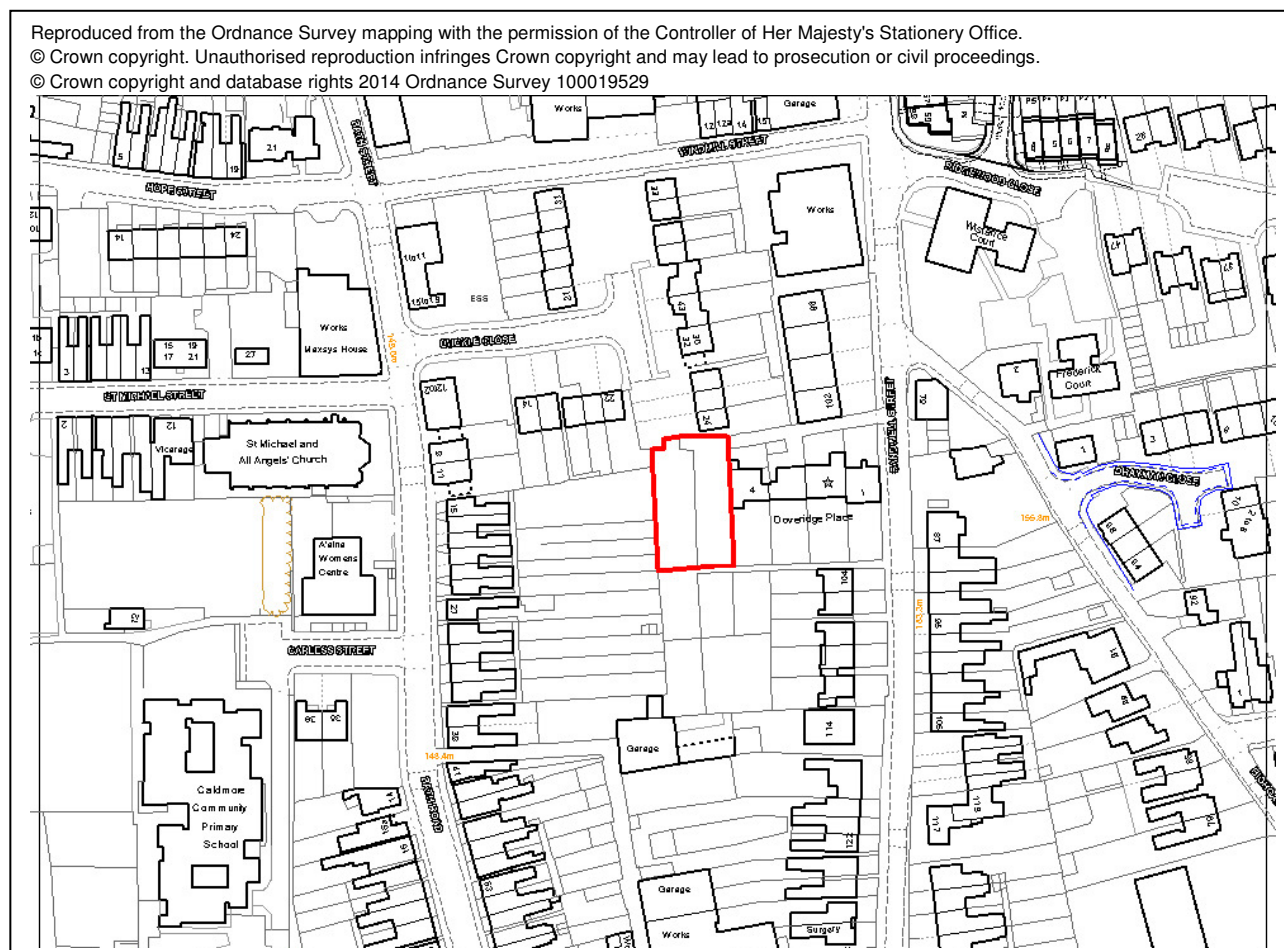
Location: 5 & 6 DOVERIDGE PLACE, WALSALL, WS1 3EF

Ward: St. Matthews

Expired Date: 08/07/2015

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions



Application and Site Details

This application is a resubmission following a previous planning consent and time extension which lapsed in February, 2014.

The application proposes the erection of two six bedroom houses and replaces two properties which were demolished some years ago. The proposed dwellings would be constructed at the end of a terrace of four properties, one having been subdivided into two flats.

The existing row (listed buildings) of terraced properties is three storey in height on the southern elevation (front) and two storey to the rear. The proposed pair of houses will have asymmetric rooflines with the front being three storeys and the rear being two storeys, the roof at the rear also extends out over two centralised rear wings giving a lower eaves height over these two sections which replicates the design of no. 1 Doveridge Place.

These dwellings are served by an unmade rear access drive and by a pedestrian access only at the front. The application dwellings would also be served in this way. Each would have three parking spaces at the rear. The ownership of the rear access is unknown. The site has become very overgrown with some self-set trees which would need to be removed from the site. There is no Tree Preservation Order on any part of the site

The terrace of dwellings is formed by houses which differ slightly in style. The design of the proposed houses is closest to that of no.1 Doveridge Place. With the exception of this element the design is the same as previously approved with the proposed window profiles being similar to those which exist in the adjacent listed building block.

The proposed houses, in common with the remainder of the terrace, would have no rear gardens, only a yard. The front gardens provide the amenity space for the existing and proposed dwellings.

Nos. 1-4 Doveridge Place are Grade II Listed Buildings. The site is within Highgate Conservation Area and Highgate Conservation Area Article 4(2) Direction Area 1991. The purpose of the latter is to protect the visual amenity of the area through the restriction of permitted development rights.

The proposed design has changed slightly since the first permission and the time extension in so far as it now introduces modern floor to ceiling bi-folding doors at ground floor level on the southern elevation (rear).

Furthermore the houses will be detached from the existing terrace and therefore does not require listed building consent.

Relevant Planning History

04/2061/FL/W3 - Reconstruction of two terraced six bedroom houses. Granted 2nd August, 2005

04/2058/LB/W3 - Listed Building Consent for the above. Granted 2nd August, 2005

05/1254/TR/T3 - Fell one ash, 2 willow and 13 sycamore. No proposal for a Tree Preservation Order – 19th July, 2005

09/1466/TR - Fell one sycamore and prune 2 sycamores. No proposals for a Tree Preservation Order – 18th December, 2009

10/0918/TE – Extension of time to implement previous permission (04/2061/FL). Granted 25th February, 2011

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Seek to secure high quality design and good standards of amenity for all existing and future occupants
- Take account of the different roles and character of different areas
- Contribute to conserving and enhancing the natural environment
- Conserve heritage assets in a manner appropriate to their significance

Key provisions of the NPPF relevant in this case:

The NPPF confirms that a plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate,

6. Delivering a wide choice of high quality homes

49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

53. Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

7. Requiring good design

56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

- Planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;

- and are visually attractive as a result of good architecture and appropriate landscaping.

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

11: Conserving and Enhancing the Natural Environment

109. The planning system should contribute to and enhance the natural and local environment:

- Protecting and enhancing valued landscapes

12. Conserving and enhancing the historic environment

129. LPS's should identify and assess the particular significance of any heritage asset that may be affected by a proposals.

131. In determining planning applications, local planning authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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

On balance it is considered that the proposal does not constitute substantial harm as set out in Para 132 and 133 as the structure will be largely retained and conserved instead the decision the balance of the decision will sit against Para 134 which states 134 that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Costs imposed on developments should pay careful attention to viability and take account of market conditions.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

Local

Nos. 1-4 Doveridge Place are Grade II Listed Buildings. The site is within Highgate Conservation Area and Highgate Conservation Area Article 4(2) Direction Area 1991.

The purpose of the latter is to protect the visual amenity of the area through the restriction of permitted development rights.

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework “*decision-takers may continue to give full weight to relevant policies*. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall’s UDP) the NPPF advises that “... *due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*.” To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a ‘Compatibility Self-Assessment Checklist’ (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity.

The key policies are:

ENV2: Historic Character and Local Distinctiveness - States that development proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness. Development proposals will be required to preserve and, where appropriate, enhance local character and those aspects of the historic environment together with their settings which are recognised as being of special historic, archaeological, architectural, landscape or townscape quality.

ENV3: Design Quality - Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits. Key planning policy references include saved policy ENV2

Walsall’s Unitary Development Plan (UDP)

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

Policies that have been saved and not replaced by the BCCS remain part of the development plan.

However, in such cases the NPPF says “*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*”.

The relevant policies are:

2.2, 2.6, 3.7, & GP2 requires development to make a positive contribution to the urban environment seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided, to strengthen and diversify the economy of the Borough and promote economic revitalisation.

ENV17, ENV18, 3.64: encourages new planting as part of landscape design and seeks to protect existing vegetation.

ENV27 requires the special architectural and historic value of listed buildings to be retained.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV29 requires development to protect or enhance the appearance of conservation areas.

ENV31: Continued Protection of the Historic Built Environment

Policy ENV32 requires development to take account of its context

ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

H3 encourages the provision of housing on previously developed sites.

H10 requires development to create a high quality living environment.

Residential Development Standards were adopted on 25.4.05. These require, amongst other matters, 12 metres minimum length of private garden.

T13 sets out car parking standards. 3 parking spaces would be required for each dwelling.

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The relevant SPD's are:

Supplementary Planning Document "Designing Walsall" (February 2008) Aims to promote a high quality environment and high standards of urban and landscape design throughout the Borough and identifies the basis on which the design of buildings and spaces will be considered during the development control process.

It identifies eight key urban design principles for consideration including sustainability- environmental, social as well economic, safe and welcoming places, character, continuity, ease of movement, legibility, diversity and adaptability.

DW1-Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources;

DW2- Safe and Welcoming places- all development must contribute towards creating places that feel safe, secure and welcoming for everyone;

DW3 – Character -design to respect and enhance local identity;

DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;

DW 10 – new development should make a positive contribution to creating a sustainable environment.

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

Conserving Walsall's Natural Environment SPD – advises on the information requirements and survey standards for protected species to accompany planning applications.

Development with the potential to affect trees, woodlands and hedgerows: NE7, NE8, NE9 and NE10

Consultations

Transportation – no objections

Pollution Control – no objections subject to conditions regarding noise during construction and engineering works

Regeneration Services (Conservation) – no comments

Regeneration Services (Landscaping) – no objections

Regeneration Services (Trees) – no comments

Regeneration Services (Ecology) – No bat survey is required in support of this application.

Note to applicant required.

Severn Trent Water – no objections subject to standard drainage condition

Fire – no objections

Public Participation Responses

7 letters of representation have been received.

One from a resident in Buckle Close in support of the proposals stating that it will be a good use of the land, the designs are attractive and will fit in with existing buildings. Some trees are native and could be retained whereas others should be removed.

4 are from occupiers of Doveridge Place, one from a resident in Buckle Close and one from a resident in Sandwell Street objecting on the following grounds:

Amenity

- take away privacy
- all the trees would be removed
- not sympathetic to the look of the terrace,
- bi-folding glass doors will stick out like a sore thumb.
- potential damp problem with no access to the side of our building.
- original houses no foundations... construction/excavation will cause damage
- number 5 will be level with number 4's bay window, there will be a loss of daylight, block living room side window, living room in semi darkness.
- level of noise and air pollution resulting from the construction process
- light to Buckle Close will be severely restricted by buildings.

Access/Parking/Highways

- lorry's blocking lane would limit resident's access, fire engine/ambulance in case of emergency.
- parking problems in Sandwell Street,
- proposed 6 bedrooms...could mean six adults resulting in 12 extra parking spaces required
- no right of way to nos. 5 and 6 from the back lane. The right of way at the rear of Doveridge Place ends at the boundary between No.4 and No. 5
- Requires the extension of the rear access lane at the back of the current 4 properties to the new properties, this ends at No.4...it does not provide access to No. 5 or No. 6.
- The lane to the rear is not adequate to serve 4 houses, let alone another 2 with 6 bedrooms, designed for vehicular access, drains have collapsed in the past due to the weight of traffic.
- Buckle Close extends to the rear of the site and should be used as the access. —.

Ecology

- regularly see pipistrelle bats coming from the land
- increase in all kinds of different species of animals disturbance of habitat would greatly impact on their survival
- land is contaminated by Giant Hogweed... need specialist removal before any work takes place.
- No tree survey submitted, or any mention of what will be done with the trees on the land.
- Conservation Area, permission from tree preservation officers will be needed to fell/ cut back trees. Several applications to fell trees have already been submitted for 5 & 6 which have been rejected.
- many well established tree's on this site including a protected Mullberry tree
- Pipistrelle bats around the trees at the front of the Doveridge Place houses from the land of the proposed building
- variety of species of birds and other wildlife including hedgehogs.
- loss of trees
- loss of habitat peace and tranquillity from the many birds and wildlife that flourish there.

Conservation

- conservation of listed buildings
- Detract from the character of Doveridge Place and historical value of area.

- should have hardwood windows to ensure that the proposal conforms to the conservation standards
- type of brick or bond need to match existing row of houses to enhance and conserve the conservation area
- timber bi-fold doors are out of keeping with existing houses
- no proposed door pediment
- middle window on first floor should be a false window.
- small un-specified separation between No 4 and No 5 removes listed building requirement... the new development should be Grade II listed to preserve the character of the existing houses
- The site is not an “eyesore” to passers by, not least because it is a wildlife haven but also because it is not even seen from the public highway as also stated by the applicant.
- Doesn't fit with the aims of the Highgate conservation area i.e.
 - Preserve the historic street pattern;
 - Preserve the existing plots and their boundaries;
 - Be of an appropriate scale, form and density;
 - Use traditional materials and details;
 - Preserve or enhance the sense of spaciousness and greenery which currently exists;
 - Reinforce the character of the conservation area as a tranquil backwater.”
- The proposed houses should be Grade II listed to protect the unique character of this area and the access road should be from Buckle Close. This will be safer for all residents.

Determining Issues

- Material changes since previous consent
- Conservation/Design
- Natural Environment (Landscape, Trees and Habitat)
- Highway safety/parking.
- Amenity
- Conditions

Observations

Material changes since previous consent

The principle of the development, density, urban design, conservation matters, car parking and access were all previously considered subject to safeguarding conditions to restrict and control the site. The proposal as previously approved development (04/2061/FL/W3 and subsequent time extension reference 10/0918/TE) was considered acceptable, appropriate and in accordance with policies of the Unitary Development Plan.

At the heart of the NPPF is a presumption, set out in paragraph 14, in favour of sustainable development and encourages the effective use of land, policy H3 (UDP) further supports the reuse of such sites, this is subject to the provisions of other policies of the Development Plan. The principle of the redevelopment of the site continues to be acceptable.

There are two design changes since the previous consent (discussed further in the report) however the principle, scale, siting and overall design remains the same as that previously approved.

Conservation/Design

The application site sits adjacent to a terrace of Georgian listed town houses. Historic mapping shows that the site itself contained a further two houses. These were demolished at some point

during the post war period, but secured replacement under applications 04/2061/FL/W3 and 04/2058/LB/W3 (which benefited a time extension under application 10/0918/TE).

The proposed plans are the same as previously approved with the exception of including bi folding doors at the front and a glass canopy across the rear at ground floor level. Rebuilding an exact replica of what was previously on the site would not result in a building which would be of sufficient quality to be listed and whilst the new design now includes some modest modern interpretations it includes and captures elements of the former building and those adjacent whilst not being a replica.

The siting of the new buildings is the same as previously approved and respects the aims of the Highgate conservation area in so far as it preserves the historic street pattern, preserve the existing plots and their boundaries, is of an appropriate scale, form and density to reflect surrounding buildings, will use traditional materials and details as much as is reasonably practicable, will clear the site so as to enhance the sense of spaciousness and greenery which is currently overgrown and unkempt and will reinforce the character of the conservation area

The design of the proposed dwellings is acceptable subject to conditions relating to details of design and materials. The lack of private enclosed garden space is outweighed in this case by the need to maintain the traditional layout of this listed terrace. Because of the arrangement of Doveridge Place at right angles to Sandwell Street there is no loss of privacy for the occupiers of these dwellings or surrounding ones in Buckle Close.

Natural Environment (Landscape, Trees and Habitat)

The scheme provides a landscape setting for the development that will retain key trees. The application was previously supported by a tree survey. Its findings concluded that the development was acceptable subject to a number of conditions being imposed. The survey has been updated and it appears there will be little or no material changes to the circumstances, sufficient to warrant a refusal on the grounds of impact of existing trees and that the re-imposition of conditions will satisfactorily secure the sites development whilst protecting its natural environment.

Since the previous approval the ecological impact assessment has been updated. There have been minor changes and these are reflected in the amended conditions.

Again comments from local residents have alleged that the site may be a habitat for other protected species. Following a careful search, it has been concluded that this is unlikely and the determination of the application should not be held up for a further survey of other species.

In this instance a bat survey is not necessary since there is insufficient green infrastructure outside the immediate application site for there to be a reasonable risk of finding bats in the building (no.4). As the new houses are not to be attached to no.4 there would be no risk to any bats which might be using no.4.

Neighbours have also expressed concern that the site has become a 'wildlife area' since the approval of the previous applications and that it may be used by other protected species, hedgehogs and many birds. However the council's ecologist is satisfied that there are no protected species in danger by the proposed development.

Since the previous applications were determined there have been two applications submitted in respect of works to trees on the site, primarily to fell them. Whilst the trees are not protected by any TPO, the applications have been necessary as the trees are in a conservation area. The applications give the Local Planning Authority the opportunity to make a Tree Preservation Order if the trees are considered worthy of retention. In neither case were the trees considered worthy of retaining and including in a Tree Preservation Order, this continues to be the case in this instance.

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Amenity

The front windows of no.4's lounge, on the side nearest the proposed houses, are set into three sides of a bay. The proposed houses would be in line with the front of the bay and one window in no.4 would face the side of a new house at a distance of 0.6m. This would block some light to the lounge but there are two other windows to the room and the house is south facing; on balance the effect on this room would not be significant enough to warrant refusal of the application.

On the first and second floors no.4 is set back some 2 metres from the front elevation of the proposed house. Since the approval of the previous applications the Designing Walsall Supplementary Planning Document has been adopted. Appendix D sets out guidelines for a relationship between dwellings which would give a satisfactory level of amenity for the occupiers of the properties concerned. The 45 degree code referred to in appendix E can be applied to the first and second floors of no.4 and the relationship between the proposed house and the nearest windows on these floors meets the code.

Pollution Control has recommended conditions restricting the hours of working in the interests of maintaining the amenity of adjacent occupiers.

As in the previous application the proposed buildings would not be attached to no.4, consequently Listed Building Consent is not required. The issues which are raised regarding the effect of building works on the fabric of no.4 are partly a civil issue and can be dealt with through the Party Wall Act; construction issues will also be dealt with under Building Regulations legislation. This is not a change from the previous situation.

Conditions

It is considered that since the previous permission there have been material changes in legislation and guidance which would result in some conditions requiring amendments. The revised conditions have been altered to reflect recent case law and changes in policy whilst the essential requirements remain the same.

Other Objections

Rights of access is a civil matter however and whilst the rear access way now appears to terminate at the end of no. 4, 1954-1977 historic maps show it to continue along and into the curtilage of what was previously no.6.

There appears to be a ransom strip at the head of Buckle Close which may preclude gaining access to the site unless an agreement is entered into.

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Location Plan received 19/5/15
- Existing Block Plan (GT D5/6DP – 01) received 06/03/15
- Proposed Block Plan (GT D5/6DP – 02) received 06/03/15
- Proposed Front Elevations (GT D5/6DP – 04) received 06/03/15
- Proposed Rear and Side Elevations (GT D5/6DP – 05) received 06/03/15
- Proposed Layouts (GT D5/6DP – 03) received 06/03/15
- Proposed Site Layout (GT D5/6DP – 06) received 01/05/15

- Proposed Roof Layout (GT D5/6DP – 07) received 01/05/15
- Design & Access Statement received 06/03/15

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

3a. The development hereby permitted shall not begin until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved in writing by the Local Planning Authority.

3b. The scheme shall be implemented and retained in accordance with the approved details before the development is first brought into use.

Reason: The development of this site is dependant upon the installation of a satisfactory drainage scheme as such it is considered important and necessary to require this information prior to commencement to ensure that the development is provided with a satisfactory means of drainage. In addition it is necessary to ensure and reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with UDP policy ENV40.

4a. No development shall commence until full details of all materials plus details of the external (curtilage) boundary treatments of the site have been submitted to and approved in writing by the Local Planning Authority.

4b. The approved details shall be fully implemented prior to first occupation.

Reason: It is considered important to establish the details of the materials prior to any commencement in order to ensure the development enhances and conserves the adjacent listed buildings and conservation area and to ensure the satisfactory appearance of the development.

5a. Prior to the development first being occupied full details of hard and soft landscaping works shall be submitted and approved in writing by the local planning authority to include the following:

- correct botanical names
- numbers/planting densities for each block of planting proposed
- size supplied of all proposed shrubs at time of planting
- details of proposed turf/seeded areas
- topsoil and mulching depths and specifications
- details of landscaping establishment/maintenance proposals to be undertaken during the standard maintenance period
- details of future management of the landscape scheme
- ground preparation measures to be adopted
- existing and proposed levels
- Management plan

5b. The approved landscaping shall be implemented within 12 months of the completion of the development.

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

Reason: In order to safeguard and enhance the visual amenities of the locality in accordance with Policy ENV18 of the Walsall UDP 2005 and policies NE5 and NE9 of Walsall Council SPD, Conserving Walsall's Natural Environment.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no extensions shall be carried out to any of dwelling.

Reason: To ensure the satisfactory appearance of the development.

7. No dwelling shall be occupied until the drive to that dwelling has been hardsurfaced in accordance with the approved plans, or such other material as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory functioning of the development.

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

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

9. No dwelling shall be occupied until a domestic sprinkler system has been installed in that dwelling.

Reason: In the interests of the safety of the occupiers of these dwellings.

Note to applicant recommended:

Although the application does not require a formal bat survey, there is still a risk that bats may be using your house for roosting. It is therefore important that you are satisfied that there are no bats using the buildings affected by the development before work is carried out. Any damage, destruction or disturbance to bats roosts is a criminal offence. Care should be taken during building works. Stripping ridge and roof tiles should be carried out carefully by hand. If any bats or evidence of bats are discovered work should stop and advice should be sought from Natural England. They can be contacted on Tel: 0845 6014523 or e-mail: wildlife@naturalengland.org.uk



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 12.

Reason for bringing to committee: Significant Community Interest

Application Number: 15/0388/FL
Application Type: Full application

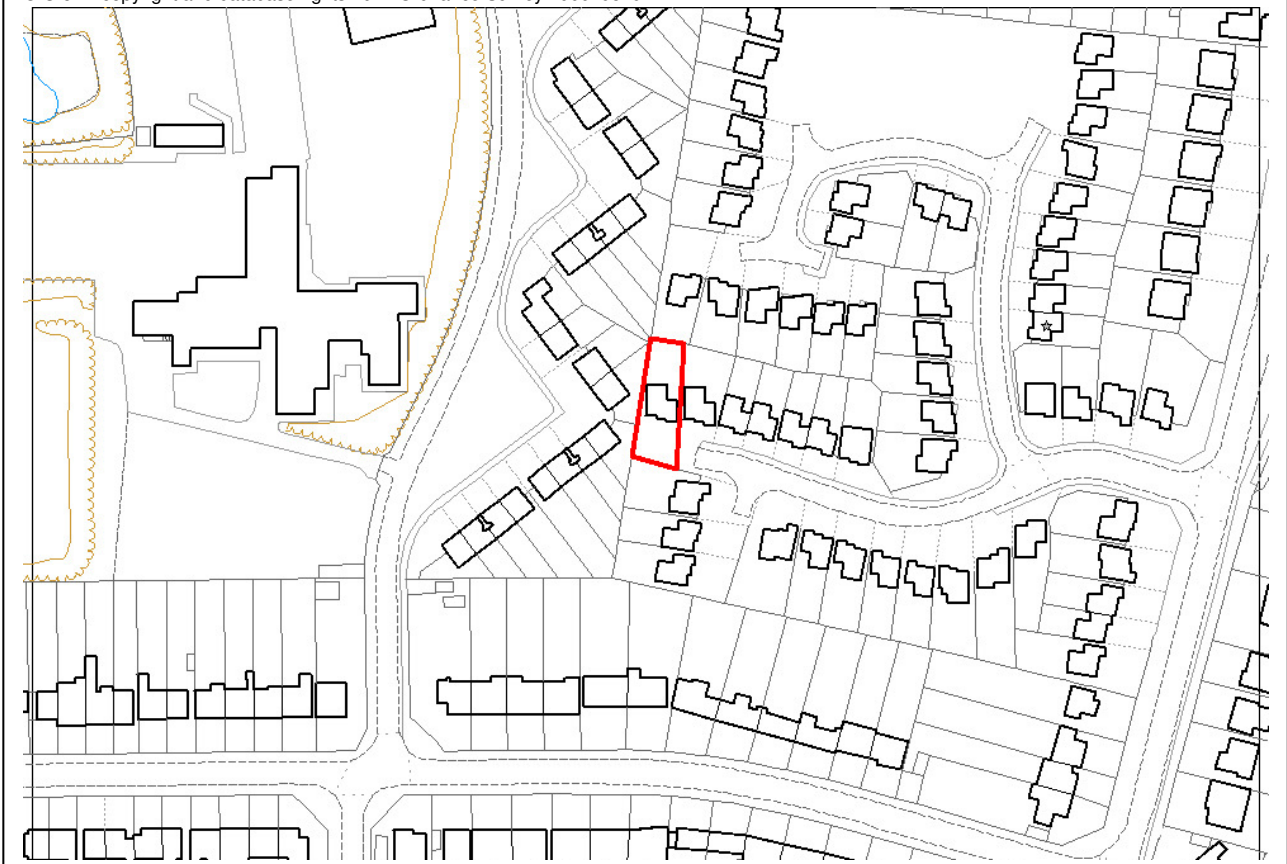
Case Officer: Barbara Toy
Telephone Number: 01922 652615
Email: planningservices@walsall.gov.uk
Agent: Stephen Capper Design and Planning

Applicant: Mr Alan Rogers
Proposal: Proposed detached garage and garage conversion
Location: 12 THE GLADES, WALSALL, WS9 8RN
Ward: Aldridge Central & South

Expired Date: 07/05/2015
Extension of Time Target Date: 30/06/2015

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The site is situated on the northern side of The Glade at the end of the cul de sac. The site comprises a modern two storey detached house with integral garage set off a private drive off the end of the cul de sac.

No 14 to the east comprises a similar two storey detached house, No 11 to the south sits at right angles to the site, with high conifers along the northern boundary of the garden. To the west are properties in Broad Meadow, set at an angle to the site at a lower level, No 16 is a two storey house and No 18 is a dormer bungalow. A beech hedge has been planted along the boundary fence with Broad Meadow.

The site sits within a predominantly residential area, with The Glades comprising similar detached properties.

This application proposes the conversion of the existing integral garage to a lounge and the erection of a detached single garage on the frontage of the property adjacent to the boundary with No 11, at the end of the private driveway. A flat window would replace the existing garage door. The detached garage would measure 4m (w) x 5.5m (l) with a maximum hipped roof height of 3.2m. The design has been amended since submission to amend the roof design and reduce the overall height of the building. Three off street parking spaces would be retained for the house.

The proposals also include details of a replacement tree on the frontage of the property in compliance with condition attached to tree application 14/1616/TR granted for the removal of an ash tree from the frontage of the property.

Relevant Planning History

06/0908/fl/H4, proposed detached garage, conversion of existing integral garage to habitable room and conservatory to the rear, refused 25-07-06.

07/1557/FL/H4, conservatory to the rear, refused 03-09-07, appeal dismissed 23-04-08.

14/1626/TR, fell ash tree to ground level, granted subject to conditions 16-12-14.
Condition 1 relates to the planting of a replacement tree.

Relevant Planning Policy Summary

National Planning Policy

National Planning Policy Framework (NPPF)

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy

Black Country Core Strategy

- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV18: Existing Woodland, trees and hedgerows
- ENV32: Design and Development Proposals
- T7: Car Parking
- T13: Parking Provision for Cars, Cycles and Taxis

Supplementary Planning Document

Conserving Walsall's Natural Environment

- Development with the potential to affect trees, woodlands and hedgerows
 - NE7
 - NE8

Designing Walsall

- Policy DW3 Character
- Appendix D

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

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

Consultations

Tree Officer – No objections, the site of the garage was previously occupied by a protected ash tree, but consent was granted for its removal due to the proximity to the existing houses. The consent required a replacement tree to be planted on the frontage. Whilst the proposed garage would restrict the area for the replacement tree, as long as the right species is selected there would still be room to plant the replacement between the garage and the house. Condition recommended to ensure replacement tree is provided.

Transportation – No objections subject to a condition to ensure that the proposed garage and parking spaces shall be retained and used for no other purpose. The proposals include 3 off street parking spaces in compliance with policy T13.

Public Participation Responses

Three letters of objections received

Objections:

- Existing parking at No 12 restricts access for 14 and 15 The Glade and it is considered that the proposed garage would force more vehicles onto The Glade causing access problems for more properties.
- A 2m gap between the side boundary of No 11 is required to allow for future maintenance and access for hedge cutting
- The garage should be 100% for domestic use and not used for business or commercial use.
- The garage would reduce the available space for parking at No 12, who already have 4 cars.
- Existing cars at No 12 sometimes park in the limited space at the end of the cul de sac
- The existing garage is never used to park a vehicle
- Visitor parking at the end of the cul de sac is already an issue which causes issues for the neighbouring properties gaining access.

All letters of representation are available for inspection upon publication of this committee report.

Determining issues

- Design and Layout of the Proposals and Impact on the Character of the Area
- Impact on the Amenity of Nearby Residents
- Parking and Highway Safety
- Impact on Trees

Observations

Design and Layout of the Proposals and Impact on the Character of the Area

The roof design has been amended during the course of the application from a gable to a hipped roof which has reduced the overall height of the building by 0.4m and reduced the bulk and massing of the building. Whilst the majority of the houses within The Glade have gable roofs, the garage would be seen against the backdrop of No 16 Broad Meadow which has a hipped roof. The design of the roof is considered appropriate in this location.

The garage would sit at the end of a shared access drive at the head of the cul-de-sac and would be visible when travelling west along The Glade against the backdrop of No 16 Broad Meadow. Whilst the majority of the properties within The Glade have integral garages, the proposed garage is considered appropriate in this location, tucked in the corner of the cul-de-sac against the backdrop of a further house and would not appear out of character or dominant within the street scene.

The provision of a flat window to replace the existing garage door would change the overall appearance of the property, but full views of the house are restricted due to its position tucked in the corner of the cul-de-sac and in this location the changes are considered acceptable and would not be dominant within the street scene. It should also be acknowledged that the garage conversion would be permitted development and could be undertaken without the benefit of any planning consent.

Impact on the Amenity of Nearby Residents

It is considered that the proposed garage would have no adverse impact on the amenities of the surrounding occupiers.

Whilst an objector has commented about the position of the garage to allow a gap for maintenance of the adjacent hedging, this is not a material planning consideration.

Parking and Highway Safety

Whilst the proposals would result in the loss of the existing integral garage, the new garage would provide a replacement and two off street parking spaces would be retained within the site boundary, providing 3 off street parking spaces in compliance with policy T13 of the UDP.

Objectors have commented on the number of cars associated with No 12 and the existing parking issues in this corner of the road, however the proposals demonstrate compliance with parking policy (UDP T13) for the size of the house. Transportation have confirmed no objections to the proposals. It is considered that the proposals would not be detrimental to highway safety and the cumulative impact of the development would not be severe and would comply with para 32 of the NPPF.

Conditions are recommended to ensure that the proposed garage is used for domestic purposes associated with the house only and not for business use and that the garage and parking spaces shall be retained and used for no other purpose.

Impact on Trees

Approval was granted in 2014 for the removal of a protected ash tree on the frontage of the property, which has already been removed to allow the siting of the proposed garage. Condition 1 of the approval required a replacement tree to be planted on the frontage within 12 months of the removal of the Ash tree. Whilst the Ash tree has been removed the replacement tree has not been planted. Details of the proposed replacement tree have been submitted with this application and a note to applicant attached to ensure implementation of Condition 1. The Tree Officer has confirmed that the proposed replacement tree and its position are considered acceptable and would fulfil the condition on the previous consent.

The existing conifer hedging along the southern boundary with No 11 would be retained and the existing copper beach hedge to the western boundary with 16 Broad Meadow would also be retained, maintaining the existing natural environment.

Recommendation: Grant Permission Subject to Conditions

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

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

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

Site Location Plan submitted 12th March 2015

Block Plan submitted 13th May 2015

Site Layout Plan Drawing 1074/1A submitted 13th April 2015

Proposed Elevations Drawing 1074/2A submitted 13th April 2015

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

3: The walls and roof of the extensions shall comprise facing materials that match, in size, colour and texture as those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

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

4: The proposed garage and parking spaces shown on approved drawing 1074/1A shall thereafter be retained and used for no other purpose ancillary to the residential property and not for any business use.

Reason: To ensure an acceptable level of off street parking for the property in compliance with Policy T13 of the UDP.

Notes for Applicant

You are reminded that Condition 1 attached to Tree Application 14/1626/TR requires that a replacement tree be planted within 12 months of the removal of the Ash tree. It is noted that the Ash tree has already been removed and that compliance with Condition 1 is required.

Standing advice

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at: www.groundstability.com



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 13.

Reason for bringing to committee: Contrary to policy

Application Number: 15/0610/FL
Application Type: Full application

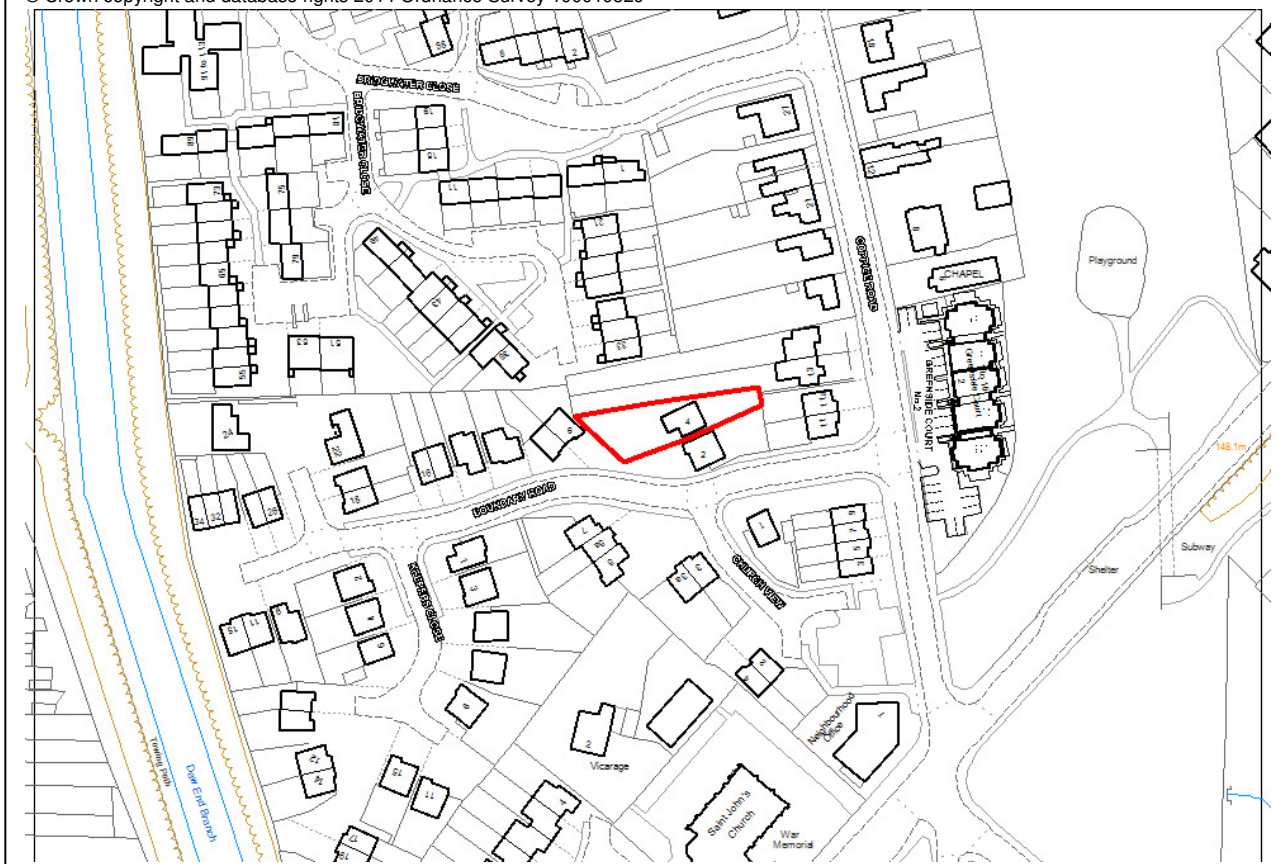
Case Officer: Jenny Townsend
Telephone Number: 01922 652610
Email: planningservices@walsall.gov.uk
Agent: Stephen Capper Design & Planning

Applicant: Mr Martin Myatt
Proposal: Conservatory at rear of house
Location: 4 BOUNDARY ROAD, WALSALL, WS9 9QZ
Ward: Aldridge North and Walsall Wood

Expired Date: 18/06/2015
Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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The Application

This application is for the addition of a conservatory to the rear of a modern detached house.

The conservatory would be on the side of the house closest to number 2, the neighbour to the south and would replace an original bay window which projects 1.0 metre from the two storey part of the house. The proposed conservatory would measure 4 metres deep, 4 metres wide with a pitched roof between 2.4 and 3.3 metres high. All three elevations of the conservatory are proposed to be glazed panels above a low wall.

The rear wall of number 2 is in line with the rear of the bay window belonging to the application house. There is a tall fence on the boundary and a 2 metre wide gap between the houses.

The northern boundary is a tall close board fence with tall trees beyond belonging to number 13.

The rear elevation of the proposed conservatory would face the rears of numbers 13 and 11a Coppice Road with a separation of 23 and 22 metres respectively to their rear first floor windows. The existing tall boundary fence would continue to screen the ground floor windows.

There is planting on alongside the rear boundary of number 2 and 11a which provides good screening between the rears of the houses and appears to have been part of the boundary treatment for the original planning application. The applicant advises that he has recently removed the tree that was adjacent his rear boundary fence.

Relevant Policies

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

National Planning Policy Framework (NPPF) www.gov.uk

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy
Black Country Core Strategy

- ENV3: Design Quality

Unitary Development Plan

- GP2: Environmental Protection
- ENV32: Design and Development Proposals

Supplementary Planning Document
Designing Walsall

- Appendix D

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

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

Relevant Planning History

Planning permission for the original estate development removed permitted development rights for extensions.

Consultation Replies

Pollution Control – No specific requirements.

Representations

None.

Determining Issues

- Amenity of Nearby Residents

Observations

The conservatory would project approximately 3 metres beyond the rear of number 2 and would comply with the 45 degree code measured from the middle of the nearest habitable room window.

The existing tall boundary fence is considered would continue to provide screening between the houses that would protect the amenity of the occupiers of both number 2 and the application house from overlooking into and from the proposed conservatory.

The separation between rear of the conservatory and the first floor windows of numbers 13 and 11a Coppice Road (approximately 23 and 22 metres respectively) would be less than policy guidelines but would be similar to the separation which already exists between the rears of number 2 next door and the rear first floor windows of number 11. It is considered that on balance and in this context the shortfall in the separation distance would still retain an acceptable level of amenity for the occupiers of numbers 13 and 11a Coppice Road and the application house itself and would be in keeping with the existing character of the area.

A condition for a standard sized tree (between 3 and 3.5 metres high) to be planted adjacent the rear boundary of the application house is to be added. This tree would be alongside similar sized trees which are next to the rear boundary of number 2 and provide screening to protect the privacy of number 2 and number 11 Coppice Road and the same position as the tree that the applicant recently removed.

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: Grant Permission Subject to Conditions

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

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

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

Location plan deposited 23 April 2015;
Block plan deposited 23 April 2015;
Existing elevations and ground floor layout plan drawing 1085/1 deposited 23 April 2015;
Proposed elevations and ground floor layout drawing 1085/2 deposited 23 April 2015.

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: Before the development is brought into use, a tree of either new mountain ash (*Sorbus aucuparia*) or Swedish Birch (*Betula Dalecarlica*) species of a selected standard size (between 3 and 3.5 metres high) are to be planted alongside the boundary with numbers 13 and 11A Coppice Road and if these should either die or become seriously diseased, damaged or are removed, shall be replaced within 2 months with a tree of the same or similar species and size.

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

4: The facing bricks of the conservatory shall match those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the conservatory.

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

Notes for Applicant

Standing advice

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at: www.groundstability.com



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 14.

Reason for bringing to committee: Significant Community Interest

Application Number: 15/0321/FL
Application Type: Full application

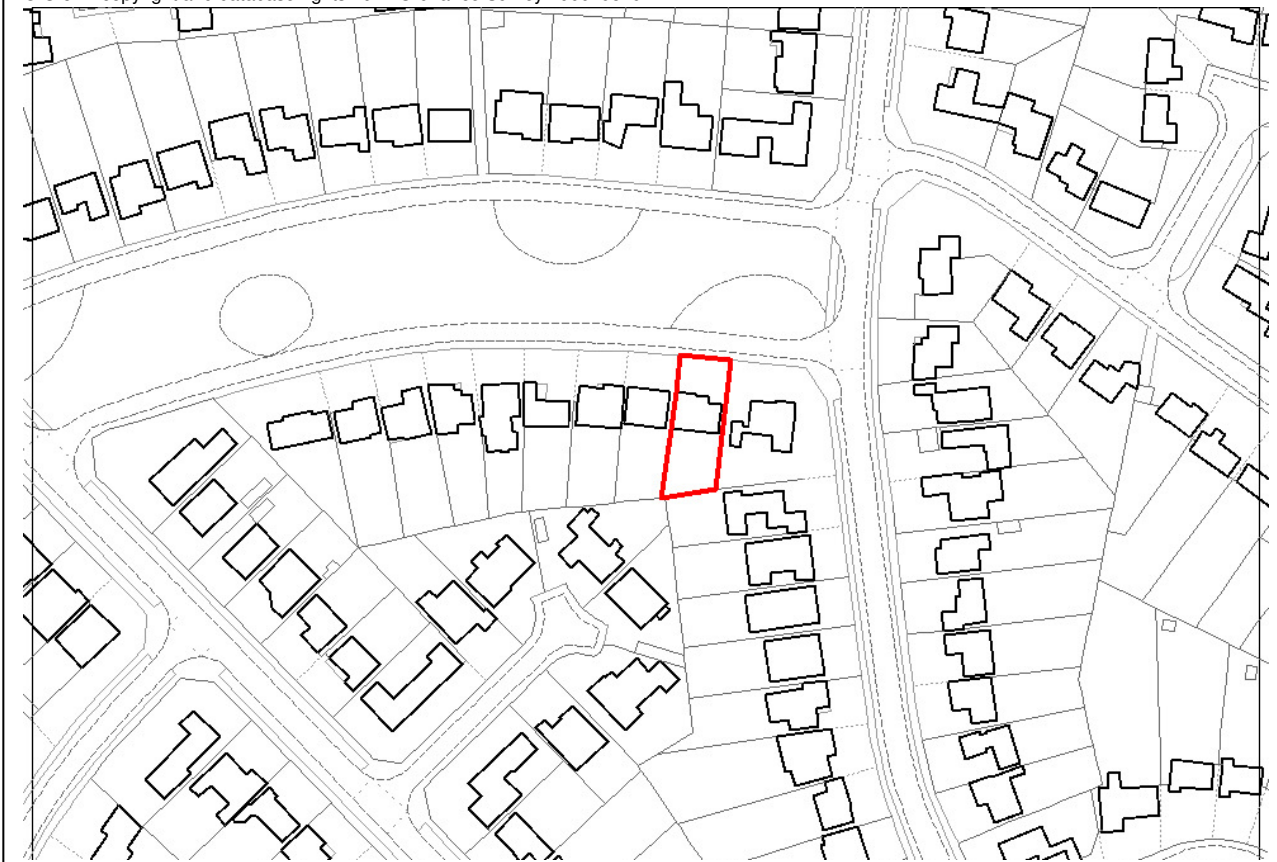
Applicant: Mr Bobby Verma
Proposal: Single and two storey rear extensions
Location: 20 ATHLONE ROAD, WALSALL, WS5 3QX
Ward: Paddock

Case Officer: Helen Smith
Telephone Number: 01922 652606
Email: planningservices@walsall.gov.uk
Agent: Mr Anthony Spruce

Expired Date: 24/04/2015
Extension of Time Target Date: 30/06/2015

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

This proposal is for extensions to the rear of a 1960's house which is physically linked to house no. 18 Athlone Road. The two properties are used as a single family dwelling and are in the same family ownership. The proposals would enlarge an existing first floor bedroom and enlarge the kitchen, located within an existing single storey rear extension.

The proposed first floor extension would extend 3.5 metres from the rear elevation of no. 20 above the footprint of an existing single storey extension. This proposal would be next to the shared garden boundary with house no. 18, which is in the same family ownership as no. 20. This proposal would have a small flat roof area at ridge height with an adjacent gable roof, 1.6 metres lower than the main ridge. There would be a separation distance of 7 metres between the proposed first floor extension and the shared rear garden boundary with no. 22 Athlone Road. Rear facing habitable room windows would be installed in this extension.

The existing single storey rear extension would be widened from 4 metres to 6.8 metres and would have a 3 metres high flat roof. This extension is located along the full length of the side garden boundary with no. 22. The initial plans have been amended to remove a proposed pitched roof above the existing and proposed single storey rear extension plus a rear facing window.

No. 22 Athlone Road is a bungalow with a garage to the side nearest to no. 20 and side facing, secondary lounge, French windows opposite the shared side boundary with no. 20.

No. 18 Athlone Road has a rear conservatory near to the shared boundary with no. 20 and a bedroom window above. This house has an approximately 0.5 metres lower ground level than no. 20. Garden fencing between no's 18 and 20 has been removed to create a shared amenity area.

The proposed first floor extension would face no's 7 and 6 Connaught Close across separation distances of 27.5 and 36 metres respectively. No's 6 and 7 are bungalows which are to the south west of no. 20 and face the rear elevation of the application house at an oblique angle.

No. 27 Greaves Avenue is a bungalow with rear facing habitable room windows at right angles to the application house.

The length of the remaining rear garden at no. 20 (excluding the rear garden at no. 18) would be 14 metres with an area exceeding 68 square metres at 86 square metres.

Relevant Policies

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

National Planning Policy Framework (NPPF) www.gov.uk

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Find ways to enhance and improve places in which people live their lives
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Key provisions of the NPPF relevant in this case:

- **NPPF 7 - Requiring good design**

Key provisions of the NPPF relevant in this case:

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development.

58. Planning policies and decisions should aim to ensure that developments meet criteria that include:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials

63. Great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework System, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advised that "...due weight should be given to relevant policies....according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight they may be given)." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity.

This checklist has been published on the BCCS and Council websites. Cabinet on the 24 July 2013 resolved to endorse the assessment undertaken by officers from the four local authorities and agreed that the Black Country Core Strategy policies should be given full weight in planning decisions.

The relevant policies are:

CSP4: Place Making

ENV2 and ENV3 states that all development should aim to protect and promote the special qualities, design quality and local distinctiveness of the Black Country.

Walsall's Unitary Development Plan (UDP)

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

Policies that have been saved and not replaced by the BCCS remain part of the development plan. However, in such cases the NPPF says *"due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)"*.

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

- (a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant in the following locations:-
 - On a visually prominent site.
- (b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-
 - The appearance of the proposed development.
 - The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
 - The effect on the local character of the area.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

It is considered in this case that the relevant provisions of Walsall's saved UDP policies are consistent with the NPPF.

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The relevant SPDs are:

Designing Walsall SPD

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area.

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

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

Relevant Planning History

12/1582/FL – Retrospective – Single storey side extensions to no's 18 and 20 Athlone Road to provide access to both properties – refused permission on 5/4/13 and allowed on appeal by the Planning Inspectorate on 21/8/13 (reference: APP/V4630/D/13/2200671)

12/1365/FL - Ground floor side extension, roof extension and first floor rear extension at 20 Athlone Road - refused permission 5/4/13 as the cumulative increase in building mass would have a detrimental impact on the appearance of the existing house, neighbours' amenity and views from Greaves Avenue.

12/0738/FL - Two storey rear extension and front first floor extension with first floor link bridge to 20 Athlone Road - refused permission on 16/08/12 on the grounds that the proposed flat roofed first floor link bridge have a detrimental impact on the appearance of the existing house and would be out of character with the street scene.

12/0733/FL - First floor rear extension and loft extension with first floor link bridge to 18 Athlone Road, Refused 16/08/12 for the following reasons:

1. *The design of the proposal would have a detrimental impact on the appearance of the existing house, the existing amenity of neighbours and the character of street scene because of;*
 - *the cumulative increase in building mass of the proposed first floor extension, the changes to the roof (hips/front to back ridge to full size gable and the ridge running the full width) and the rear dormer plus the additional depth of the finished property.*
 - *The rear dormer/first floor extension/gable roof and overall depth of final house extension would introduce a prominent and incongruous feature which would be visible from Greaves Avenue seen above 22 Athlone Road and is considered would have a detrimental impact on the views from Greaves Avenue.*
 - *The height and close proximity of the rear dormer to the rear garden of 27 Greaves Avenue would have an unacceptable impact on the privacy of neighbours using their rear garden.*
 - *The proposed roof extension to larger gables is an increase in size which would have an unacceptable impact on the existing daylight and sunlight available to the occupiers of no's 18 and 22 because of the combined height, scale and mass of the proposal.*

BC36435P – Kitchen and lounge extension to rear with 2 additional bedrooms at first floor to side and canopy to front – granted permission subject to conditions on 30/7/92

BC38858P – Covered way, laundry and storeroom, pitched roof over existing rear extension – granted permission subject to conditions – 14/10/93

Consultation Replies

None

Representations

Representations have been received from four neighbours objecting to the proposal on the following grounds;

- this house is connected to no. 18 and why is a further extension required when both properties (*no's 18 and 20*) are extremely large in proportions (*the proposed extensions are not dissimilar from other extensions that have been considered in the surrounding area*)
- garage has been converted to a living area behind roller shutter door (*this alteration would not require the submission of a planning application*)
- one of the largest properties on the estate (*comment noted*)
- overbearing and impact on neighbours' privacy
- The applicant lives at no. 18 and his parents at no. 20 so why is he applying for no. 20 (*the properties are in the same family ownership*)
- please refer to objections provided 2-3 years ago (*previous applications differ from the current proposal and as each application is assessed on its own merits current neighbour comments will be considered as part of this proposal*)
- not in keeping with the surrounding area which is a residential estate rather than a commercial or industrial estate which it would be if this application is allowed (*this property has a residential character and it is considered this would not change if this proposal is approved*)
- Installation of a side facing roof light has harmed the privacy of no. 22 (*the installation of this roof light would have been permitted development and did not require the submission of a planning application*)
- element of impartiality does not appear to be reflected in the decisions made by the Council's offices (*each planning application is assessed on its own merits and any complaints concerning impartiality could be referred to the Ombudsman*)
- the installation of a window in the east side of the second storey facing no. 22 would erode neighbours' privacy even though none are shown on the plans (*a planning condition would be included to require the submission of a planning application for any side facing habitable room windows and a failure to do so may result in enforcement action being considered*)
- would set a precedent for others to over develop their gardens (*planning applications are assessed on its own merits*)

Determining Issues

- Design of Extension and Character of the Area
- Amenity of Nearby Residents
- Parking

Observations

Design of Extension and Character of the Area

The proposed first floor extension with a gable roof and smaller flat roof area to the side is considered reflects the design of the existing dwelling. The first floor rear gable roof extension would be visible from Greaves Avenue above the neighbouring bungalow, no. 22. The small first floor flat roof area to the rear of the proposed new gable would be viewed against the back drop of the existing dwelling house and it is considered the impact of this extension on the existing street

scene would be limited as the scale of this proposal is much less than previously refused proposals.

The remaining area of rear private amenity space at the rear of no. 20 (excluding the garden area to the rear of no. 18) of 86 square metres is considered would meet the minimum recommended area for private amenity space of either 12 metres in length or 68 square metres in area as referred to in Appendix D of Designing Walsall.

Amenity of Nearby Residents

The rear elevations of the application house and those at no's 18 and 22 face south and it is considered that the orientation of the proposed first floor rear extension would have a limited impact on neighbours' existing light and amenity.

This proposal would meet the Council's 45 degree guidance in respect of rear habitable room windows in no's 18 and 22 Athlone Road.

No's 6 and 7 Connaught Close are positioned to the south of no 20. It is considered that the angled position of these bungalows, in relation to the rear elevation of no. 20, and the habitable room window to window separation distances of 27.5 (no. 7) and 36 (no. 6) metres would limit the impact of this proposal on neighbours' visual amenity and privacy.

This extension would exceed the Council's minimum recommended habitable room window to window separation distance as referred to in Appendix D of Designing Walsall SPD.

The proposed single storey rear extension would be no higher than the existing single storey extension and is considered would have a limited impact on the light available to the rear gardens of no's 7 Connaught and 22 Athlone Road now that the proposed pitched roof has been removed from the plans.

The rear facing habitable room windows in no. 27 Greaves Avenue are at right angles to the application house and it is considered this proposal would have little additional impact on neighbour's privacy.

The scale of the proposed first floor extension is considered to be acceptable and this proposal is recommended for approval.

Parking

This proposal would enlarge an existing bedroom and consequently no additional off-street parking provision would be required. There is provision for the off-street parking of at least three vehicles on the front hard-surfaced driveway which meets the requirements of UDP Policy T13.

Positive and Proactive Working with the Applicant

Officers have spoken with the applicant's agent and in response to concerns raised regarding a pitched roof and rear facing window in the single storey rear extension, amended plans have been submitted which enable full support to be given to the scheme.

Recommendation: Grant Permission Subject to Conditions

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

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

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

- Proposed Single and First Floor Rear Extension, Amended drawing no. 3, deposited 29/5/15
- Existing Ground Floor Plan, deposited 18/03/15

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

3: The walls and roof of the extensions shall comprise facing materials that match in colour, texture and size those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

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

4: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no side facing windows or doors or rear facing window in the single storey rear extension, other than as shown on the deposited plans, shall be installed in any part of this development.

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



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 15.

Reason for bringing to committee: Not meeting policies

Application Number: 14/0791/FL

Application Type: Full application

Applicant: Mr M Shafaq

Proposal: Erection of two storey and single storey extension to rear, and single storey extension to front.

Location: 124 SCARBOROUGH ROAD, WALSALL, WS2 9TU

Ward: Pleck

Case Officer: Philip Wears

Telephone Number: 01922 652611

Email: planningservices@walsall.gov.uk

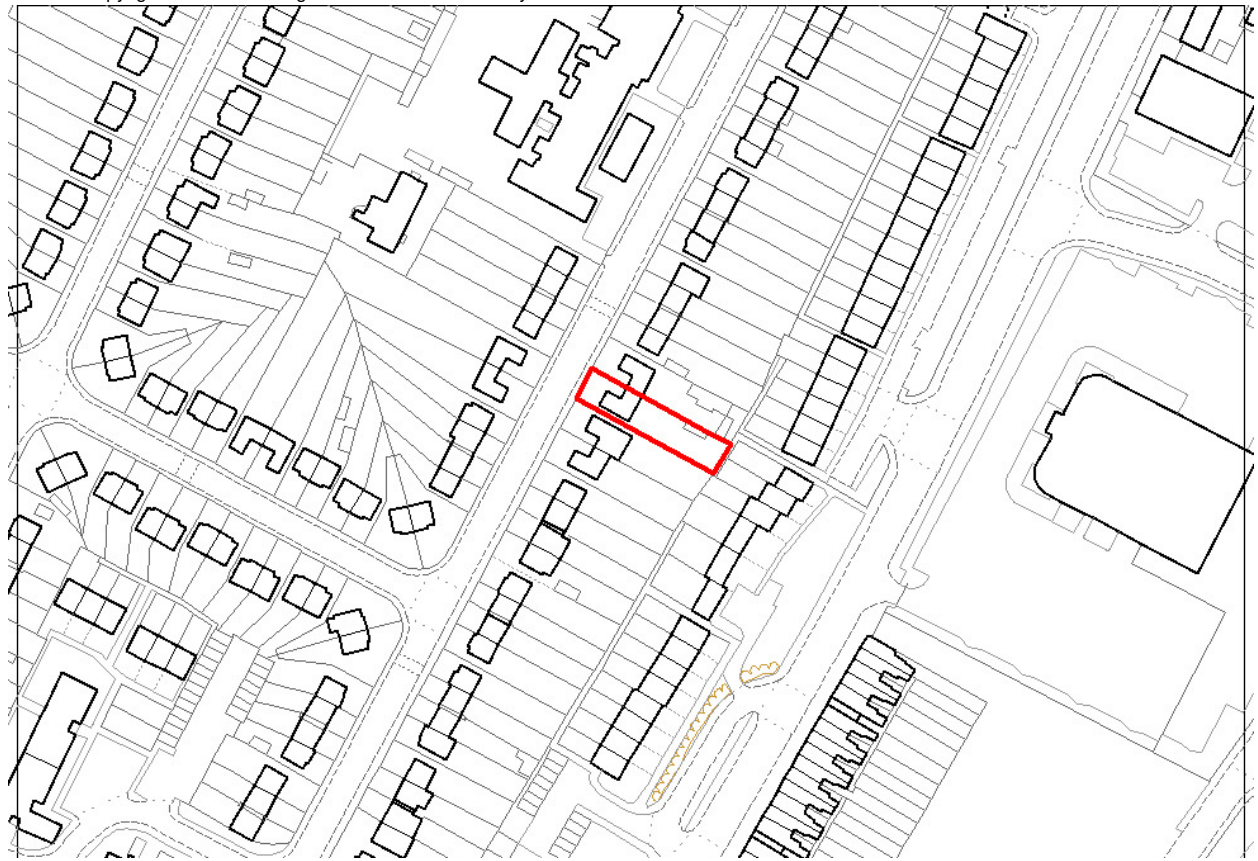
Agent: Arcon Architects

Expired Date: 01/08/2014

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 15.

Reason for bringing to committee: Not meeting policies

Application Number: 14/0792/FL

Application Type: Full application

Applicant: Mr M Ikhlaiq

Proposal: Erection of two storey and single storey extension to rear, and single storey extension to front.

Location: 126 SCARBOROUGH ROAD, WALSALL, WS2 9TU

Ward: Pleck

Case Officer: Philip Wears

Telephone Number: 01922 652611

Email: planningservices@walsall.gov.uk

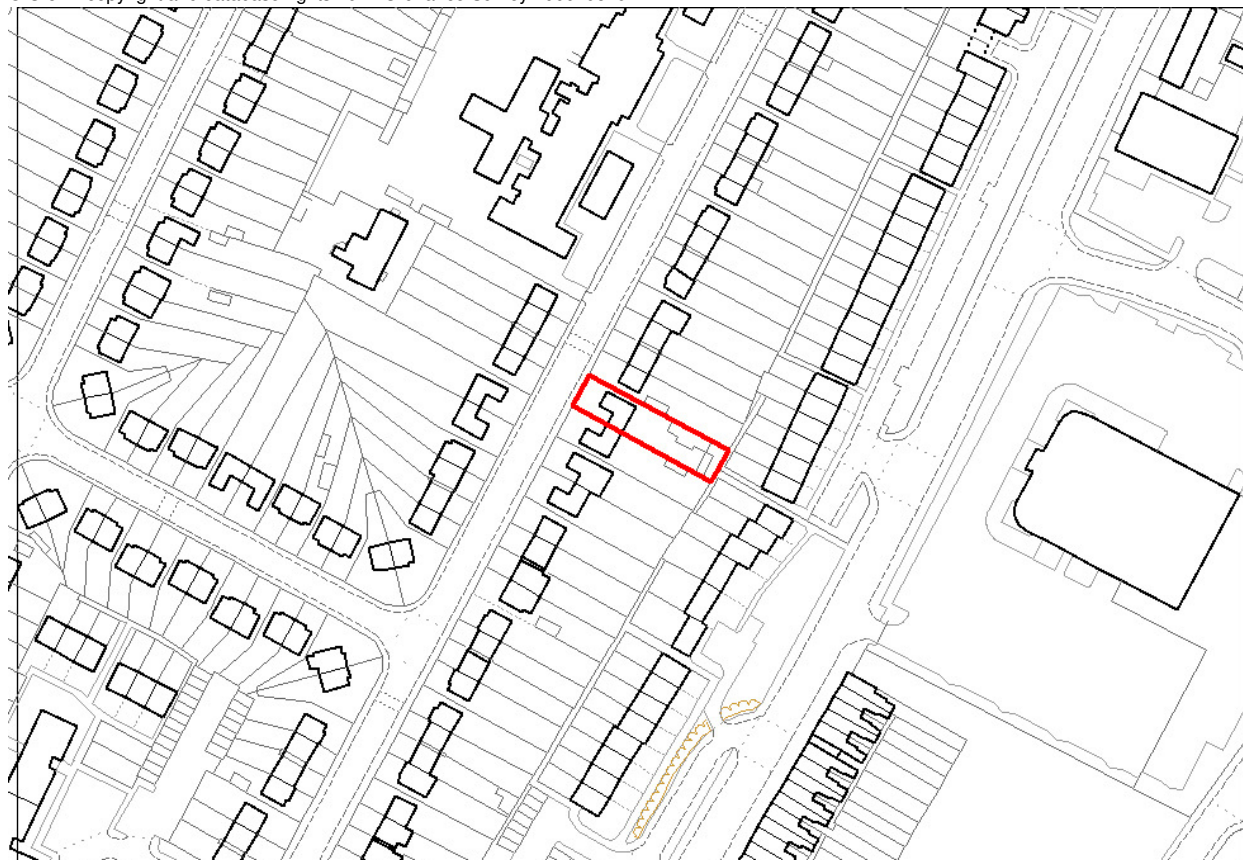
Agent: Arcon Architects

Expired Date: 01/08/2014

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

This report concerns two applications 14/0791/FL and 14/0792/FL, one for each house, at 124 and 126 Scarborough Road, a pair of semi-detached houses. The houses are located in a residential road containing similar pairs of semi-detached houses and terraces of four houses.

The houses are constructed in brick and tile, with hipped roofs, with two-storey front gables, projecting 4.55m which give the pair a 'U' shaped footprint. Each house has a side space up to its fenced side boundary ranging from about 1.75m to 2m wide.

The proposals for each house are similar. Each house would be extended by 5m to the rear at ground floor level, and 4m to the rear at first floor level, with the extensions abutting on the boundary between the two houses and aligning with the existing side walls of the house. The main roof would be extended with two sections of hipped roof at each house, making a valley above the joint boundary, and with equal ridge heights 0.6m below the existing main ridge. The additional 1m length of the ground floor would be under a mono-pitch roof.

At the fronts each house would be extended forward by 2m at single storey level and between the two storey projecting gables. These extensions would directly abut on the boundary and would partly 'infill' between the gables. They would have mono-pitch roof with a shared gable feature over the entrance doors and glazed screens to each side of the doors.

The rear gardens are approximately 52m long and have other gardens on their sides and rear.

Each of the rear extensions would provide an enlarged living room on the ground floor and an additional bedroom and en-suite on the first floor. Each of the front extensions would provide a hallway.

Relevant Planning History

08/0777/FL -124 Scarborough Road. Part two storey, part single storey, rear extension. Permitted with conditions 15/9/2008.

09/1248/FL – 126 Scarborough Road. Two-storey rear extension and front porch. Permitted with conditions 10/11/2009.

Relevant Planning Policy Summary

National Planning Policy

National Planning Policy Framework (NPPF)

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

- **NPPF 7 - Requiring good design**

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy

Black Country Core Strategy

- ENV3: Design Quality

Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

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

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

Consultations

Transportation – No objections subject to a condition :

Prior to the development being brought into use the driveway shall be extended to provide three 2.4 x 4.8 metre car parking spaces and retained therein after.

Public Participation Responses

No comments received.

Determining issues

- Impact on the Amenity of Nearby Residents
- Design, and Character of the Area
- Parking

Observations

Impact on the Amenity of Nearby Residents

Number 122 Scarborough Road is a similar type of house located approximately 3.25m from the side of Number 124. At the rear the nearest windows are to a first floor bedroom and ground floor part-glazed rear door, and side facing window to a kitchen. The proposed rear extension at No 124, would comply with the Council's 45 degree guidance regarding daylighting and outlook from the rear windows at 122. The daylight to the side facing kitchen window would be affected by the rear extension, but it is accepted that daylighting to the kitchen is supplemented by the glazing in the rear door and it is not considered sufficient reason to refuse permission in this instance.

Number 128 is an end of terrace house located approximately 3.5m from the side of Number 126, and 1.3m further forward towards Scarborough Road. At the rear its nearest areas of glazing is a bedroom window. There is a rear door on the ground floor but in this case it is not glazed. There is also a ground floor living room window serving 128 Scarborough Road. However, notwithstanding that Number 126 is positioned further to the rear, the rear extension at Number 126 would not breach the 45 degree guidance in relation to the bedroom and living room windows of 128 Scarborough Road.

Number 128 also has side facing windows but these are small and mainly obscure glazed, serving non-habitable rooms. One at first floor level, is clear-glazed but serves a landing. These do not raise amenity issues.

There is also potential for one of the rear extensions to impact on the other house in the pair. If one house was to be extended but not the other in the pair, the daylighting and outlook at the un-extended house would be harmed and this would conflict with the 45 degree guidance. This applies to the front single storey extensions as well as the larger two-storey rear extensions. The applications have been made through the same agent at the same time but by different applicants. Whilst the front and rear extensions would not harm the amenity at the other house in the pair if it was also extended in the same way at the same time, the applications do not ensure this. Officers consider that it is difficult to insist that the same builder is used, or for the extensions to proceed at the same rate with different builders. However conditions are proposed as set out below which have the effect of requiring that no extension can proceed to completion until the corresponding extension at the other house has at least been substantially started.

Design and Character of the Area

The roof design of each rear extension would involve two rear sections of hipped roof on each house and the appearance of the 4 new sections of hipped roof would be acceptable. Given the position at the rear where visibility would be from the rear of other houses at least 31m away on Pleck Road, it is considered that the design would be appropriate.

The single storey front extensions would be set back between the dominant projecting two-storey gables and would be visually unobtrusive. The small gabled feature in the middle of the mono-pitch roof would be in keeping with the front gables.

Parking

As a result of the rear extensions each house would increase its number of bedrooms to four. Walsall UDP policy T13 confirms the need for 3 standard car parking spaces (4.8m by 2.4m) for each house. The front gardens are approximately 9m wide and 6m deep up to the front gables. Conditions are recommended to provide three standard off-road parking spaces in each front garden.

Positive and proactive

Officers have discussed with agent the problems of the side projections conflicting with the 45 degree guidance in relation to numbers 122 and 128, and have also discussed the conflict with the 45 degree guidance if the extensions at 124 or 126 proceed without the corresponding extension at the other house in the pair also proceeding. On the first issue amended plans have been received which allow support to be given. On the second issue the applications are not ideal but on balance officers recommend approval subject to a special condition for each.

14/0791/FL - Recommendation: Grant Permission Subject to Conditions

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

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

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

Site Location Plan

Site Plan

Proposed Plans , Drawing No 3, Revision A (amended, received 23/9/14)

Proposed Elevations Drawing No 4 , Revision A (amended, received 23/9/14)

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

3. The construction of the rear extension shall not proceed above damp-proof course level until the rear extension permitted under reference 14/0792/FL at number 126 Scarborough Road has also been constructed up to damp-proof course level.

Reason: To safeguard the daylighting and outlook enjoyed from rear windows at number 126 Scarborough Road.

4. The construction of the front extension shall not proceed above damp-proof course level until the front extension permitted under reference 14/0792/FL at number 126 Scarborough Road has also been constructed up to damp-proof course level.

Reason: To safeguard the daylighting and outlook enjoyed from the adjacent front window at number 126 Scarborough Road.

5: The walls and roofs of the extensions shall comprise facing materials that match, in size, colour and texture as those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

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

6. Prior to the rear extension being brought into use the driveway shall be extended to provide 3 no. 2.4 x 4.8 metre car parking spaces, and these shall be retained thereafter.

Reason: To ensure an acceptable level of off street parking for the property in compliance with Policy T13 of the UDP.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no additional side facing windows or doors, shall be installed in any part of this development.

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

Note for Applicant- Coal Authority Standing Advice

14/0792/FL - Recommendation: Grant Permission Subject to Conditions

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

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

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

Site Location Plan

Site Plan

Proposed Plans , Drawing No 3, Revision A (amended, received 23/9/14)

Proposed Elevations Drawing No 4 , Revision A (amended, received 23/9/14)

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

3. The construction of the rear extension shall not proceed above damp-proof course level until the rear extension permitted under reference 14/0791/FL at number 124 Scarborough Road has also been constructed up to damp-proof course level.

Reason: To safeguard the daylighting and outlook enjoyed from rear windows at number 124 Scarborough Road.

4. The construction of the front extension shall not proceed above damp-proof course level until the front extension permitted under reference 14/0791/FL at number 124 Scarborough Road has also been constructed up to damp-proof course level.

Reason: To safeguard the daylighting and outlook enjoyed from the adjacent front window at number 124 Scarborough Road.

5: The walls and roofs of the extensions shall comprise facing materials that match, in size, colour and texture as those which are used in the existing building as it exists at the time of this application, and shall be retained as such after completion of the extension.

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

6. Prior to the rear extension being brought into use the driveway shall be extended to provide 3 no. 2.4 x 4.8 metre car parking spaces, and these shall be retained thereafter.

Reason: To ensure an acceptable level of off street parking for the property in compliance with Policy T13 of the UDP.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or succeeding Orders, no additional side facing windows or doors, shall be installed in any part of this development.

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

Note for Applicant- Coal Authority Standing Advice



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 16.

Reason for bringing to committee: Significant community interest

Application Number: 14/1177/FL

Application Type: Full application

Applicant: Mr C Knott

Proposal: Variation of condition 13 of planning permission 14/0141/FL to allow opening hours from 8.00 am to 10.00 pm Monday and Friday.

Location: 28 NEW FOREST ROAD, WALSALL, WS3 1TR

Ward: Blakenall

Case Officer: Devinder Matharu

Telephone Number: 01922 652602

Email: planningservices@walsall.gov.uk

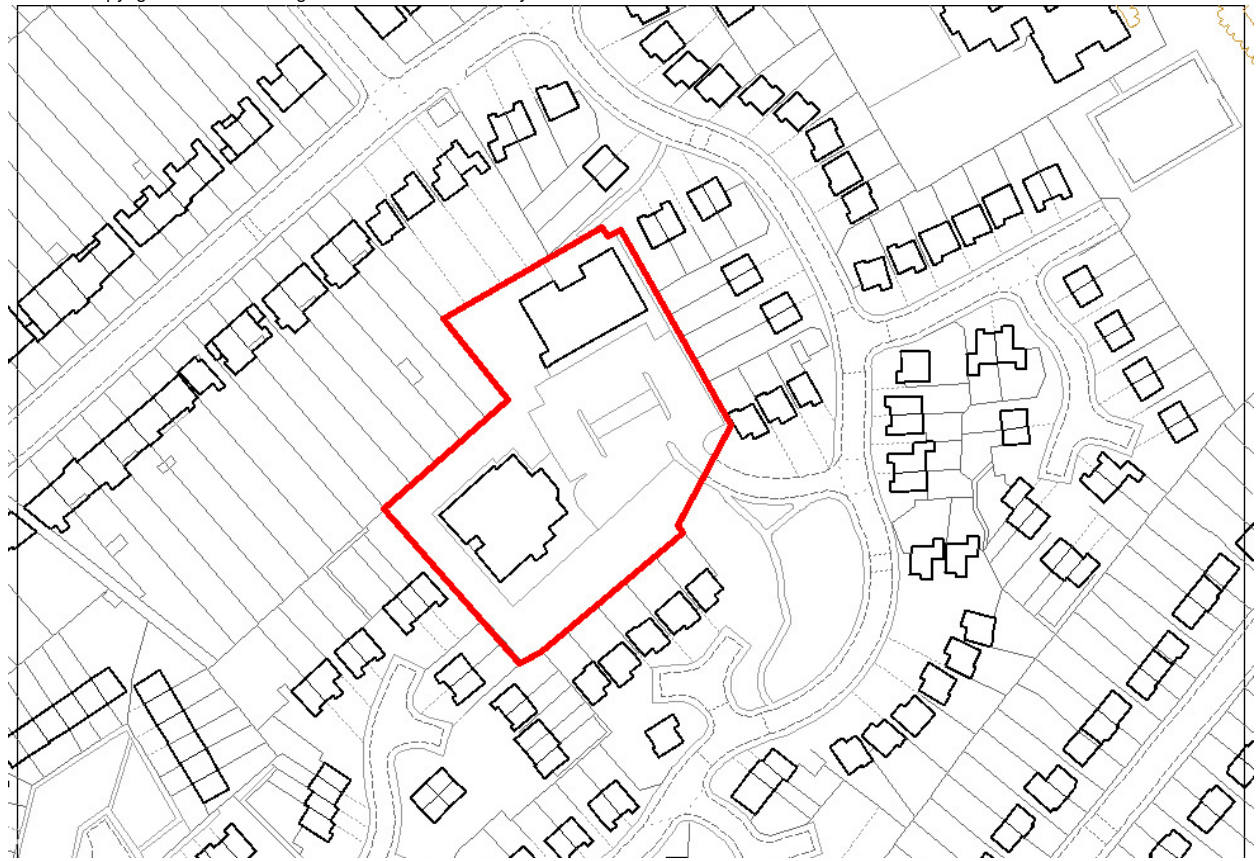
Agent: Edward Kennedy

Expired Date: 07/10/2014

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

The application site includes number 28 and number 40 New Forest Road. Number 28 is a part two storey and part single storey flat roof building located towards the northern part of the site. Number 40 is a part two storey and part single storey building with a gable and apex roof and is located towards the western part of the site. The front of the building has a single storey element that has a hipped roof. The buildings are set off the boundaries of the site by lawn.

The application site is accessed from a slip road off the main New Forest Road with both buildings sharing the same access. The access road is located in front of numbers 22, 24 and 26 New Forest Road and slopes up into the site.

A car park serving both buildings is located in front of both buildings. A landscaped strip with 4 silver birch trees separates the front parking area and the parking area immediately in front of number 28.

The area is residential in nature with numbers 2 to 26, 50 to 58 New Forest Road, 144, 146, 148 and 77 Wenlock Gardens and 74 to 90 Dartmouth Avenue surrounding the site.

Planning permission for the change of use of the building, 28 New Forest Road from offices to a D2 use for community and leisure with ancillary bistro/cafe, beauty treatments, gymnasium, offices and replacement ramp to the front of the premises was granted under planning reference 14/0141/FL on 1st August 2014.

Under the above application, a number of planning conditions were stipulated, including an hours of operation condition, number 14 which restricted the opening hours from 8am and 8pm Mondays to Fridays and 8am to 6pm on Saturdays with no Sunday, bank or public holiday opening.

The proposal seeks vary the above planning condition to allow opening from 8am to 10pm Mondays to Saturdays and Sundays 8am to 9pm for the site generally and 8am to 10pm for the restaurant.

During the consideration of this application, the applicants have submitted a range of supporting information over a period of stages. This information is summarised below.

The applicant states the site has operated at the times being sought for a number of years and since the approval of planning reference 14/0141/FL.

The applicant has provided the following background information in support of the application:

- Walsall MBC made a decision to relocate staff from the office building and the building then was put forward for community use.
- The existing building, community building and sports hall, was built as part of the housing development and has been in operation since then.
- As part of the planning application for the office block the community building was contained within the site boundary, which was correct.
- The community centre had been in use for at least 16 years from 7am to 10 pm 7days a week. The office had restricted hours.
- When the planning approval was granted in 2014 it placed a general restriction on the entire site for operating hours as follows:
Mondays to Fridays 8am to 8pm
Saturday 8am to 6pm
Sunday No use

- When the planning request was submitted in 2014 the existing use times were not put forward which was an oversight.
- The scheme has continued to operate using the previous hours.
- The scheme is designed to foster community engagement and small businesses, to this end there is a purpose designed gym with air conditioning, restaurant facilities, training facilities (currently a hair dressers), offices and the sports hall offering Sunday church services, youth facilities, Karate and a number of sports facilities.
- The impact of reduced hours and restrictions at weekends will risk the viability of the centre, reduce facilities locally and fail to assist new businesses and enterprises and support local people in a community focal point. Local facilities generally reduce anti-social behaviour, assist social cohesion and give local people the ability to meet receive training and participate in health exercise.
- No complaints of noise or antisocial behaviour have been received from the local community regarding the centre by Walsall Environmental Services.
- Walsall Community Church has provided a letter confirming they have used the centre for services and a youth club into the evening. Attendance records are also appended.
- Copies of emails from the councils Youth Support Services who ran the community facility prior to the existing user Rycroft NRC.
- Satori Martial Arts have supplied a letter confirming their use for the past 16 years.
- Copies of attendance records for The Business Network Meetings.
- Copies of attendance records for the People's Gym, this will assist with peak times calculations.
- Rycroft Centres time table of activities.

The applicant has provided the following information, in respect of conditions 9, 11, 12 of 14/0141/FL and the use of the building.

- Condition 9 - No amplified music or voice systems will be used before 9am or after 8pm and will not be used externally at any time.
- Condition 11 and 12 - No external activities that create noise such as marching bands will be allowed outside of the building and all such activities will remain internally with. All windows and doors will remain close during activities.
- An inspection of the site revealed two 450mm fans without noise baffles. The fans are not now necessary therefore they will either have a noise baffle installed or be removed and the opening bricked up. Additionally the rear doors will have an energy absorbent material fixed to them to reduce any impact noise from balls used in sports striking them and to reduce airborne noise transmission.
- Traffic
There is no change from the established use and the traffic assessment for the application in March 2014 confirmed the local road infrastructure can cope with the development and the time changes proposed will not increase the number of types of activity and therefore will have no material effect. The centre has operated in its current configuration for 18 Months and there have been no reported issues with parking.
- Restaurant
The Italian restaurant contained within the scheme has low level back ground music. The number of covers is 36. This facility has proved popular with the local and wider community and has not received any complaints of noise or traffic.
- Larger functions
The community hall is large and can accommodate up to 150 people, however it is proposed that a maximum of 50 people be allowed to participate in sports at any one time. The full capacity of the Community centre will only be utilised on a maximum of 6 times per year.

The applicant has addressed concerns regarding noise and protected species at the site:

- Noise was a concern and related to the band playing in the open air and noise at the back of the sports hall. Both of which have been addressed earlier.

- Bat conservation was raised as a concern. There are no proposed changes to the building or range of activities and therefore there is no additional impact that can be considered too impact of local bat populations since the planning application in March 2014.
- A complaint was received regarding a hen party; this type of group will no longer be facilitated at the centre and was a one off complaint.
- Traffic was raised as a potential issue however there is no change of use and the original traffic impact assessment remains valid.
- Responses sent to residents have been appended.

The applicant has provided the following background information on existing uses at the site: Walsall Community Church.

- Been using the Ryecroft community hub since 1999, which started with a Saturday kids club which has run for 15 years attracting up to 70 children.
- Events added on weekends aimed at families, fun days and BBQ's were held inside and outside of the building.
- Pantomimes and training events also held, as well as children's birthday parties. Regular programme of parent and toddlers and Sunday youth night were also introduced.
- The congregation from the church were moved into the centre to hold regular Sunday services to meet a growing demand for a church on the estate.#
- The church use the centre on Saturday mornings up to 103 attendees, Tuesday and Wednesdays and Sundays, 74 attendees for church service and 23 for youth night.

Satori mixed martial arts

- Started at the Dartmouth Centre for 16 years
- Train at Ryecroft community hub Mondays 5pm to 8pm, Tuesdays 4pm to 9pm, Thursdays 6pm to 9pm and Fridays 6pm to 9pm and every 3 months on a Saturday from 1pm to 5pm to grade students.

A detailed time table of all the activities that are undertaken at the centre have been provided, which shows that the centre is in daily use from 7am to 9pm and includes the uses above as well as the gym, bistro/cafe, offices and beauty treatments.

An attendance sheet for the youth centre for the month of November 2014 has been submitted, which shows in the various clubs/groups that are run the attendances vary from 80 to 543.

Details of monthly membership of the gym have also been provided.

The Ryecroft Community Manager has also written to the third parties who have made representations on the application.

The following documents were submitted with planning application 14/0141/FL.

A Design and Access Statement which states:

- The Community Hubs project was developed during 2013 to understand how community services can be delivered more effectively in light of the significant funding cuts that will affect public services. Two pilot areas were selected Ryecroft and Moxley to consider how local community organisations can be engaged in the delivery and co-ordination of services and ensure that residents access more services that are available.
- Ryecroft NRC was established as the key organisation in the Ryecroft Community Hub project. As part of this, the organisation considered Dartmouth House, did not have good facilities and required around £280k just to modernise the property. The board considered alternative premises in the local area and was offered the two Council properties in New Forest Road (the youth centre and Property Services offices) that were either empty or underused.
- The Community Hub project has ambitious plans to develop the youth centre as a youth and community centre and the Property Service offices as an enterprise centre, where new social enterprises can be established.

A statement entitled “Ryecroft community Hub” has been submitted which states:

- A major work activity in the Ryecroft Hub has been the development of self-employment and support to micro enterprises as a route to employment. This is partly a response to the perceived number of jobs available in the local area as well as building on the skills and experiences of Ryecroft NRC. Some the activities already started or planned to start very shortly include the following:
 1. training in IT, employability, personal development and business studies to City & Guilds, Cisco and Microsoft accreditations
 2. self-employment and small business club, with business networking events and development workshops
 3. job club for local unemployed people with support from Jobcentre Plus, Prince's Youth Trust, training agencies and other local community organisations,
 4. young enterprise - a school holiday enterprise that will allow young people the opportunity to see all aspects of running a business with support from local schools, Walsall College and Children's University.
- Three local enterprises have already committed to operate from the Enterprise Centre when refurbished – a local printer, a gym and a beautician. Walsall Foster Carers Association will also be based at the Enterprise Centre.
- Other activities that will start after the refurbishment include:
 1. A range of health activities targeted at local residents led by Public Health, WHG and NHS Lifestyles Team, covering exercise, diet, awareness and well-being.
 2. young people's holiday clubs providing supervised holiday activities for 4-12 year olds – the activity delivered in summer 2013 gave students from Wolverhampton University experience of running their own enterprise,
 3. an allotments scheme on part of the Ryecroft site that will provide plots for young people to grow fresh vegetables with support from Goscote Green Acres,
 4. A new local enterprise is planning to run tea dances and a friendship club for elderly residents which will provide light exercise and companionship.

A Transport Statement has been submitted which states – the site is located to take advantage of well developed and permeable pedestrian network. The site lies in close proximity to frequent bus services and to local and national cycle routes. The site is also very close to local facilities, including a school, nursery and shops which would encourage linked trips.

The site lies 347m from Coalpool/Ryecroft Local Centre.

Relevant Planning History

14/0141/FL – 28 New Forest Road - Change of use of office building to D2 - Community and leisure with ancillary bistro/cafe, beauty treatment, gymnasium, offices and replacement ramp to front of premises. Granted on 8th August 2014 with planning conditions which are summarised below:

1. time limit
2. plans list

3a and 3b. Details of plant, machinery or equipment used for the purpose of providing ventilation and air conditioning to be submitted, details shall show plant, machinery or equipment to be situated within the building structure, or in acoustically designed enclosures, or at suitable locations. The works to be carried out in accordance with approved details and retained and maintained at all times.

4a Details of:

- an odour arrestment system serving hot food cooking points
- a plan showing the flue serving the hot food cooking points shall terminate at least 1 metre above the building roof level or building ridge level (whichever is the highest)
- details of anti vibration mounts
- Manufacturer's details of the odour arrestment system and flue
- external finish of the flue

4b. The cafe / bistro shall not operate until the approved details have been installed and are fully functional. The approved details shall be retained and maintained at all times.

5a and 5b. Details of litter bins and waste storage to be submitted and retained and maintained.

6a, 6b and 6c. Details of a grease trap to be installed within the cafe / bistro to be submitted, a visual inspection to take place and the grease trap to be retained and maintained at all times.

7a and 7b. Details of any external lighting shall be submitted and retained and maintained at all times.

8a and 8b. Details of the proposed communal cycle shelter facility to be submitted thereafter be retained and used for no other purpose.

9. Public address (P.A.) and any other loud speaker systems associated with any music, drama, dance, vocal or similar performance, recording activity and production or reproduction of music, vocal and other sounds shall only be operated internally and between the permitted opening hours.

10. No permanent public address facility shall be installed.

11. Musical instruments shall only be used internally between the permitted opening hours inclusive.

12. Windows and doors in external wall and roof elements that serve rooms and areas used for music, vocal and dance performances, and/or rehearsals, and/or recording, shall remain closed when in such use for these purposes.

13. The premises shall only operate between the hours of 8am and 8pm Mondays to Fridays and 8am to 6pm on Saturdays with no Sunday, bank or public holiday opening.

14. The beauty room, gymnasium, bistro / cafe and offices hereby approved shall operate as ancillary facilities to the overall use of the building and shall not operate as independent businesses or operate independently.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

The NPPF was published on Tuesday 27th March 2012. It cancels and replaces all PPGs and PPSs (except for PPS10 'Planning for Sustainable Waste Management'), several Mineral Policy Statements and Planning Guidance, a number of Circulars and several Letters to Chief Planning Officers.

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

All the core planning principles have been reviewed and those relevant in this case are:

- Enhance and improve the places in which people live their lives;
- Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- Support town centres and a town centre first approach for retail, leisure, commercial, office, tourism, cultural, and community uses;
- Always require high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

Key provisions of the NPPF relevant in this case:

1. Building a strong, Competitive economy

18. committed to securing economic growth in order to create jobs.

19. support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

2. Ensuring the vitality of the town centre

23. planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- promote competitive town centres that provide customer choice
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

4: Promoting Sustainable Transport

29. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.

32. opportunities for sustainable transport modes should be taken up depending on nature and location of site and safe and suitable access to the site can be achieved for all people.

35. Plans should protect and exploit opportunities for the use of sustainable transport modes

7. Requiring good design

56. The Government attaches great importance to the design of the built environment.

Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should

be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.

Planning policies and decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

8. Promoting healthy communities

70. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

On planning obligations and conditions the NPPF says:

Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

Costs imposed on developments should pay careful attention to viability and take account of market conditions.

On decision-taking the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was

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published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advises that *"... due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."* To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist' (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity.

This checklist has been published on the BCCS and Council websites. Cabinet on 24th July 2013 resolved to endorse the assessment undertaken by officers from the four local authorities and agreed that the Black Country Core Strategy is consistent with the National Planning Policy Framework, so that the Core Strategy policies should be given full weight in planning decisions.

ENV3: Design Quality - Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits.

CSP4 Place Making – hierarchy of centres will provide a focus and concentration for essential local services.

CEN6: Meeting Local Needs for Shopping and Services

CEN7: Controlling Out-of-Centre Development

TRAN1: Priorities for the Development of the Transport Network

TRAN4: Creating Coherent Networks for Cycling and for Walking

TRAN5: Influencing the Demand for Travel and Travel Choices

It is considered in this case that the relevant provisions of the BCCS can be given full weight

Walsall's Unitary Development Plan (UDP) (2005)

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

Policies that have been saved and not replaced by the BCCS remain part of the development plan. However, in such cases the NPPF says *"due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)"*.

The relevant policies are:

3.6, 3.7 & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

3.113, 3.114, 3.115, ENV32 and 3.116: Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

ENV11: Light Pollution – significant external lighting will not be permitted unless minimum amount of light spillage is proposed.

ENV14: Development of Derelict and Previously-Developed Sites – encourage the development of previously developed land.

ENV23 New development to take full account of existing features of value for wildlife or geology.

Where loss or damage of existing features is unavoidable, the Council will require mitigation measures to which adequately compensate for the features lost. The nature and extent of mitigation works required shall be appropriate to the size and quality of the feature lost or damaged. This part of this policy will apply to sites which are used by species protected by European law and/or British legislation.

ENV35 The design of frontages to shops and other commercial premises should be appropriate to their setting and sympathetic to the building on which they are situated. In considering proposals

for shop fronts, shutters and grilles, canopies, blinds and signs, the Council will take the following factors into account:-

- I. The architectural and historic merits of the building.
- II. The character of the area in which they are located.
- III. The prominence of the building.
- IV. Whether the building is subject to surveillance by CCTV.
- V. Any exceptional justification for the proposal.
- VI. Any proposals and initiatives for the enhancement of the centre in which they are located.

3.121 Shop front alterations, and security shutters and grilles in particular, can have a significant effect on the appearance of an area. This policy seeks to reconcile the need to protect the amenity of an area.

S1 identifies a food and drink and hot food take-aways, offices, beauty facilities and gymnasiums as a town centre uses.

S6: Meeting Local Needs

Out-of-centre development may be appropriate to meet such specific local needs - otherwise proposals for additional out-of-centre development for town centre uses will be considered against policy S7. Therefore, new small-scale local facilities, or extensions to existing facilities, will be permitted if it can be shown that all of the following requirements will be met:-

- I. The proposal is of a scale and kind to meet a local need for improved facilities.
- II. The local need cannot be better met by investment in a nearby centre.
- III. There will be no likelihood of an adverse impact on the vitality and viability of any established centre in the Borough or elsewhere within the affected catchment area.
- IV. There will be no impact on existing local provision such as to leave some local needs unmet, contrary to efforts to promote social inclusion.
- V. The proposal will improve accessibility to facilities by means other than the car and, in particular, will be within convenient, safe walking distance of the community it is intended to serve.
- VI. The proposal will help to reduce the need to travel, especially by car.
- VII. There must be no significant loss of amenity for neighbouring homes. To ensure this, the establishment of shops or other uses that attract the public in terraced properties adjoining dwellings will not normally be permitted.
- VIII. Servicing and parking associated with the proposed use must not create any significant road safety or traffic problems.

S7: Out-of-Centre and Edge-of-Centre Developments – proposals for out of centre will need to meet the 7 tests set out in this policy.

S10 advises that hot food takeaways and restaurants will be appropriate in Local Centres and in some shopping and commercial frontages subject to the following considerations:

The use proposed must not adversely affect the amenities of existing or proposed dwellings (including those on upper floors above commercial premises) by reason of noise, smell disturbance or traffic impact. Where there are existing activities which are open during the late evening, the Council will have regard to the cumulative impact on residential amenity.

Where the Council is minded to grant planning permission, the closing time for hot food take-aways will be considered in relation to the amenities of nearby dwellings – both existing and proposed – where these are likely to be affected. In such locations, the Council will usually impose a condition requiring the premises to close at 23:00 hours Mondays to Friday and 23:30 hours on Saturdays. Later opening hours and Sunday opening will be considered on their merits.

Permission will not be granted where the absence of adequate off street parking would likely to lead to on street parking in a hazardous area.

Permission will only be granted where fume and fume extraction equipment can be positioned to avoid potential problems of noise, vibration and/or odour nuisance for nearby occupiers and the equipment will not be detrimental to visual amenity.

T4 - The Highway Network

T7: All development should satisfy the car parking standards set out in Policy T13.

T13: car parking standards

4 car parking spaces for establishments with a gross floorspace up to 50 square metres then 1 space per 22 square metres.

It is considered in this case that the relevant provisions of Walsall's saved UDP policies are consistent with the NPPF

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with the NPPF policy. The relevant SPD's are;

Designing Walsall

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies. The following are the relevant policies;

DW3 – Character -design to respect and enhance local identity;

Consultations

Transportation –To be updated at planning committee.

Pollution Control Contaminated Land Team – No objection.

Pollution Control Scientific Team – To be updated at planning committee.

Environmental Health – To be updated at planning committee.

Ecology – To be updated at planning committee.

Public Participation Responses

Four letters have been received objecting to the proposal on the following grounds:

- works commenced without planning permission
- opening hours proposed are too late
- bats are present in the building
- noise from traffic using site, beeping of horns, general loudness from people using the site, foul language and alcohol consumed on the site.
- existing noise problems on the site in the week where residents are unable to sleep
- Sunday opening unacceptable
- intrusion of privacy
- litter
- affect future saleability of property.
- traffic issues

All letters of representation are available for inspection upon publication of this committee report.

Determining Issues

- Background
- Principle of development
- impact upon bats
- Impact on neighbouring residential properties
- Parking and access
- Planning conditions

Observations

Background

The Community Hubs project was developed during 2013 to understand how community services can be delivered more effectively. Two pilot areas were selected; Ryecroft and Moxley to consider how local community organisations can be engaged in the delivery and co-ordination of services and ensure that residents access more services that are available.

Ryecroft NRC was established as the key organisation in the Ryecroft Community Hub project. As part of this, the organisation considered that Dartmouth House did not have good facilities and required around £280k just to modernise the property. The board considered alternative premises in the local area and was offered the two Council properties in New Forest Road (the youth centre and Property Services offices) that were either empty or underused.

The Community Hub project has ambitious plans to develop the youth centre as a youth and community centre and the Property Service offices as an enterprise centre, where new social enterprises can be established.

Principle of development

The principle of development has been accepted through the granting of permission under planning reference 14/0141/FL for the change of use of office buildings at 28 New Forest Road to D2 - Community and leisure with ancillary bistro/cafe, beauty treatment, gymnasium, offices and replacement ramp to front of premises in August 2014.

Under planning reference number 14/0141/FL the red line extended around both the former property services offices and the existing youth centre on the site. The planning conditions imposed on planning reference number 14/0141/FL apply to both buildings.

This current application has been submitted to allow flexibility of the opening hours for the youth centre, so that they can operate as they have done historically.

Objectors have stated that works to number 28 New Forest Road commenced without planning permission. At the time planning application 14/0141/FL was considered, there was no guarantee planning permission would be granted so any works that commenced were undertaken at the applicant's own risk.

Impact upon bats

Neighbouring residents have stated that there are bats present and later opening hours would impact upon them. The applicant states that there are no proposed changes to the building or range of activities and therefore there is no additional impact that can be considered to impact on local bat populations since the last application was considered in 2014.

The Ecology Officer's comments will be updated at Planning Committee.

Impact on neighbouring residential properties

Surrounding residents have raised issues that the opening hours are too late, Sunday opening is unacceptable and there are existing noise problems which impacts on neighbouring amenity, in particular late night noise and general disturbance from traffic using site, beeping of horns, general loudness from people using the site, foul language and alcohol consumed on the site. They also state existing noise problems on the site during the week where residents are unable to sleep.

Both number 28 New Forest Road and number 40 New Forest Road, youth centre have been operating for a number of years as offices and multiple social uses/clubs/groups. Some of the activities were relocated to New Forest Road after the closure of Dartmouth House. The youth centre has been operating from 7am to 9pm and the offices being utilised during normal working

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hours and during the evening for training/courses. The planning application for the conversion of the offices at 28 New Forest Road stipulated planning conditions which applied to both the offices and the existing youth centre, as they were both included within the red line. The application seeks to vary the hours of operation condition to allow an additional hour opening during the week and extending the opening hours to weekends including bank and public holidays to allow the existing uses to operate.

The applicant has advised that noise was a concern and related to a band playing in the open air and noise at the back of the sports hall. They state that they have addressed this issue with stipulating no external activities that create noise such as marching bands will be allowed outside of the building and all activities will remain inside the building and no amplified music or voice systems will be used before 9am or after 8pm and will not be used externally.

They also state that all doors and windows will remain closed during activities and that there are two fans without noise baffles, the fans are not necessary and will either have a noise baffle installed or be removed and the opening bricked up. The rear doors will have an absorbent material fixed to them to reduce any impact noise from balls used in sports striking them and to reduce airborne noise transmission.

With regards to the community hall, this can accommodate 150 people, however, it is proposed that a maximum of 50 people be allowed to participate in sports at any one time and the full capacity of the community centre will only be utilised on a maximum of 6 times per year.

Environmental Health have confirmed that no noise complainants from surrounding residential occupiers have been received. The applicant appears to be addressing issues which have in the past raised issues with noise. On this basis, it is considered the additional later opening in the evening until 10pm and the weekend and bank and public holiday opening would not unduly impact upon the amenities of the surrounding residential occupiers on noise grounds that would warrant a refusal of the proposal. The proposed extended opening hours in the evening and weekends would still allow surrounding residents to have a reasonable level of peace and quiet at a time when residents would be putting children to sleep and settling down for the evening. Any noise issues can be resolved through Environmental Health Legislation.

Pollution Control Officer's comments regarding noise will be updated at Planning Committee.

Objectors have raised concerns about intrusion of privacy. The existing buildings are set off the boundary and have been used commercially for a number of years. It is considered that the retention of the existing uses on the site and the proposed uses already granted under planning reference 14/0141/FL would not unduly impact upon the privacy of neighbouring properties to warrant refusal of the application.

Objectors have raised concerns that the proposal would affect the future saleability of their property. The existing buildings on the site were there when the estate was built, so potential occupiers would be aware that these community buildings exist and would be utilised by the community.

Objectors have raised concerns over litter; a planning condition could be implemented to ensure litter bins around the site are submitted and installed.

Parking and access

Objectors have raised traffic issues. The application seeks to allow flexibility to the opening hours. The site is also in a residential area where residents would walk to the facilities. It is considered that the use of the site for community facilities within a residential area would not unduly impact

upon the amenities of the neighbouring occupiers in terms of traffic issues to warrant refusal of the application.

The Highway Officer's comments regarding noise will be updated at Planning Committee.

Planning conditions

Planning reference 14/0141/FL stipulated a number of planning conditions, with some of those being pre-commencement conditions which have to be amended or varied and these have been addressed below. The details requested under the pre-commencement were not submitted and the use has been implemented. It is considered these details can be requested by allowing the applicant a further 3 months to submit the details, as opposed to taking planning enforcement action against non compliance of planning conditions.

Planning conditions 1, 2, 9, 10, 11, 12 and 13 to remain as existing.

Planning conditions 3a, 4a, 5a, 6a, 7a and 8a will be varied to allow the applicant to submit the relevant information within 3 months of the date of the permission.

Planning condition 14 to be varied to 8am to 10pm Mondays to Saturdays and Sundays 8am to 9pm for the site generally and 8am to 10pm for the restaurant.

It should be noted that due to the amendments to the conditions, the numbering has been revised to reflect the necessary changes.

Positive and Proactive Statement

The proposal would allow the existing uses on the site to operate as they have done for a number of years, allowing the local community to fully use these facilities.

Recommendation: Grant Permission Subject to Conditions

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

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

2. The works hereby approved shall only be carried out in accordance with the following drawings:

- location plan submitted on 24th January 2014
- Block plan received on 24th January 2014
- Car parking plan received on 13th May 2014.
- Drawing number RC02/A entitled existing and proposed elevations and layout submitted 13th may 2014.

Reason: To define the permission.

3a. Within 3 months of the date of this permission, details of plant, machinery or equipment used for the purpose of providing ventilation and air conditioning shall be submitted to and approved in writing by the Local Planning Authority. The details shall show plant, machinery or equipment to be situated within the building structure, or in acoustically designed enclosures, or at suitable locations.

3b. The development shall be constructed in accordance with the approved details and retained and maintained at all times.

Reason: To protect the amenity of the occupiers surrounding the premises.

4a. Within 3 months of the date of this permission, details of:

- an odour arrestment system serving hot food cooking points
- a plan showing the flue serving the hot food cooking points shall terminate at least 1 metre above the building roof level or building ridge level (whichever is the highest)
- details of anti vibration mounts
- Manufacturer's details of the odour arrestment system and flue
- external finish of the flue

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

4b. The cafe / bistro shall not operate until the approved details have been installed and are fully functional. The approved details shall be retained and maintained at all times.

Reason: To ensure the proposed cafe / bistro is provided with adequate flue extraction and safeguard the amenities of the occupiers of surrounding residential premises.

5a. Within 3 months of the date of this permission, details of:

- Litter bins outside the premises within the site
- Details of the arrangements for the storage and disposal of waste, including details of any bin stores.

Shall be submitted in writing to the Local Planning Authority.

5b. The development shall be completed in accordance with the approved details and retained and maintained at all times.

Reason: To ensure the proposed cafe / bistro is provided with adequate measures to address litter and waste.

6a Within 3 months of the date of this permission, details of a grease trap to be installed within the cafe / bistro shall be submitted to and approved in writing by the local planning Authority.

6b. Only the approved grease trap shall be installed and once it is installed the applicant shall notify the Local Planning Authority in writing, so that a visual inspection can take place.

6c. The grease trap shall remain at all times and retained and maintained at all times.

Reason: To prevent greases entering the drainage system and to prevent pollution.

7a. Within 3 months of the date of this permission, details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority.

7b. Only the approved lighting details shall be installed and maintained and retained at all times.

Reason: To safeguard the amenities of the occupiers of surrounding residential premises.

8a. Within 3 months of the date of this permission, full details of the proposed communal cycle shelter facility shall be submitted to and approved in writing by the Local Planning Authority. The shelter shall be secure and covered.

8b. Prior to the development first coming into use, the cycle shelter facility shall be fully installed and brought into use in accordance with the approved details and thereafter be retained and used for no other purpose.

Reason: To encourage sustainable transport modes and in accordance with Policy T13 of the UDP and Policy TRAN 4 of the Black Country Core Strategy.

9a. Within 3 months of the date of this permission, details of litter bins, the position of the litter bins within the site including details of the management of the litter bins shall be submitted to and approved in writing by the Local Planning Authority.

9b. The development shall be completed in accordance with the approved details and retained and maintained at all times.

Reason: In the visual amenities of the area.

10. Public address (P.A.) and any other loud speaker systems associated with any music, drama, dance, vocal or similar performance, recording activity and production or reproduction of music, vocal and other sounds shall only be operated internally and between the permitted opening hours.

Reason: To safeguard the amenities of the occupiers of surrounding residential premises.

11. No permanent public address facility shall be installed.

Reason: To safeguard the amenities of the occupiers of surrounding residential premises.

12. Musical instruments shall only be used internally between the permitted opening hours inclusive.

Reason: To safeguard the amenities of the occupiers of surrounding residential premises.

13. Windows and doors in external wall and roof elements that serve rooms and areas used for music, vocal and dance performances, and/or rehearsals, and/or recording, shall remain closed when in such use for these purposes.

Reason: To safeguard the amenities of the occupiers of surrounding residential premises.

14. The premises shall only operate between 8am to 10pm Mondays to Saturdays and Sundays 8am to 9pm for the site generally and 8am to 10pm for the restaurant.

Reason: To safeguard the amenities of the occupiers of surrounding residential premises.

15. The beauty room, gymnasium, bistro / cafe and offices hereby approved shall operate as ancillary facilities to the overall use of the building and shall not operate as independent businesses or operate independently.

Reason: To safeguard the vitality and vitality of Coalpool and Ryecroft local centre.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 17.

Reason for bringing to committee: Called in by Councillor Andrew who supports the application despite conflict with the Development Plan

Application Number: 15/0343/FL
Application Type: Full application

Applicant: Mr Pat Grundy
Proposal: Two storey side and rear extension
Location: 5 LONGMEADOW ROAD, WALSALL, WS5 3BZ
Ward: Pheasey Park Farm

Case Officer: Mike Brereton
Telephone Number: 01922 658021
Email: planningservices@walsall.gov.uk
Agent: Mr Terry Long

Expired Date: 30/04/2015
Extension of Time Target Date: 30/06/2015

Recommendation Summary: Refuse

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Application and Site Details

The application house is semi-detached with pitched roof and part render / brick exterior finish to front. The nearby street consists of pairs of semis with examples of first floor and two storey side extensions opposite at No.8 and No.10.

This application proposes a two storey side and rear extension providing a kitchen / diner, utility, shower room and replacement garage at ground floor with an extended bedroom and en-suite and two additional bedrooms at first floor. The extension measures 11m long and 8.3m wide (3m to side) at ground floor and 10.2m long by 6.2m wide at first floor to provide a 0.75m set-in from front and 2.1m set-in from the boundary with adjoining semi No.7. The height of extension would be 7.3m to the ridge (0.2m below original ridge) and 4.75m to eaves to match existing. A 1.8m separation distance would be provided to the boundary with No.3.

Relevant Planning History

None.

Planning Policy

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

National Planning Policy Framework (NPPF) www.gov.uk

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Find ways to enhance and improve places in which people live their lives
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy

Black Country Core Strategy

- CSP4: Place Making

- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- DW3 Character
- Appendix D

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

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

Consultation Replies

Transportation (Highways) – No objection subject to inclusion of a condition to provide at least two car parking spaces.

Park Hall Residents Association – To be updated at Planning Committee.

Public Participation Responses

1 objection received on the following grounds:

- Drains not able to take excess surface water and foul water which will roll downhill towards my house (*not a material planning consideration*);
- Lack of space on drive will result in caravan taking up most parking spaces forcing other vehicles to be parked on the road making it dangerous for pedestrians, vehicles reversing out of drives and other road users; and
- The existing caravan is an eyesore (*not a material planning consideration*).

Determining Issues

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

Observations

Design of Extension and Character of Area

The officer considers the proposed two storey extension is of a scale and design that would not harm the character of the area or the appearance of the host dwelling. The use of a pitched roof at 0.2m below existing ridge height along with the 0.75m set-in from front and 1.8m set-in from the

boundary with No.3 is considered would give the appearance that the extension is subservient to the original dwelling and would meet the aims of the Council's anti-terracing policy in Appendix D of the Designing Walsall SPD.

Amenity of Nearby Residents

Distances of between 24m and 40m would be present between rear facing habitable windows from the proposed extension to neighbours at rear (No.12 and No.14 Fallowfield Road) and to numbers 1 to 3 Grove Hill to the side which the officer considers would minimise any potential loss of privacy and meets the minimum 24m distance as required in Appendix D of the Designing Walsall SPD. A sole ground floor side facing window serving a dining room exists at No.3 which is contained within an existing side extension serving a porch. The officer considers additional loss of light and shadowing during late afternoon would occur to this habitable window which would also face the blank side facing wall of the proposal (at only 4.5m distance) and would breach the 45 degree code. The 45 degree code from this window is already breached by the existing single garage within the application site and amended plans have been submitted showing the proposed extension re-positioned at 6m away along this line of sight as opposed to the current 5m which the officer considers to be a positive improvement to the development. The officer also understands the difficult personal circumstances of the applicant leading to the need for additional space at the application house but on balance considers the introduction of a two storey extension when combined with the side facing elevation at only 4.5m away would significantly worsen the existing situation for current and future occupiers of No.3 regarding outlook and loss of light to the habitable dining room window. This would not accord with Appendix D of the Designing Walsall SPD and Policy GP2 of Walsall's UDP. For this reason it is recommended that this application is refused.

Parking

The development would increase the number of bedrooms from 3 to 5, in order to comply with UDP parking policy T13 the applicant would need to provide a parking layout plan for approval demonstrating two 2.4m x 4.8m parking spaces on the property frontage in addition to the proposed replacement garage, which shall be fully consolidated, hard surfaced and drained prior to the development first coming into use. This would be required by condition if members are minded to grant permission. A neighbour objected on the grounds that the lack of space on the applicants drive will result in a caravan taking up most parking spaces forcing other vehicles to be parked on the road making it dangerous for pedestrians, vehicles reversing out of drives and other road users. As advised by the Highways Team above it is considered the front drive can provide sufficient space to park two cars to meet the Council's parking policy requirements. There are currently no restrictions to on-road parking along this section of the street and the officer considers any further parking requirements within the applicant's boundary would be unreasonable in this case.

Positive and Proactive working with the applicant

Officers have discussed necessary changes with the applicant's agent to minimise the impact on the neighbours sole habitable dining room window at No.3 and revised plans have been submitted to reduce the width of extension to 3m to the side but considers that insufficient amendments have been made to enable the proposal to be supported in this instance.

Recommendation: Refuse

The officer recommends this application is refused for the following reason:

1: The proposed extensions would breach the 45 degree code to a sole side facing habitable dining room window at No.3 Longmeadow Road which would also face the blank side facing wall of the proposal at only 4.5m distance (below the minimum 13m distance required in Appendix D of the Designing Walsall SPD). It is considered the proposal would significantly worsen the existing situation with regard to outlook and loss of light to the habitable dining room window at No.3 and is therefore contrary to the Core Planning Principles of the NPPF, saved policy GP2 of the UDP and Appendix D of the Designing Walsall SPD.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 18.

Reason for bringing to committee: Called in by Councillor Sohal

Application Number: 15/0407/FL

Application Type: Full application

Applicant: Mr Faruk Udin

Proposal: New first floor bedroom and shower room extensions to south west side of dwelling.

Location: 18 QUEENS ROAD, WALSALL, WS5 3NF

Ward: Paddock

Case Officer: Helen Smith

Telephone Number: 01922 652606

Email: planningservices@walsall.gov.uk

Agent: Sueshire Services

Expired Date: 12/05/2015

Extension of Time Target Date: 30/06/2015

Recommendation Summary: Refuse

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Status

Councillor Sohal has called this application before planning committee because he considers the proposed development would not be detrimental to the character or to the area.

Application and Site Details

This application is a revised proposal following the refusal of a previous planning application and appeal dismissal.

The application house is a large detached house, with an existing 'cat-slide', asymmetric roof design, fronting the road junction with Paddock Gardens. The existing house includes a large 'granny flat' (known as 18a) to the side of the property, near to Paddock Gardens. There are mature conifer trees on the corner of the application plot adjacent to Paddock Gardens.

The application plot is 20 metres wide fronting Queens Road and 35 metres in depth with the existing house occupying the full width of the plot.

The street has a residential character of large, individually designed, detached houses with mature gardens. Paddock Gardens is a more recently built housing development to the rear and side of no. 18 and consists of detached houses. There is a mature Lime tree to the front of the application house which is not subject to a Tree Preservation Order.

There is a 2 metres wide, grass verge separating the application plot from the public footpath serving Paddock Gardens.

This revised application proposes first floor extension to one, rather than both sides of the house as previously proposed, fronting Paddock Gardens. This proposal would add a shower room and fifth bedroom and would be built above the existing 'cat-side' asymmetric roof.

The extension would be L-shaped and would have dual hipped roofs 0.6 metres lower than the existing ridge. The width of the forward section would be 3.2 metres, with a set-back of 2.3 metres from the front elevation, and the rear section 5.6 metres wide. Front, side and rear facing windows would be installed at first floor with the side facing window serving a non-habitable room.

This proposal would be positioned on the opposite side of the application house to no. 16 Queens Road.

The rear garden of no. 8 Paddock Gardens forms the rear boundary of the application site and is positioned at right angles to no. 18 with the side elevation facing the rear of no. 18. No. 8 has side facing non-habitable room windows plus a ground floor secondary, side facing, habitable room window separated from the rear elevation of no. 18 by a distance of 16 metres. There is a 1.8 metres high timber fence along the rear boundary of no. 18.

The proposed side extension would be separated from the side elevation of no. 1 Paddock Gardens by a distance of 14 metres. This house has a first floor side facing non-habitable room windows facing no. 18.

Relevant Policies

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf
National Planning Policy Framework (NPPF) www.gov.uk

The NPPF sets out the Government's position on the role of the planning system in both plan-

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making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

All the **core planning principles** have been reviewed and those relevant in this case are:

- Find ways to enhance and improve places in which people live their lives
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

Key provisions of the NPPF relevant in this case:

- **NPPF 7 - Requiring good design**
- **NPPF 11 - Conserving and enhancing the natural environment**

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework System, and the NPPF says that for 12 months from the publication of the national framework "*decision-takers may continue to give full weight to relevant policies*". However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall's UDP) the NPPF advised that "...due weight should be given to relevant policies....according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater weight they may be given)." To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a 'Compatibility Self-Assessment Checklist (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity.

This checklist has been published on the BCCS and Council websites. Cabinet on the 24 July 2013 resolved to endorse the assessment undertaken by officers from the four local authorities and agreed that the Black Country Core Strategy policies should be given full weight in planning decisions.

The relevant policies are:

CSP4: Place Making

ENV1, ENV2 and ENV3 states that all development should aim to protect and promote nature conservation, the special qualities, design quality and local distinctiveness of the Black Country.

Walsall's Unitary Development Plan (UDP)

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

Policies that have been saved and not replaced by the BCCS remain part of the development plan. However, in such cases the NPPF says “*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*”.

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VII. The adequacy of the access, and parking.

ENV32: Design and Development Proposals.

- (a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant in the following locations:-
 - On a visually prominent site.
- (b) When assessing the quality of design of any development proposal the Council will use some or all of the following criteria:-
 - The appearance of the proposed development.
 - The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.
 - The effect on the local character of the area.

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13.

T13: Parking Provision

1, 2 and 3 bedroom houses 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

It is considered in this case that the relevant provisions of Walsall's saved UDP policies are consistent with the NPPF.

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The relevant SPDs are:

Designing Walsall SPD

Provides guidance on how to achieve good urban design within Walsall, including a range of key issues that developers must address. For residential developments, Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area.

Conserving Walsall's Natural Environment SPD

Identifies those features of the natural environment which the Council requires to be properly considered in proposed for development such as protected species and any natural land forms on the site i.e. existing trees and hedgerows.

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

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

Relevant Planning History

14/0641/FL - First floor side extensions - refused permission 30/07/15 on the following grounds;

- 1. The excessive width of the proposed first floor plus the introduction of blank elevations fronting Queens Road are considered would unbalance the appearance of the host dwelling by adding disproportionate additions which fill the width of the existing plot. The combination of both side extensions is considered would detract from the character and design of the existing property and would have a detrimental impact on the character of the street.*
- 2. The introduction of a first floor flat roof in a prominent position facing Paddock Gardens is considered would have a jarring impact when viewed against the existing house and represents poor design. The proposal is considered would have a detrimental impact on the appearance of the existing house and street scene.*

This decision was appealed by the applicant and was dismissed on 14/10/14 (Planning Inspectorate Reference no. APP/V4630/D/14/2224729) and was considered would be harmful to the established character of the area.

BC38240P - Kitchen Extension - granted subject to conditions on 7/4/93

P36119 - Erection of Double Garage - granted subject to conditions on 17/5/72

P26980 - Extensions to existing house - granted subject to conditions on 16/11/66

Consultation Replies

Natural Environment Team, Ecology – No objections

Representations

None

Determining Issues

Whether the application has addressed the reasons for refusal of the previous application and the Planning Inspector's concerns, or raises any new issues in respect of the;

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

Observations

Previous Refusal Reasons

Whilst the scale of the proposed additions has been reduced by the removal of the proposed first floor extension next to no. 16, it is considered that the prominent location of this proposal at the T-junction with Paddock Gardens, with long views from Charlemont Road, when combined with the scale and mass would remove the feeling of separation from Paddock Gardens. The Planning Inspector considered that the extension above the existing 'cat-slide' roof would "contrast awkwardly with the existing hipped roof form" and the current proposal does not address this concern.

The removal of the previous flat roof design and additional windows are considered to be helpful changes but are considered do not overcome the local planning authorities or the Planning Inspector's concerns that this proposal is unsympathetic to the style of the existing house and spacious character of the area. Whilst there are mature conifer trees to the front of the application plot it is considered that these would only provide limited screening of the extension from certain angles and there is no guarantee that they would not die or be removed in the future.

The amended proposal is considered to have not overcome the first refusal reason and the planning application is recommended for refusal.

Amenity of Nearby Residents

Side facing windows in no. 1 and 8 Paddock Gardens serve non-habitable rooms or are secondary habitable room windows. Such windows are currently not afforded the same level of protection by planning guidance as habitable room windows.

The proposed extension would be on the opposite side of the application house to no. 16 and is considered would have little additional impact on surrounding neighbours' existing light and amenity.

Protected Species

This is a site where a bat survey was required because of the location of the application site and the potential to disturb any bat roost present by the works proposed. A bat survey by S Christopher Smith dated 11 July 2014 was received in support of a previous application for very similar development at this site. While this survey is getting towards its sell-by date, the Council's Ecologist is happy for it to be accepted for this current application. This report responded to different proposals to those now proposed but the current application proposes lesser works which will not affect the places with potential to support bat roosts. There are no ecological objections to the proposal subject to the inclusion of planning conditions to conserve local bat populations if this application is granted permission.

Trees

The Council's Tree Officer previously advised that Lime tree at the front of the property (not protected by a Tree Preservation Order) has moderate arboricultural value. The tree occupies a small strip of land between no.18 & no. 16 Queens Road and as there is limited room to store materials on this strip of land or adjacent the tree itself, it is considered that the likelihood of irreparable damage being done to the tree during any construction works is very small and the installation of protective fence during construction would be unnecessary.

Parking

Whilst this proposal would increase the total number of bedrooms at the property from 5 to 8, UDP Policy T13 only requires the provision of 3 off-road parking spaces for 4 or more bedrooms. The application house has two existing garages and driveways which provides a parking provision in excess of three parking spaces.

Positive and Proactive Working with the Applicant

The Government encourages applicants to seek pre-application advice prior to submitting applications to ensure that the proposal meets the aims and objectives of local and national policy. This can be written, by telephone or by looking at the Council's website. In this case there has been pre-application discussion and the applicant has chosen to submit the amended proposal without taking on board all of the concerns of the Local Planning Authority and Planning Inspectorate.

Recommendation: Refuse

1. The prominent location of this proposal at the T-junction with Paddock Gardens, and with long views from Charlemont Road, when combined with the bulk, scale and mass are considered would remove the feeling of separation from Paddock Gardens and would contrast awkwardly with the existing asymmetric roof form to the detriment of the existing house and spacious character of the area. The proposal would therefore be contrary to the National Planning Policy Framework including paragraph no's 56, 57, 58, 63 and 64; The Black Country Core Strategy policies CSP4, ENV2 and ENV3 and Walsall's Unitary Development Plan, in particular policies GP2, ENV32 plus Appendix D of Designing Walsall SPD.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 19.

Reason for bringing to committee: Called in By Councillor Chris Jones

Application Number: 15/0338/FL

Application Type: Full application

Applicant: Mr Chaudrhy

Proposal: Single storey side and rear extension

Location: 33 PARKVIEW CRESCENT, WALSALL, WS2 8TY

Ward: Birchills Leamore

Case Officer: Barbara Toy

Telephone Number: 01922 652615

Email: planningservices@walsall.gov.uk

Agent:

Expired Date: 29/04/2015

Extension of Time Target Date: 30/06/2015

Recommendation Summary: Refuse

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Status

Councillor Jones has called the application in to Committee as he considers that Members should debate the reason for not approving the application when there are larger developments (one currently under construction) in close proximity to the site and there have been quite a few development in the area.

Application and Site Details

The site is situated on the eastern side of Parkview Crescent at a point where the road bends resulting in the property having front and side aspects facing the highway. The site comprises a two storey detached house with front door facing the side (west) and a detached single garage to the north at the bottom of the garden. A single storey rear extension 3m in depth the full width of the house has recently been constructed under permitted development. A boundary fence parallel to the street encloses the rear garden with a grass verge (between 3.5m and 4.2m wide) between the fence and the back of pavement.

The road comprises predominantly semi detached houses with front driveway parking, set within a residential estate.

The properties to the east of the site comprise semi detached houses stepped to the south following the angle of the road and are of a different style to the application property with large dormers across the frontage and the rear as part of the original design of the house. No 35 immediately adjacent has an existing singles storey side extension almost the full depth of the house with a further single storey rear extension to provide a ground floor bedroom and lounge extension. No 31 set to the north on the corner of a cul de sac within the road is a similar property to No 35 and has a single storey flat roofed extension to the side towards the street, up to the line of the boundary fence and has a similar detached single garage at the end of the garden. The extension projects beyond the rear of the main house by approx 1.5m.

This is a revised application following a previous refusal for a single storey side, rear and front extension.

This application now proposes a single storey side extension only. The extension would have a total length of 13m (to the detached garage) set along the line of the existing boundary fence, parallel to the street, set back 3.5m from back of pavement at the closest point. The extension would project 3.7m from the side of the house and extend to 4m wide beyond the rear elevation of the house. The extension would provide a bedroom, bathroom and dining room and would have a dual pitched roof on the rear element and mono pitched roof along the side of the main house, with a maximum height of 3.7m. The extension would project 9.3m beyond the rear of the original house and 6.3m beyond the recent single storey rear extension.

The existing detached garage would be retained together with a parking space in front of it with a third new parking space proposed parallel to the road on the grass verge adjacent. 61sqm of amenity space would be retained within the rear garden.

Relevant Planning History

Application 14/0059/FL: Single storey side and rear extension. Refused 5.3.15

1. The size, design and layout of the proposed extensions would be out of character with the existing house and the side extension would be dominant within street scene and would have a detrimental impact on the character and amenity of the area and the surrounding pattern of development. The development would therefore be contrary to the National Planning Policy

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Framework in particular paragraphs 56, 57, 58 and 64, the Black Country Core Strategy policies ENV2 and ENV3 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall.

2. The proposed rear extension would conflict with the 45 Degree Code and have an adverse impact on the amenities of the occupiers of No 35 Park View Crescent in terms of loss of light and outlook. The development would therefore be contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58 and 64, the Black Country Core Strategy policies ENV2 and ENV3 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall Appendix D.

3. The proposals fail to demonstrate that three off street parking spaces could be provided within the site to ensure compliance with policy T13 of the Walsall Unitary Development Plan.

Relevant Planning Policy Summary

National Planning Policy

National Planning Policy Framework (NPPF)

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Take account of the different roles and character of different areas, promoting the vitality of our main urban areas

Key provisions of the NPPF relevant in this case:

- ***NPPF 7 - Requiring good design***

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

Local Policy

Black Country Core Strategy

- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality

Unitary Development Plan

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

Supplementary Planning Document

Designing Walsall

- Policy DW3 Character
- Appendix D

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

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

Consultations

Pollution Control – The property is located in an area that previously contained a heap of unknown material which may have resulted in hotspots of contaminated soil that may present health and safety implications for persons undertaking ground works. Note to applicant recommended.

Highways Officers – No objections subject to condition to ensure that the parking spaces and garage are retained and used for no other purpose.

Public Participation Responses

One letter of objection received from two properties.

Objections:

- This is a second extension in 6 months, a single storey kitchen extension erected 5 months ago (Officers note: this relates to an extension to the rear which was completed under permitted development powers.)
- The proposed extension would overlook 16 and 18 Parkview Crescent, loss of privacy and impact on the enjoyment of homes and gardens.
- The building will be visibly overbearing and out of character within the housing estate
- The size of the extensions added to the house is totally out of keeping with neighbouring properties which are smaller semi detached houses
- Parking will be adjacent to gardens causing noise and pollution
- Property on the corner of a narrow road, existing traffic problems from parked cars and vans (photo provided) which creates a safety hazard for motorists and pedestrians.

All letters of representation are available for inspection upon publication of this committee report.

Determining issues

Whether the proposals overcome the previous reasons for refusal in terms of

- Impact on the street scene and character of the area
- Impact on the occupiers of 35 Parkview Crescent
- Parking provision

Observations

Impact on the street scene and character of the area

The application has been amended and now the proposals no longer include a single storey front extension.

The proposed side extension whilst slightly narrower than the previous proposals (now 3.7m increasing to 4m previously 3.7m increasing to 5.3m wide) is now 1.3m longer than the previous refused extension. The length of the previous extension was considered excessive. The extension is now proposed to extend all the way to the existing single storey detached garage, which is considered would be detrimental to the overall design of the property and would increase the overall impact and dominance of the extension within the street scene. It is considered that the proposals fail to overcome the first reason for refusal on the previous application and the increased length of the proposals would increase the dominance of the extension within the street scene and have a detrimental impact on the character of the area.

Impact on the occupiers of 35 Parkview Crescent

Reason for refusal two on the previous application related to the single storey rear extension and the adverse impact it would have on the occupiers of No 35. The rear extension has now been completed as permitted development. Whilst this extension may still have an adverse impact on light and outlook for the occupiers of No 35, this no longer forms part of this planning application, so this reason for refusal no longer applies.

Parking provision

The proposals now demonstrate 3 off street parking spaces within the site boundary. The existing garage and a space in front of it and a further space on the grass verge area at back of footpath, parallel to the road. This space would not be easily accessible if a vehicle was already parked in front of the garage, but the site would be under single ownership and the parking arrangements would be managed by the household. The site is in a residential street with no through traffic and the Highway Authority consider that the development would not have a severe transportation implications and would comply with para 32 of the NPPF. Whilst the number of spaces would comply with policy T13 and overcome the previous reason for refusal, it is considered that the additional hard standing in place of a grass verge at the back of pavement would have an adverse impact on the general street scene and would be out of character with the area.

Recommendation: Refuse

1. The size, design and layout of the proposed extension would be out of character with the existing house and together with the proposed parking space would be dominant within street scene and would have a detrimental impact on the character and amenity of the area and the surrounding pattern of development. The development would therefore be contrary to the National Planning Policy Framework in particular paragraphs 56, 57, 58 and 64, the Black Country Core Strategy policies ENV2 and ENV3 and Walsall's saved Unitary Development Plan, in particular policies GP2 and ENV32, and the Supplementary Planning Document, Designing Walsall.



Walsall Council

Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 20

Reason for bringing to committee: Called in By Councillor John Murray

Application Number: 14/1553/FL

Application Type: Full application

Applicant: Firstpost Homes Limited

Proposal: Demolition of 2 existing bungalows and erection of 7 x 5 bed detached houses (resubmission of planning application 14/0412/FL).

Location: 28, 28A AND REAR OF 30 BRANTON HILL LANE, WALSALL, WS9 0NR

Ward: Aldridge Central & South

Case Officer: Barbara Toy

Telephone Number: 01922 652615

Email: planningservices@walsall.gov.uk

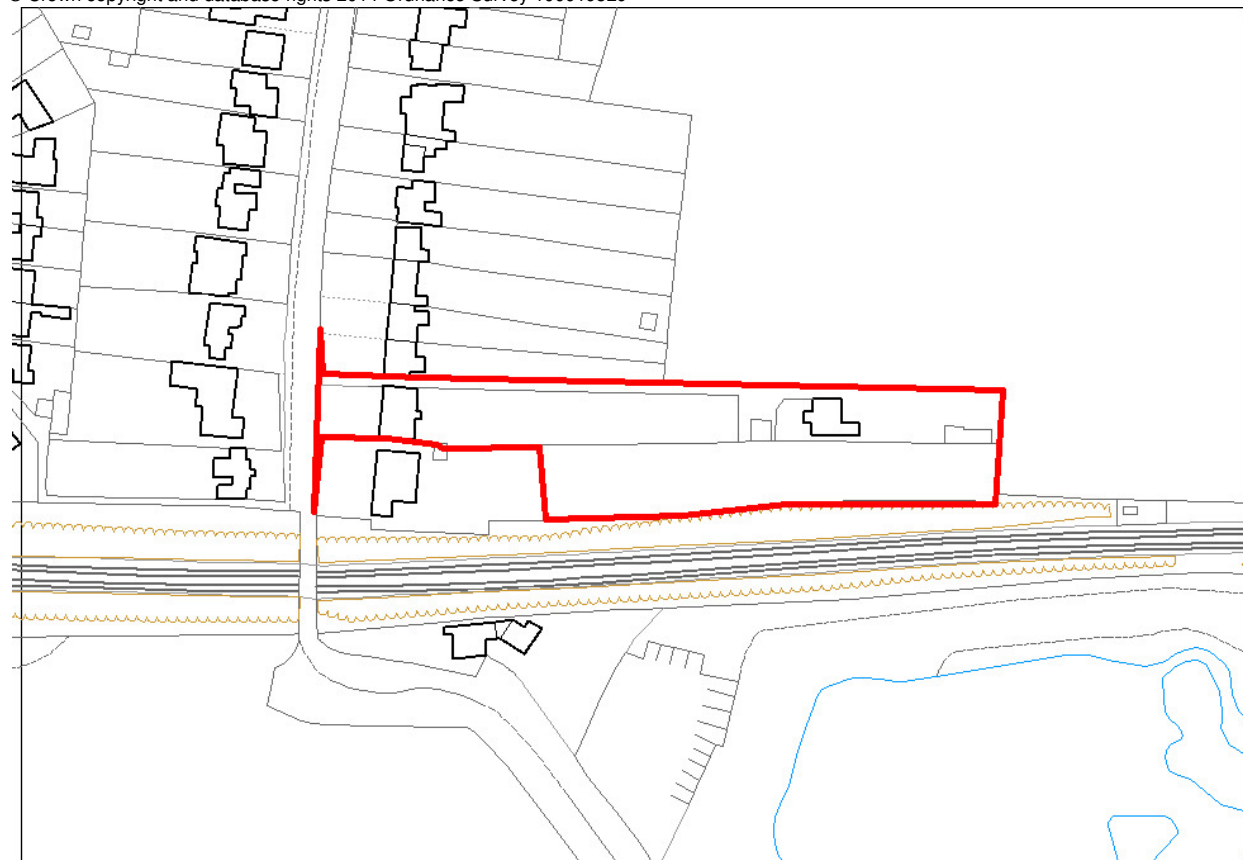
Agent: CT Planning Limited

Expired Date: 19/12/2014

Extension of Time Target Date: 11/06/2015

Recommendation Summary: Refuse

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Status

Councillor Murray has called the application in to Committee as he considers that the application should be considered by Members due to the significant community interest.

Application and Site Details

The site is situated on the eastern side of Branton Hill Lane, at the southern end of this no through road. The site comprises an existing bungalow and garden at No 28, 28A a bungalow and garden set to the rear of No 28 and the rear garden of the bungalow at No 30. A number of trees within the boundary of No 28 are protected by Tree Preservation Order 6:1991.

Branton Hill Lane is a no through residential road comprising predominantly detached two storey houses and bungalows with some semi detached properties also.

Nos 24 and 26 Branton Hill Lane to the north of the site are a pair of semi detached houses, to the west on the opposite side of the road are detached two storey houses.

A railway line (Sutton Park Line) is set within a cutting and lies to the south of No 30 with a bridge over at the end of the Lane allowing access to Branton Hill Quarry situated on the opposite side of the railway line. The land to the east and north east of the site is open Green Belt Land.

This is a revised application following a previous refusal in July 2014. The application still proposes the demolition of No 28 and 28A and redevelopment of the site to provide 7 x 5 bed detached two houses within a private no through road. Plot 1 would be situated fronting Branton Hill Lane with a driveway on the frontage and a detached double garage set to the rear off the new access drive. The access road would be situated between No 30 and plot 1. The remaining 6 plots would be situated to the south of the access drive facing north and backing onto the railway line. Plots 2 – 5 would have detached double garages to the side/rear with plots 6 and 7 each having an integral double garage.

Each of the houses would have front two storey gable features, bay windows, brick detailing and chimneys and would be constructed from facing brickwork and pitched tiled roofs. Each of the gardens would exceed 68sqm and each property would have at least 4 off street parking spaces.

The amendments to the scheme following the previous refusal include:

- Plots 5, 6 and 7 moved 1m to the east
- Plots 2, 3 and 4 moved 1m to the west
- Creation of turning head between plots 4 and 5, forward of the two double garages and driveways
- Double garage to the rear of plot 1 moved 1.0m to the west
- Minimum width of the private access road increased from 3.6m to 3.7m, a speed bump added close to the entrance of the private drive
- Visibility splay provided at the junction of the private drive and Branton Hill Lane
- Retention of protected Sycamore tree in the rear garden of plot 1.

The site has an area of 0.5 hectares and 7 dwellings would result in a density of 14 dwellings per hectare.

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

Design and Access Statement

This discusses the land use, amount/density of development, proposed layout, scale, external appearance, access, landscaping and bats.

Planning Statement

This discusses the application site and surroundings, history and planning policy. It also discusses the planning considerations of the case: the principle of the development, the character and appearance of the area, living conditions, access and trees.

Addendum Planning Statement

This discusses the issues raised in the case officers delegated report on the previous submission and discusses each of the four reasons for refusal on the previous application.

Statement By David Tucker Associates re Reason for Refusal 3

This considers the comments expressed by Transportation on the previous scheme and discusses the amendments made in this revised scheme in order to comply.

Arboricultural Assessment

This makes an assessment of 4 individual trees and a group of 7 silver birch trees within the site, 3 of the individual trees middle aged, 1 young and the silver birch group mature. In terms of condition all the individual trees are categorised as B and the group of silver birch as B/C. The report identifies that no work is required to any the trees at this time. In terms of retention, 2 of the individual trees were identified as category B (should be considered for retention) and the rest category C trees that should not impose a constraint on development.

Bats and Bird Survey

Building inspection and surveys of the site were undertaken. This concludes that there was no evidence of bats using the buildings as a place of shelter and birds have not nested in the properties, but there will be a loss of nesting opportunities with the felling of any trees, but the retention of trees around the boundary would retain nesting places for local birds. Bat mitigation measures are recommended as well as a method of working in terms of demolition.

Schedule of Backland Planning Permissions Granted by Walsall Council

This refers to 7 sites within Walsall where residential development on backland sites have been approved since Oct 2011.

Relevant Planning History

14/0412/FL, demolition of 2 existing bungalows and erection of 7 x 5 bed detached houses, refused 16-07-14.

Reasons for refusal:

1. The development would provide an unacceptable redevelopment of garden land and would create an unacceptable backland development that would be at odds with the established pattern, layout and general character of the area which is defined by street frontage properties. The proposed layout fails to respond to local character, reinforce local distinctiveness or reinforce the existing urban structure. The development is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies CPS4, HOU2, ENV2, ENV3 of the Black Country Core Strategy, saved policies GP2, 3.6 and ENV32 of the Walsall Unitary Development Plan and the design principle: homes, policies DW3, DW4, DW6 and Appendix D of Supplementary Planning Document: Designing Walsall.
2. The proposals fail to demonstrate that the future occupiers of the development would not be unacceptably affected by noise and vibration from the adjacent railway line or noise from the nearby quarry. The development is therefore contrary to the aims and objectives of the National

Planning Policy Framework paragraphs 109, 120 and 123, and saved policies GP2 and ENV10 of the Walsall Unitary Development Plan.

3. The proposals fail to provide minimum visibility requirements at the access point onto Branton Hill Lane and the proposed layout fails to provide an adequate road width, service strip or turning facility to the detriment of the safe and satisfactory operation of the development and satisfactory servicing of the site, contrary to UDP policy GP2, Department of Transport Guidance: Manual for Streets (2007) guidance and detrimental to highway safety.

4. The proposed development and layout is likely to result in unacceptable loss or damage to trees within and immediately adjacent to the site, some of which are protected under Tree Preservation Order 6 of 1991, which would be detrimental to the overall amenity, aesthetic and landscape character of the area. The replacement trees proposed along the southern boundary would be unacceptable in terms of their deciduous nature and proximity to the adjacent railway line. As such the proposals are contrary to the aims and objectives of the National Planning Policy Framework, policy ENV3 of the Black Country Core Strategy, saved policies GP2, ENV18, ENV32 of Walsall Unitary Development and policies NE7 and NE8 of Supplementary Planning Document Conserving Walsall's Natural Environment.

28 Branton Hill Lane

BC31118P, erection of 1 x 4 bed house, granted subject to conditions 14-11-90

BC32005P, outline for a detached bungalow, refused 05-03-91. Subsequent appeal dismissed 01-08-91.

BC33824P, 1 x 4 bed dwelling with integral garage granted subject to conditions 09-10-91.

BC36166P, extension to house granted subject to conditions 17-07-92.

07/0058/TR/T1, fell 1 sycamore and 1 birch tree, part approve part refuse 27-02-07.

30 Branton Hill Lane

BC18452P, outline for the erection of 5 x 4 bed detached houses and new access road, refused 13-01-87.

Reasons for refusal:

1. The development proposed if approved would be likely to adversely affect the enjoyment of the adjacent dwellings by reason of:

- a) Increased noise
- b) Loss of light
- c) Loss of privacy
- d) The size and proximity of the proposed dwellings

2. The development proposed constitutes an over development of the site, out of keeping with the character and size of the house plots in the area.

3. The number of dwellings proposed is in excess of the number normally permitted by the Local Planning Authority to share a private drive having regard to the need to ensure the satisfactory functioning of the development.

4. The increase in traffic which would arise from the development would be unacceptable due to the number of vehicles using Branton Hill Lane, the narrow width of the Lane and the position of the proposed access immediately adjacent to a narrow bridge.

05/0258/FL/H7, retention of wall, piers, railings and gates, refused 06-04-05.

Subsequent appeal allowed 22-11-05.

28A Branton Hill Lane

BC60743P, single storey rear extension, granted subject to conditions 27-03-00

BC63567P, single storey front extension, granted subject to conditions 02-07-01.

Appeal Decision – 87 Whetstone Lane

13/0192/FL, Demolition of 87 Whetstone Lane and Erection of 4 no. dwellings at the rear, refused 09-08-13. Appeal Ref APP/V4630/A/13/2206499 – Dismissed 29-01-14.

Relevant Planning Policy Summary

National Planning Policy

National Planning Policy Framework (NPPF)

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Seek to secure high quality design and good standards of amenity for all existing and future occupants.
- Take account of the different roles and character of different areas.
- Proactively drive and support sustainable economic development to deliver the homes that the country needs.
- Contributing to conserving and enhancing the natural environment.
- Encourage effective use of land by using land that has previously been developed (brownfield land), provided that it is not of high environmental value.

Key provisions of the NPPF relevant in this case:

4: Promoting Sustainable Transport

32 All development should have safe and suitable access to the site for all people. Development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

35. Developments should be located to create safe and secure layouts.

39. If setting parking standards for residential LPA's should also take into account: accessibility, the type and mix of the use, availability of public transport, levels of car ownership and the need to reduce the use of high emission vehicles.

6: Delivering a Wide Choice of High Quality Homes

49. Housing applications should be considered in the context of the presumption in favour of sustainable development.

53. LPA's should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

7: Requiring Good Design

56. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

58. Decisions should aim to ensure that developments:

- Will function well and add to the overall quality of an area
- Establish a strong sense of place
- Optimise the potential of the site to accommodate development
- Respond to local character and history and reflect the identity of local surroundings and materials
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion
- Are visually attractive as a result of good architecture and appropriate landscaping

- 60. It is proper to seek to promote or reinforce local distinctiveness.
- 61. Decisions should address the integration of new development into the natural, built and historic environment.
- 64. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 11. Conserving and enhancing the natural environment
 - 109. The planning system should contribute to and enhance the natural and local environment by, protecting and enhancing valued landscapes.
 - 111. Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided it is not of high environmental value.
 - 118. Local planning authorities should aim to conserve and enhance biodiversity by....incorporate biodiversity in and around developments.
 - 120. To prevent unacceptable risks of pollution and land instability new development should be appropriate for its location.
 - 123. Planning decisions should aim to:
 - Avoid noise from giving rise to significant adverse impacts

Annex 2: Glossary

Previously Developed Land

This excludes'land in built-up areas such as private residential gardens'

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should not be considered out-of-date simply because they were adopted prior to the publication of the framework.

Local

The Black Country Core Strategy (BCCS)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

The key planning policies include:

2a: Seeks to create a network of cohesive, healthy and prosperous communities across the Black Country, deliver high quality distinctive places which respect the diversity of the Black Country natural and built environment and attract new employment opportunities.

CSP2: Outside strategic centres and regeneration corridors a mix of good quality residential areas where people choose to live should be provided.

CPS4: The design of spaces and buildings will be influenced by their context and seek to enhance the unique attributes the area offers.

HOU2: Density and form of new housing should be informed by the need for a range of types and sizes of accommodation, level of accessibility and need to achieve a high quality design and minimise amenity impacts. All developments will aim to achieve a minimum net density of 35 dph except where higher densities would prejudice historic character and local distinctiveness as defined in Policy ENV2.

ENV1: Nature Conservation. Development will safeguard nature conservation by ensuring species which are legally protected, in decline, are rare in the Black Country will not be harmed by development.

ENV2: Historic Character and Local Distinctiveness

States that development proposals will be expected to preserve and, where appropriate, enhance local character and distinctiveness. Proposal should aim to sustain and reinforce locally distinctive elements: e) Areas of extensive lower density suburban development of the mid 20th century,

ENV3: Design Quality

Development proposals across the Black Country will deliver a successful urban renaissance through high quality design that stimulates economic, social and environmental benefits.

Implementation of the principles of "By Design" to ensure the provision of a high quality networks of streets, buildings and spaces.

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport. Residential development will be expected to meet the accessibility standards set out in Policy HOU2.

TRAN2: Planning permission will not be granted for development likely to have significant transport implications.

It is considered in this case that the relevant provisions of the BCCS can be given full weight

Walsall's Unitary Development Plan (UDP) (2005)

www.walsall.gov.uk/index/environment/planning/unitary_development_plan.htm

The relevant policies are:

GP2: Environmental Protection

The Council will expect all developments to make a positive contribution to the quality of the environment and will not permit development which would have an unacceptable adverse impact on the environment. Considerations to be taken into account in the assessment of development proposals include:

I. Visual appearance.

VI. Overlooking, loss of privacy, and the effect on daylight and sunlight received by nearby property.

VII. The adequacy of the access, and parking.

XII. The effect on woodland or individual trees on or near the site.

3.6 Development and redevelopment schemes should as far as possible, help to improve the environment of the Borough.

ENV18: Existing Woodlands, Trees and Hedgerows. The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.

Development will not be permitted if it would damage or destroy trees or woodlands protected by Tree Preservation Order,

ENV23: Nature Conservation and New Development

(a) The layout of all new development must take account of:-

I. The potential for enhancement of the natural environment through habitat creation or the exposure of geological formations.

II. The nature conservation opportunities provided by buildings by designing in features which provide roosting/ nesting places for bats.

(b) The Council will require the layout of all new development to take full account of existing features of value for wildlife or geology. Where loss or damage of existing features is unavoidable, the Council will require mitigation measures to which adequately compensate for the features lost.

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ENV32: Design and Development Proposals.

(a) Poorly designed development or proposals which fail to properly take account of the context or surroundings will not be permitted. This policy will be applied to all development but will be particularly significant in the following locations:

VI. Areas with a special character arising from the homogeneity of existing development in the neighbourhood.

(b) When assessing the quality of design the Council will use the following criteria:

I. The appearance of the proposed development

II. The height, proportion, scale and mass of proposed buildings/structures.

IV. The integration and co-ordination of buildings and external space.

VI. The visual relationship of the proposed development with adjacent areas, the street and the character of the surrounding neighbourhood.

VII. The effect on the local character of the area.

ENV33: Landscape Design

Good landscape design is an integral part of urban design

T7: Car Parking

All development should satisfy the car parking standards set out in Policy T13, and be well designed.

T10: Accessibility Standards – General

(b) Standards will apply to all development proposals with the exception of:

i small residential developments within existing residential areas including infill plots

7.51: Easy walking/cycling distance will depend on local circumstances but the maximum will normally be regarded as 1000m.

T13: Parking Provision

4 bedroom houses and above, 3 spaces per unit

It is considered in this case that the relevant provisions of Walsall's saved UDP policies are consistent with the NPPF

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with the NPPF policy. The relevant SPD's are;

Designing Walsall (Feb 2008)

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through eight key design principles and ten policies.

Design Principle – Homes: Plot sizes and built density will relate to their local context. Exploitation of large building plots in residential areas for inappropriate infill will not be permitted. Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity. Minimum guidelines are contained in Appendix D, however greater distances may be applicable where it is in the interests of protecting the character of an area.

The following are the relevant policies;

DW3 – Character – new development to be informed by the surrounding character and to respond in a positive way to it by reflecting local urban design characteristics, such as street patterns, building scale, topography and culture.

DW4 – Continuity – New development proposals must give consideration to common building lines and how the development will give definition to streets and spaces to reinforce the existing urban structure and give significance to important streets and spaces.

DW6 – Legibility – New development must maximise its potential to enhance local distinctiveness by making positive visual connections with its surrounding environment.

DW9 – High Quality public realm - new development must seek to ensure it creates places with attractive environmental quality;

DW10 – Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

Appendix D: Privacy and aspect distances between dwellings must ensure that all occupants have a satisfactory level of amenity, whilst reflecting the existing and emerging character of the area. The requirement to design longer rear gardens to reflect an area's character is applicable and the guidelines should not mean to be the maximum achievable distances.

Numerical Guidelines for Residential Development identifies privacy and aspect distances between dwellings including 24m separation between habitable windows for two storeys and above, 13m separation between habitable room windows and blank walls exceeding 3 metres in height, 45° code, garden dimensions of 12m in length and 68m² for housing.

Conserving Walsall's Natural Environment SPD (April 2008) - advises on the information requirements and survey standards for protected species to accompany planning applications.

NE7 - Planning applications which are not supported by an adequate arboricultural impact assessment are likely to be refused.

NE8 - All planning applications proposing the retention of trees, woodlands or hedgerows within a development site should demonstrate that the trees to be retained will survive without causing significant nuisance beyond the development phase. Adequate space should be retained for the trees to develop in the future without causing severe shading or requiring damaging containment pruning.

Tree Preservation Orders, a Guide to the Law and Good Practice

Para 5.11 says that the proximity of trees to buildings is an important consideration. It states that incoming occupiers of properties will want to be in harmony with their surroundings without casting excessive shade or otherwise interfering with their prospects of reasonably enjoying their property. It also says that unreasonable inconvenience to occupiers leads inevitably for consents to fell.

CABE: By Design

Objectives of Urban Design – Character: To promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, landscape and culture.

Tree Preservation Orders, a Guide to the Law and Good Practice

Para 5.11 says that the proximity of trees to buildings is an important consideration. It states that incoming occupiers of properties will want to be in harmony with their surroundings without casting excessive shade or otherwise interfering with their prospects of reasonably enjoying their property. It also says that unreasonable inconvenience to occupiers leads inevitably for consents to fell.

Manual for Streets 2007

This provides guidance on the design of residential streets and how these can be enhanced and also advises on how street design can help create better places.

In this case the following paragraphs are relevant:

6.7: Emergency Vehicles

7.2: Street Dimensions

7.5: Stopping Sight Distance

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

Consultations

Highways – No objections subject to conditions to ensure that a 3-axle refuse vehicle can access and exit the site safely, to ensure suitable surfacing and drainage of access drive, driveways and parking areas and creation of appropriate bellmouth. The revised scheme addresses the previous highway objections regarding servicing, visibility and road width.

Tree Officer – No objections subject to condition to ensure replacement tree planting. Whilst the submitted layout plan indicates the retention of the protected Sycamore tree in the rear garden of plot 1, the submitted addendum planning statement suggests that the tree is to be removed. The tree report gives it a retention category of C and it is considered that the retention of this tree would not be possible due to the proximity to the proposed double garage to be retained long term. After re assessment of the trees on the site it is considered that the trees to be removed are of a low arboricultural value and there is sufficient space within the site to accommodate replacement tree planting.

Network Rail – The new trees along the southern boundary with the railway are unacceptable as they proposed deciduous trees which may shed leaves onto the track.

New boundary fencing to the railway would be required together with conditions to require details re disposal of surface and foul water, details of ground levels, earth works and excavations and noise mitigation measures.

Network Rail would also require a risk assessment and method statement for works on site to ensure no affect on the safety, operation or integrity of the railway.

Natural Environment – no objection subject to conditions re bats. (Comments made on the previous application with no change in circumstances)

Fire Officer – No objections subject to suitable water supplies for fire fighting being provided in accordance with Nation Guidance Document on the Provision for Fire Fighting.

Environmental Health – No objections

Pollution Control - No objections subject to conditions requiring noise and vibration survey and agreement of mitigation measures relating to the railway and quarry prior to any demolition or work on site, control of noise, dust and debris during demolition and restricted hours of working on site. A further condition to ensure that ground gas ingress protection measures to be installed.

Severn Trent Water – no objection subject to a condition requiring drainage plans.

Public Participation Responses

2 letters of support received from properties linked to the application site (No 30 and No 28)

Support:

- Prestigious houses that will enhance the neighbourhood
- No detrimental effect on the character of the surroundings
- Garden of No 30 far bigger than others in the lane, the development would reduce the size, more in keeping with others in the area, but retaining enough space.
- Brownfield site, Government encourages development maintaining the surrounding Green Belt
- Increase value of existing dwellings in the lane and bring desired residents to the area.
- Bespoke houses which wouldn't overcrowd the site.

16 objections have been received from residents in Branton Hill Lane.

Objections:

- Comments on previous application stand
- What has changed since previous refusal?
- Impact on birds, bats and wildlife from loss of habitat, some protected trees have already been lost.
- The trees should remain even if they only have another 10 years
- Should protect the environment not build on it.
- Impact on sewage system, the system is old and already over stretched and creates ongoing problems, 7 new houses will exacerbate this together with new large care home in close proximity.
- Create a precedent for further back garden (garden grabbing) development which would be out of character with the road
- Adverse impact on the surrounding Green Belt
- Out of character, existing houses have good front gardens and large rear gardens, style of the houses out of character, more suited to a modern housing estate.
- The character and appearance will change beyond recognition, now an area of backland development.
- One bungalow set back (28a) does not form the character of the area.
- The current bungalow (28a) cannot be seen, replacing with a greater number of substantial houses, this is not like for like as submission suggests, would have an immense visual impact.
- Erroneous to suggest that the development can take place without causing harm to the natural, built and historic environment.
- Back gardens not classified as brownfield site
- Even if the Council has no policy to resist inappropriate development this does not prevent then resisting inappropriate development of residential gardens
- Loss of privacy and overlooking of rear elevation and gardens of adjoining properties
- Loss of outlook
- Increased noise
- Loss of light (particularly to No 26)
- Light pollution to adjoining gardens
- Proximity of plot 1 to No 26, loss of privacy and amenity
- Over development of the site, too many properties for the size of the site
- Housing plot sizes and gardens out of character with the rest of Branton Hill Lane
- Houses too large for the site and will do nothing for the housing shortage.
- Back gardens are for children to play in, to grow vegetables, trees and flowers and not for building houses.
- The private access drive is too narrow with no footpath, not fit for purpose and a danger to residents, no lighting, no turning head etc.
- The layout fails to take into account access for larger vehicles, no turning facilities for refuse or emergency vehicles, vehicles would be unable to enter and leave the site in forward gear, large vehicle already reverse into Branton Hill Lane.
- More houses would compound existing problems in Branton Hill Road in terms of traffic and parking.
- Likely parking within the access drive would restrict access and lead to parking and traffic issues in Branton Hill Lane.
- Only in last 12 months improvements in the road when the quarry stopped operating, additional housing would compound existing problems, particularly if quarry opens again and re-uses Branton Hill Lane for access rather than new access onto Chester Road.
- Only a footpath on one side of Branton Hill Lane, creating accessibility issues
- If new access drive is to be lit this would cause adverse impact on surrounding properties

- Visibility splay incorporates land outside the control of the applicant, the existing wall and gates at No 30 are inside the visibility splay.
- If 24 & 26 extend up to the highway on the frontage (as 28 & 30) the visibility would be dangerous.
- Some of the houses would exceed the recommended distance to the main road
- Adverse impact on the new house due to the proximity to the railway line and the quarry. Impact on home insurance, possible subsidence
- Possible reopening of Aldridge Railway station, would increase the number of trains to passenger as well as freight, noise and vibration impacts from the railway not considered
- Ground investigation and stability surveys required, is there subsidence from the quarry?
- Already enough new houses and apartments in Aldridge
- Lead to a decline of the area
- Concerns re the capacity of the gas main for the new houses
- Local schools already over subscribed
- Proximity of houses to telecom mast, risk to health
- Disruption during construction
- Two previous refusals for housing at the site
- Similar scheme in Whetstone Lane recently refused
- Majority of Branton Hill Lane residents oppose the development
- Lack of consideration for neighbours
- Property devaluation
- Financial gain for the applicant only

All letters of representation are available for inspection upon publication of this committee report.

Determining issues

Whether the proposals overcome the previous reasons for refusal in terms of:

- Impact on the character and appearance of the area
- Impact from the adjacent railway and quarry.
- Highway implications
- Impact on trees

Observations

Impact on the character and appearance of the area

The site is situated in a predominantly residential area in a sustainable location within walking distance of a regular bus service on Little Aston Road and Aldridge district centre. Whilst the site includes two residential properties (to be demolished) the majority of the site is residential garden land and Annex 2: Glossary of the NPPF provides a definition of previously developed land which excludes 'land in built-up areas such as private residential gardens'. The site is not therefore considered to be previously developed land and the NPPF (para 53) encourages local planning authorities to resist the inappropriate development of residential gardens.

Whilst the principle of some residential development on the site may be considered acceptable to replace the existing units (28 and 28A) the complete redevelopment of all the garden land is considered inappropriate and would conflict with the NPPF.

The NPPF says that decisions should respond to local character, it is proper to seek to promote or reinforce local distinctiveness, address the integration of new development into the built environment. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character. Policies CPS4, HOU2, ENV2, ENV3 of the

BCCS; GP2, 3,6 and ENV32 of the UDP and Supplementary Planning Document Designing Walsall, require development to be informed/influenced by their context and reinforce locally distinctive elements. Plot sizes and built density will relate to their local context.

The area is characterised by detached houses of differing styles and ages but all (bar 28A) having street frontages with front gardens/driveways and large private rear gardens. The proposals would create a backland development with a private access, with only plot 1 having a street frontage, which is considered to be unacceptable. Plots 2 – 7 would not be visible from Branton Hill Lane. As such the proposals would be at odds with the established pattern, layout and general character of the area which is defined by street frontage properties.

Whilst the proposals would have a density of 14 dwellings per hectare which would accord with the surrounding properties in Branton Hill Lane which average between 10 and 17 dwellings per hectare, the proposed plot sizes would vary from the surroundings. The plots within the development would vary between approx 493sqm and 600sqm, the properties on the western side of the road have an average plot size of approx 731sqm, the eastern side of the road approx 809sqm and the site of 28, 28A and 30 has an average plot size of approx 1989sqm. The proposed plots (average 552sqm) would be significantly smaller than the average within the street and would be out of character with the pattern of development within the street.

The ratio of building footprint to plot size within the street averages between 7% and 17% with relatively small areas of hardstanding on the frontages. The proposals would provide an approx average of 35% ratio of building footprint to plot size (doubling that within the remainder of the street) together with large areas of hardstanding (large driveways to set back garages), which is considered to be significantly out of character with the pattern of development within the street.

Whilst the site sits just outside of the Green Belt, the open field immediately to the north and east of the site is Green Belt Land. It is considered that the proposals would have an adverse impact on the openness and character of the area. In particular Plots 4, 5, 6 and 7 would sit beyond the rear garden boundaries of the remainder of the eastern side of Branton Hill Lane and would be highly visible, dominating the views from Little Aston Road across the open field, particularly during Autumn and Winter months when the hedging and trees along the street/field boundary have lost their leaves. Only the upper section and roof of the existing bungalow, part of the conservatory and detached garage (28A) are visible from Little Aston Road and do not dominate the views across the field. The provision of 4 large detached 5 bed houses to replace this modest bungalow would significantly increase the bulk and massing of the built form in this location and it is considered that the 4 houses would appear very prominent and dominate the views, creating a linear form of development where there is currently only a single bungalow and detached garage.

The existing bungalow and garage provide a footprint of approx 291sqm and the hipped roof of the bungalow has a maximum height of approx 6m. Plots 4, 5, 6 and 7 would have a footprint of approx 780sqm and each house would have a maximum gable roof height of 8.6m, providing a significant increase in height, bulk and massing of built form interrupting the open nature of the immediate vicinity.

This revised scheme has made only minor 'tweaks' to the design and layout of the development over that of the previous refused scheme and as such the proposals fail to overcome the first reason for refusal on the previous scheme relating to the character and appearance of the area.

A Schedule of Backland Development planning consents granted in Walsall has been submitted in defence of backland development and referring to the determination of applications in a consistent manner. Each of the sites is assessed below:

Site	Description	Comments
1 Wallington Close 11/1222/OL	Demolition of 1 property and erection of 6 bungalows	A comprehensive development surrounded by residential properties with no detrimental impact on the character, openness or visual amenity of the area
Rear of 219 Lichfield Road 11/1009/FL	8 detached houses	8 houses added to an existing development of 18 houses, a comprehensive development surrounded by residential properties where the cul de sac is to be adopted highway.
Land off Cormorant Close 12/0710/FL	2 dormer bungalows and 2 semi detached houses	Further 4 units added to an existing development of 8 properties, a comprehensive development surrounded by residential properties where the cul de sac is to be adopted highway
*Rear of 49-55 Stafford Road 12/1372/FL	8 detached houses	Further 8 units added to existing 1980's development of 5 units, a comprehensive development in a residential area. Whilst public open space is situated immediately to the west, the development does not unacceptably impact on the character, openness or visual amenity of the area.
Rear of 160 Thornhill Road 12/1670/FL	2 dwellings	2 units added to the end of an existing established cul de sac Millcroft Road (adopted highway). A comprehensive development surrounded by other residential properties.
Rear of 57 Stafford Road 13/0248/FL	Single detached house	An additional unit added to the existing development as * above
Rear of 87 Whetstone Lane 14/0609/FL	3 dwellings	This was a resubmission following a previous refusal and a dismissed appeal. The scheme was reduced from 4 to 3 units with improved orientation, separation distances and gardens and was considered acceptable. The site is surrounded by residential properties and the development does not

		unacceptably impact on the character, openness or visual amenity of the area.
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Whilst each planning application is assessed on its own merits and circumstances, the above cases are not comparable with the application site and accordingly limited weight is given to this evidence. The application site is surrounded by Green Belt land to the north and east and it is considered that the development proposed would have an adverse impact on the character, openness and visual amenity of the area.

Impact from the adjacent railway and quarry.

Plots 2 – 7 would be situated less than 20m from the Sutton Park railway line, which currently carries freight trains but may in the future (if funding allows) be reopened as a passenger line. Bliss Sand and Gravel quarry and recycling facility is situated to the south beyond the railway line, whilst it is operational at the current time, it is understood that activities may re-commence and this should be taken into consideration in the determination of this application.

Despite the second reason for refusal on the previous application relating to the failure to demonstrate that the future occupiers of the proposed dwellings would not be adversely affected by noise and vibration from the adjacent railway line or noise from the nearby quarry and recycling facility, this submission fails to provide any evidence in the form of noise or vibration surveys to overcome this reason for refusal

Pollution Control have advised that noise and vibration surveys relating to both the railway line and the quarry would need to be undertaken and any mitigation measures agreed prior to any demolition or construction on site.

It is therefore considered that the second reason for refusal on the previous application still stands.

Highway implications

The revised scheme appears to overcome the previous objections raised by the Highway Authority in relating to servicing, visibility and road width.

The revised layout submitted includes a 2m x 28m visibility splay at the junction of the proposed private drive and Branton Hill Lane. The site is located close to the end of Branton Hill Lane which is a cul de sac and narrows at the railway bridge to the south of the access where traffic speeds will be low and the volume of traffic will be relatively light. The quarry is currently not operating but could be reactivated using Branton Hill Lane but these vehicles are likely to be slow moving as they turn and pass over the railway bridge or be slowing down on the approach to the bridge. A new quarry access road off Chester Road has been approved for any future use of the site. On balance the Highway Authority considers the visibility at the site access is now acceptable and in line with DfT Manual for Streets2 guidance.

The revised layout also now includes a turning facility within the site between Plots 4 and 5 to allow visitors, delivery vehicles and a refuse wagon to turn which is now considered satisfactory subject to Autotrack analysis confirmation.

The width of the access drive has also been widened to predominantly 4.5m widening to 5.5m in places. There is a short section adjacent Plot 1 which narrows from 3.7m to about 3.0m which is the minimum acceptable width to allow an occasional larger delivery vehicle (Manual for Streets1 para 6.18) and is now considered satisfactory.

The proposals would provide 4 off street parking spaces for each house, double garage and two driveway spaces which would exceed the requirements of UDP Policy T13 which requires 3 spaces per dwelling. It is considered that this higher level of parking for each property would discourage indiscriminate parking on the main access drive and keep it free for moving traffic and is considered appropriate in this case.

The Highway Authority consider that the highway implications of the development would not be severe in line with paragraph 32 of the NPPF.

It is considered that the revised scheme overcomes the previous objections from Highway Authority and overcomes the third reason for refusal on the previous application.

Impact on trees

Tree Preservation Order 6:1991 provides protection to an individual sycamore tree (T1) and a group of 7 birch and 3 sycamore trees (G1). Whilst consent has been granted previously for the felling of some trees within the group the remainder of the trees remain protected.

The remaining 7 protected Birch trees (G1) are shown for removal on the proposed site layout plan in order to accommodate the proposed layout. The submitted tree report identifies the 7 Birch trees as retention category 'C' as defined in BS 5837: 2012 which means that they are of low quality and with a life expectancy of less than 10 years. A re-assessment of this group of 7 Birch trees has been undertaken by the Council's Tree Officer who is in agreement with the contents of the tree report and considers that these trees should not be a constraint to the development of the site subject to replacement planting elsewhere within the site.

The protected Sycamore tree (T1) is shown as retained on the proposed site layout plan, within the rear garden of plot 1, adjacent to the proposed double garage. The submitted tree report gives it a retention category of C. The addendum planning statement submitted however suggests that this Sycamore is to be removed providing a conflict in the information submitted. The Council's Tree Officer is however of the opinion that retention of this Sycamore tree would not be possible. It is considered that it is unlikely that the trees could be adequately protected throughout any construction phase and given its proximity to the proposed double garage, soak away and foul drainage it is unlikely to be retained in the long term.

It is considered following a re-assessment of the trees on site that the trees are of low arboricultural value and reason for refusal 4 on the previous application is no longer applicable. There is sufficient space within the site to accommodate replacement tree planting. No objections are raised to the removal of the protected trees on the site subject to a condition to ensure replacement tree planting.

Whilst the proposed layout identifies some replacement trees along the southern boundary with the railway, Network Rail have advised that the proposed trees would be unacceptable due to possible root growth towards the railway and shedding leaves causing a danger/risk to the operation of the railway, an alternative location of replacement planting would be required.

Positive and Proactive Working with the Applicant

Officers have met with the applicant's agent to identify the outstanding issues and likely recommendation of refusal on the application and discussed alternative proposals for the site. The applicant has however requested that the application be determined in its present form.

Recommendation: Refuse

1. The development would provide an unacceptable redevelopment of garden land and would create an unacceptable backland development that would be at odds with the established pattern, layout and general character of the area which is defined by street frontage properties. The proposed layout fails to respond to local character, reinforce local distinctiveness or reinforce the existing urban structure. The development is therefore contrary to the aims and objectives of the National Planning Policy Framework, policies CPS4, HOU2, ENV2, ENV3 of the Black Country Core Strategy, saved policies GP2, 3.6 and ENV32 of the Walsall Unitary Development Plan and the design principle: homes, policies DW3, DW4, DW6 and Appendix D of Supplementary Planning Document: Designing Walsall.
2. The proposals fail to demonstrate that the future occupiers of the development would not be unacceptably affected by noise and vibration from the adjacent railway line or noise from the nearby quarry. The development is therefore contrary to the aims and objectives of the National Planning Policy Framework paragraphs 109, 120 and 123, and saved policies GP2 and ENV10 of the Walsall Unitary Development Plan.



Economy and Environment, Development Management

Planning Committee

Report of Head of Planning and Building Control, Regeneration Directorate on 11/06/2015

Plans list item no: 21

Reason for bringing to committee: Sensitive Judgement

Application Number: 14/1856/FL

Application Type: Full application

Applicant: WHG Developments Ltd

Proposal: We request that conditions 7a and 7b are removed from the Approval Notice. These conditions are repeated by conditions 19a and 19b. We also request that conditions 14a and 14b are removed. These conditions will be addressed through the implementation of the related approval notice 14/0771/OL. Planning conditions 6a, 10a, 11, and 13b will need to be amended for the reasons which are set out in the explanatory covering letter.

Location: LAND AT SILVER COURT, SILVER STREET, BROWNHILLS, WALSALL, WS8 6ES

Ward: Brownhills

Case Officer: Shawn Fleet

Telephone Number: 01922 650453

Email: planningservices@walsall.gov.uk

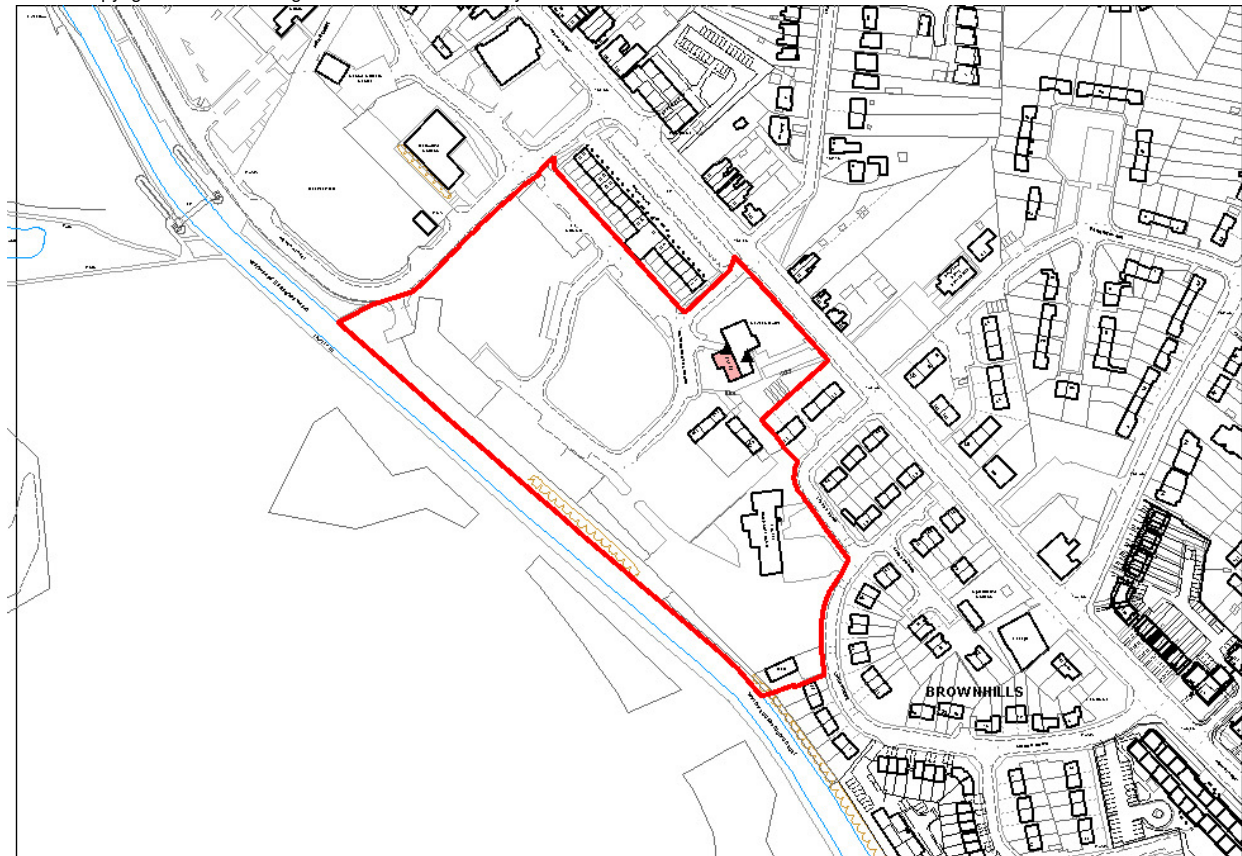
Agent: PlanIT Planning and Development Ltd

Expired Date: 17/03/2015

Extension of Time Target Date:

Recommendation Summary: Grant Permission Subject to Conditions

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Application and Site Details

This application seeks approval for the amendment of some conditions and the removal of others to planning application 14/0767/FL. The approved scheme was a full planning application for 157 residential dwellings with car parking, new estate roads, public open space, canal side park and associated infrastructure.

The application was approved subject to conditions on 3 December 2014. The scheme was brought forward alongside a joint proposal to develop the former Market Site (ref 14/0776/OL).

In detail, this application seeks the following amendments:

- Condition 7 parts A and B – remove cycle provision conditions as they repeat conditions 19 parts A and B.
- Condition 14 parts A and B – remove as addressed through the implementation of application 14/0776/OL
- Condition 6 Part A – Defer submission of landscaping conditions to 3 months following commencement of development
- Condition 10 Part A - Defer requirement for details of materials until prior to commencement of any property above DPC level.
- Condition 11 - Revise condition for provision of affordable housing to phase development of the over 55's block to the development of the Market Site
- Condition 13 Part B – Amend reference from Condition 15(i) to Condition 13(i)
- Condition 20 – Amend plans schedule to allow for the raising of the General Needs block to accommodate a sewer located below the building.

Relevant Planning History

14/0692/ND – Screening opinion for residential development of Silver Court and Market sites - Environmental Impact Assessment not required.

14/0767/FL – Full planning application for 157 residential dwellings with car parking, new estate roads, public open space, canal side park and associated infrastructure.

Relevant Planning Policy Summary

National Planning Policy Framework (NPPF)

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

All the **core planning principles** have been reviewed and those relevant in this case are:

- Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Requiring good design
- Conserving and enhancing the natural environment

Key provisions of the NPPF relevant in this case:

The NPPF confirms that a plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan. In particular the following NPPF references are considered to be appropriate,

Paragraph 32 states all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

Paragraph 56 attaches great importance to the design of the built environment and states good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 57 states it is important to plan positively for the achievement of high quality and inclusive design.

Paragraph 58 states planning policies and decision should aim to ensure that development meet criteria including:

- Function well and add to the overall quality of the area
- Establish a strong sense of place
- Respond to local character and history and reflect the identity of local surroundings and materials
- Are visually attractive as a result of good architecture and appropriate landscaping

Paragraph 61 considers planning decisions should address connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 110 aims to minimise pollution and other adverse effects on the local and natural environment.

Paragraph 111 encourages effective use of land by re-using land that has been previously developed (brownfield land) provided it is not of high environmental value.

Paragraph 118 states planning permission should be refused for development resulting in loss or deterioration of irreplaceable habitats...and the loss of aged or veteran trees...unless the benefits of the development clearly outweigh the loss.

Paragraph 120 seeks to prevent unacceptable risks from pollution and land stability.

On **planning conditions** the NPPF says:

Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Costs imposed on developments should pay careful attention to viability and take account of market conditions.

On **decision-taking** the NPPF sets out the view that local planning authorities should approach decision taking in a positive way to foster the delivery of sustainable development and look for solutions rather than problems and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

The Development Plan

Planning law requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions but recognises that what it terms 'Local Plan' policies should

not be considered out-of-date simply because they were adopted prior to the publication of the framework.

The Black Country Core Strategy (BCCS) (2011)

http://www.walsall.gov.uk/index/environment/planning/local_development_framework/ldf_core_strategy.htm

This was adopted under the current Local Development Framework system, and the NPPF says that for 12 months from the publication of the national framework “*decision-takers may continue to give full weight to relevant policies*. However, it is more than 12 months since the NPPF was published in March 2012. Now (as with the saved policies of Walsall’s UDP) the NPPF advises that “... *due weight should be given to relevant policies ... according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*.” To consider the conformity of the BCCS with the NPPF the four Black Country councils have completed a ‘Compatibility Self-Assessment Checklist’ (published by the Planning Advisory Service) and have discussed the results with a Planning Inspector. Whilst there is no formal mechanism to certify that the BCCS is consistent with the NPPF the discussions led officers to the conclusion that the exercise identified no issues that would conflict with the NPPF or require a review of the BCCS in terms of conformity.

This checklist has been published on the BCCS and Council websites. Cabinet on 24th July 2013 resolved to endorse the assessment undertaken by officers from the four local authorities and agreed that the Black Country Core Strategy is consistent with the National Planning Policy Framework, so that the Core Strategy policies should be given full weight in planning decisions.

The Vision consists of three major directions of change and underpins the approach to the whole strategy;

1. Sustainable Communities - Regeneration should aim to promote and facilitate healthy living and create environments which offer opportunities for active lifestyles and healthy choices, including provision for walking, cycling and outdoor recreation within the urban fabric of the Black Country.

2. Environmental Transformation - Delivering high quality, liveable and distinctive places which respect and make the most of the existing diversity of the Black Country’s natural and built environment.

3. Economic Prosperity Attract new employment opportunities and investment in innovation and new technology, deliver a network of successful strategic, town, district and local centres and the infrastructure and raw materials needed to support the local economy, improve the wealth and image of the Black Country and support initiatives to lift educational and skills performance.

The Spatial Objectives include

1. Focussed investment and development in comparison shopping, office employment, leisure, tourism and culture within Walsall, to retain and increase their share of economic activity and meet the increasing aspirations of their catchment areas.
2. A restructured sub-regional economy which provides sufficient strategic high quality employment land in the best locations within Regeneration Corridors to attract new high technology and logistics businesses and also recognises the value of local employment land.
5. A network of vibrant and attractive town, district and local centres
6. A high quality environment
7. A first-class transport network providing rapid, convenient and sustainable links between the Strategic Centres, existing and new communities, and employment sites

The above are supported by the following policies:

CSP1: A network of Regeneration Corridors will provide new homes in sustainable communities built on brownfield sites close to existing public transport routes.

CSP2: Outside strategic centres and regeneration corridors a mix of good quality residential areas where people choose to live should be provided.

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

CSP4: A high quality of design of the built and natural environment is required.

CSP5: Emphasises the need to develop and manage movement and ensure sustainable modes of transport are promoted.

DEL1: Development proposals will only be permitted if all necessary infrastructure improvements, mitigation measures and sustainable design requirements are provided.

DEL2: All new developments should be supported by the necessary on and off-site infrastructure to serve the development, mitigate its impact on the environment, and ensure that the development is sustainable and contributes to the proper planning of the wider area.

HOU1: Seeks to deliver at least 63,000 net new homes over the period 2006-2026.

HOU2: Density and form of new housing should be informed by the need for a range of types and sizes of accommodation, level of accessibility and need to achieve a high quality design and minimise amenity impacts. Developments should achieve a minimum density of 35 dwellings per hectare, except where higher densities would prejudice historic character and local distinctiveness.

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

TRAN1: All new developments will address the transport network and provide adequate access for all modes, including walking, cycling and public transport. Residential development will be expected to meet the accessibility standards set out in Policy HOU2.

TRAN2: Proposals likely to have significant transport implications should provide an acceptable level of accessibility and safety by all modes of transport to and from all parts of a development.

TRAN4: Seeks to create an environment that encourages sustainable travel that requires new developments to link to existing walking and cycling networks.

TRAN5: Identifies priorities for traffic management including maximum parking standards and promoting measures to reduce the need to travel and facilitate a shift towards using sustainable modes of transport such as walking, cycling, public transport etc.

ENV1: Seeks to safeguard nature conservation.

ENV2: Development proposals will be required to preserve and, where appropriate, enhance local character.

ENV3: Seeks to deliver urban renaissance through high quality design that stimulates economic, social and environmental benefits.

ENV4: Development Proposals will promote the multifunctional nature of the Black Country canal network.

ENV5: Development must demonstrate the level of flood risk associated with development is acceptable.

ENV6: Development that enhances the open space, sport and recreation network will be encouraged.

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

ENV8: Residential development should be located, where possible, in areas where air quality meets national objectives.

WM5: Sets out general principles for managing waste associated with new developments.

Walsall's Unitary Development Plan (UDP)

http://cms.walsall.gov.uk/annotated_2011_udp_-_february_2011.pdf

Policies that have been saved and not replaced by the BCCS remain part of the development plan. However, in such cases the NPPF says "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant policies are:

3.6, 3.7, & GP2: seek to make a positive contribution to the quality of the environment, whilst protecting people and ensuring adequate and safe access is provided.

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

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

ENV14: seek to bring forward derelict, vacant or underused land and buildings for new uses.

ENV18: Seeks to protect, manage and enhance existing woodlands, trees and hedgerows.

ENV23: Proposals must take account of opportunities for nature conservation.

ENV24: New development should maintain the integrity of wildlife corridors.

3.116 & ENV32: seeks the design of residential developments to create high quality living environments, well integrated with surrounding land uses and local character. Poorly designed development which fails to properly take account of the context or surroundings will not be permitted. Designing out crime' through design, layout, landscaping and boundary treatments is encouraged.

3.117 & ENV33: deals with landscape design and opportunities to create and enhance environmental quality.

ENV40: Adequate foul and surface water drainage infrastructure should be provided.

H1: The Council will promote and encourage the renewal of existing residential areas.

H3: Encourages the provision of additional housing through the re-use of previously developed land provided a satisfactory residential environment can be achieved.

H4 (only clauses (g) to (j) are "saved"): Provides more detail about affordable housing in support of BCCS policy HOU3.

8.8: Residential developments will only be permitted where adequate school capacity exists or can be provided. Where residential developments necessitate the provision of new or improved educational facilities or other forms of social and community infrastructure the Council will require developers to make a financial contribution to the costs of providing these facilities

8.9: On housing sites of 1 hectare (or 30 dwellings) or more accessible community healthcare facilities should be provided to serve the development. The Council may require a contribution from developers towards such provision.

LC1: Residential developments will be required to make financial or other contributions which will enable the provision of new, or the improvement of existing urban open spaces.

LC9: Promotes the provision of canal side facilities and environmental improvements to enhance the attractiveness and recreational potential of the canal network. Silver Street is listed as one of the potential locations.

The Council expects all development alongside and near to canals to positively relate to the opportunity presented by the waterway, to achieve high standards of design, and to be sensitively integrated with the canal and any associated canalside features.

T1: Seeks to improve access and help people get around

T4: Development proposals where there are significant transport implications must be accompanied by a Transport Assessment which considers accessibility of the development by all modes of transport, including the impact on the highway network. Such developments will be required to fund or contribute towards any necessary off-site infrastructure.

T7: All development should satisfy the car parking standards set out in Policy T13. All parking provision should be well designed and sensitively integrated into the townscape or landscape, respecting the character of the local area, and with appropriate use of materials and landscape treatment.

T8: Encourages walking and provision in development to enhance this.

T10 (a): Refers to accessibility standards.

T11: Residential development should be within easy walking/cycling distance of a range of facilities with direct/safe access to surrounding areas and measures to improve links between the development and its catchment area. It also seeks to improve access for pedestrians, cyclists and wheelchair users.

T13: Parking Provision

Development will provide adequate on-site parking to meet its own needs, and that there will be no adverse effect on highway safety and the environment.

1, 2 & 3 bedroom houses: 2 spaces per unit

4 bedroom houses and above 3 spaces per unit

LC1: Residential developments will be required to make financial or other contributions which will enable the provision of new, or the improvement of existing urban open spaces.

LC8 & 8.36: Refer to provision of community facilities particularly in neighbourhoods where there is a lack of such facilities.

Supplementary Planning Documents (SPD)

On the basis that relevant UDP policies are consistent with NPPF, the related SPD(s) will also be consistent provided they are applied in a manner consistent with NPPF policy. The relevant SPD's are:

Designing Walsall SPD

Aims to achieve high quality development that reflects the borough's local distinctiveness and character, through key design principles and policies. The following are the relevant policies;

DW1: Sustainability – new development must show that its design maximises energy efficiency in terms of layout, orientation and sustainable use of resources.

DW2: Safe & Welcoming Places - all new development must contribute to creating places that feel safe.

DW3: Character - all new development must be designed to respect and enhance local identity

DW4: Continuity - Well defined streets with a continuity of built form are important.

DW5: Ease of Movement – connections to existing routes

DW6: Legibility - new development should contribute to creating a place that has a clear identity

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

DW8: Adaptability – contribute to creating flexible and adaptable places that can easily change over time.

DW9: High Quality Public Realm - new development must seek to ensure it creates places with attractive environmental quality.

DW 10: Well Designed Sustainable Buildings - new development should make a positive contribution to creating a sustainable environment.

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

Conserving Walsall's Natural Environment SPD

NE1: All relevant applications to be supported by an adequate impact assessment.

NE7: planning applications with a potential to damage or destroy trees, woodlands or hedgerows should be supported by an arboricultural assessment and demonstrate trees to be retained will survive and space for them to develop is maintained.

N8, N9 & N10 deal with the need to fully assess, protect and secure compensatory planting for trees.

Supplementary Planning Document for Affordable Housing

Guides delivery of affordable housing to appropriate locations in the Borough and provides for balanced, mixed communities.

Supplementary Planning Document Urban Open Space

Requires a contribution towards improvements to or provision of urban open space within the proximity of the application site on residential developments of 10 units or above, based on the number of bedrooms provided and the ward.

Consultations On The Planning Application

Walsall Pollution Control Officer: No objection subject to conditions

The exact specification of ground gas ingress protection measures to be installed in properties needs to be agreed with the Local Planning Authority. Furthermore, a validation report will need to be submitted.

Walsall Natural & Built Environment: No objection

The proposed development will have marginal impact on the canal frontage.

Walsall Landscape Officer: Objection

As the raised height will have an effect on the surrounding landscape both hard and soft, a plan highlighting the area in question, showing existing and proposed levels and proposed designs would be need.

Housing Strategy Officer: No objection

The Housing Strategy Officer has been in liaison with the applicants in relation to the wording of the affordable housing condition.

Walsall Highways Officer: No comments received

Natural England: No objection

Natural England does not consider that this application poses any likely or significant risk to the natural environment.

Canal and Rivers Trust: No objection

The general needs flat would effectively increase by one storey in height. The Trust is comfortable with this, from a design perspective, for the following reasons:

- There will be no shading issues upon the canal due to the orientation of the building.
- The denser, taller, general needs building is a one off when considering the development as a whole.
- The layout in front of the building includes a vegetation buffer and much of the additional mass will lie within the proposed banking. This design approach will present views of a wildflower meadow from the canals perspective, softening the additional heights visual impact.

The applicant/developer should consider how the maintenance of the bank will be accessed, maintained, how often and who will maintain it.

If the Council is minded to grant planning permission, it is requested that informatives are attached to the decision notice in respect of securing consents from the Trust and land stability to be addressed by the developers.

Severn Trent Water: No objection subject to condition

Condition requested for drainage details to be submitted.

Inland Waterways Association: Objection

Whilst the redevelopment of this site for housing is appropriate, the layout is acceptable, and the indicated open space and landscaping along the canal frontage is welcomed, it is considered that the design of the apartment block is plain and uninspiring compared with other recent more colourful and attractive designs for apartments fronting the High Street. Raising the ground level by 2 metres will make this block even more prominently visible from the canal and IWA considers that its design should be reviewed and improved.

Walsall Group of the Ramblers: No objection

Public Participation Responses

1 letter of support has been received. The proposals for the regeneration of the site are welcomed but information on the future of the precinct fronting High Street has been sought.

All letters of representation are available for inspection upon publication of this committee report.

Determining issues

Character and appearance of the raised block.
Necessity of retaining conditions and amendments to timing
Delivery of affordable housing

Observations

Character and appearance of the block.

Possibly the most notable aspect of these changes is the amendment to the height of the General Needs Block to the south of the site. During the site investigations stage, the applicants located a sewer running across the southern part of the site near the location of the old gas works.

To facilitate connection to the sewer, the applicants have considered a range of alternative before deciding on the raising of the building. Whilst there is a second sewer close to the canal, this is located under the contamination that formed part of the former gas works. To gain access to the sewer, works would have to be undertaken to dig through the contaminated material to access the connection. Whilst this could be achieved at considerable cost both financial and to public health, there would remain an on-going concern about maintenance. Consideration has also been given to a pumping solution however this approach would carry with it issues of noise, maintenance and sustainability especially considering the number of properties that would be dependent on the smooth, permanent operation of the pumping system.

After considering the options, the applicants have therefore sought to raise the height of the building by 2.19m above existing ground level. In addition to raising the floor level of the building by this height, there would also need to be the provision of a series of steps and ramps to the entrance.

The primary concern with the raising of the building is its appearance in the street scene and the risk of overbearance of neighbouring properties.

The lifting of the property will be achieved through the use of a piled foundation system which will sit around the sewer and carry the building at the higher level leaving void space below. Through the use of the ramps and steps, there will be some associated development at the foot of the building which will obscure clear views of the uninhabited section of the building. These features will provide a graded change in the levels ensuring that the development will not appear as a stark feature in the street scene.

With regard to the neighbours, there will be some increase in impact on neighbours particularly those on the opposite side of Lindon Drive and the neighbour to the south at number 11 Lindon Drive. For those dwellings opposite, it is felt that due to the separation distances, the additional 2.19m will not result in any overbearance or harm.

For the neighbour at number 11, the development will result in a high boundary treatment. This in part though will be caused by the capping layer on the contaminated land at the southern end of the development site. Their boundary treatment will comprise of a retaining wall 1.15m high plus a 1.8m fence. The neighbour has been approached directly by the applicant about this design feature and because of historic concerns about anti-social behaviour on the adjacent land, they had welcomed this detail. The higher fence will also have the benefit of precluding views of the General Needs block more effectively and therefore, whilst there will be some increase in overbearance, this is considered to be offset by the improved sense of privacy.

The Canal and Rivers Trust have been approached about the development to ascertain if they have any concerns over the impact the higher building may have on the canal. Following the submission of technical details on the ground loading from the building and associated works surrounding it, the Trust have confirmed that subject to informatives, they have no objection.

The Inland Waterways Association have objected to the development on the grounds of design. Whilst the increased height presents some new challenges, it is considered through there is sufficient space for the landscaping to be designed around the foot of the building not only to minimise the harm but potentially use the sloping land facing the canal as an opportunity to present so attractive soft landscaping facing the canal that will enhance the setting of the building.

The concerns of the Association have been echoed by the Councils Landscape officer. Whilst they would wish to see detailed landscaping details early on, it is considered that the landscaping around the building can effectively be managed through the use of conditions.

Necessity of retaining conditions and amendments to timing

For the purposes of clarity, the applicants have sought to delete condition 7 which required details of cycle parking. This amendment would have no impact of the Local Planning Authorities ability to secure an appropriate form of development and is accepted.

The removal of condition 14 is also accepted as it duplicates a condition on the Market Site which will be the most efficient mechanism for securing the appropriate highway works.

For conditions 6 and 10, the revised targets for the submission of landscaping and materials details is considered acceptable as these two conditions do not go to the heart of the permission.

The amendment to condition 13 to amend the reference to Condition 15 addresses a typographical error and is not opposed.

The amendment to the plans list in condition 20 will need to be undertaken to reflect the change to the plans for the building to accommodate the sewer below.

Where the applicant has already discharged conditions in respect of application 14/0767/FL, the relevant conditions have been amended to reflect the progress made by the applicant and to secure a satisfactory form of development .

Delivery of affordable housing

The changes to condition 13 Part B, seek to reflect the practicalities of the phased build out of the General Needs Block on site, the six bungalow and the other properties. In its original wording, the condition would have held back the delivery of any open market housing unit the whole of the general needs block was finished. This would have resulted in the development being progressed in ill defined stages with parts of buildings being occupied or left vacant to comply with the trigger points. The revision allows the general needs block and the over 55's blocks to be treated in whole rather than in part.

The wording of the condition has been agreed in liaison with the Strategic Housing Officer.

Positive and Proactive Working with the Applicant

Officers have met with the applicant's agent to identify the outstanding issues and likely recommendation on the application and discuss alternative proposals for the site. Based on the outcome of these negotiations, officers are able to recommend approval of the application.

Recommendation: Grant Permission Subject to Conditions

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

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

2. The development hereby approved shall be undertaken in accordance with the agreed phasing scheme relating to this development and the delivery of housing for planning application 14/0771/OL as detailed in condition 2i of planning application 14/0767/FL and subsequently discharged.

Reason: To ensure the delivery of affordable housing

3. In order to address potential impact from land contamination the development hereby approved shall be undertaken in accordance with the details submitted to, and agreed by, the Local Planning Authority for condition 3 of Planning Application 14/0767/FL:

- i) site investigation, ground contamination survey and assessment of ground gas,
- ii) a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority and
- iii) Prior to built development commencing a copy of the findings of the site investigation, ground contamination survey and ground gas assessment, together with an assessment of the hazards arising from any land contamination and/or ground gas shall be forwarded to the Local Planning Authority.

The development shall thereafter be undertaken in accordance with the agreed details and the following requirements:

- i) The remedial measures as set out in the "Remediation Statement" required by part iii) of this condition shall be implemented in accordance with the agreed timetable.
- ii) If during the undertaking of remedial works or the construction of the approved development unexpected ground contamination not identified by the site investigation required by part i) of this condition is encountered development shall cease until the "Remediation Statement" required by part iii) of this condition has been amended to address any additional remedial or mitigation works required and agreed in writing by the Local Planning Authority.

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

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

4a. Within 3 months of the commencement of development details of the proposed lighting including details of foundations, luminance in candelas, hours of operation shall be submitted to and approved in writing by the Local Planning Authority.

4b. The development shall be implemented in accordance with the agreed details and maintained thereafter

Reason: To protect the integrity of the canal, minimise the problems of glare, show consideration for bats and avoid unnecessary light pollution in accordance with policies ENV1, ENV3 and ENV4 of the Black Country Core Strategy.

5a. Within 3 months of the commencement of development revised details of landscaping including the following matters shall be submitted and approved in writing by the local planning authority.

- Preparation of land for planting including need for decompaction.
- Specification and depths of topsoil/ subsoil/ growing medium and any mulches.
- Specifications for all planting to include: full latin plant names to include genus and cultivar.
- Locations and full specifications of all hard landscaping/ lighting and drainage. (Drainage must be carried out to sustainable urban drainage systems principles.)
- Any phasing.
- Tree planting and staking details which should be ideally shown as standard detail(s)
- Boundary treatments: height, size, type and specifications to any fencing, gates walls or barriers along perimeter or which are designed to protect interior areas on the site.
- Levels of existing and proposed features to be shown with the same design

Before any part of the development is brought into use a 5 year management plan shall be submitted to the Local Planning Authority and approved in writing. The management plan shall be carried out to an accepted methodology and provide full details of:

- How the ornamental landscape schemes will be maintained through the establishment period and managed thereafter.
- Provision for the replacement of any plant which dies, becomes diseased or damaged.
- Details of routine maintenance such as pruning/ litter picking/ cutting/ watering in dry period/ weeding.

The landscape scheme shall be managed in accordance with the approved management plan unless otherwise approved in writing by the Local Planning Authority.

5b. The approved landscaping shall be implemented within 12 months of the completion of the development.

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

Reason: In order to safeguard the visual amenity of the area and to secure a safe form of development.

6a. Prior to the commencement of the development drainage plans for the disposal of surface water and foul sewage shall be submitted to and approved in writing by the local planning authority.

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

Reason: To ensure the development is provided with satisfactory means of drainage, to protect the integrity of the of the canal as a waterway structure along with the water quality and to reduce the risk of flooding and pollution.

7a. Prior to the first occupation of any dwelling on the development, all access ways and parking areas serving that dwelling shall fully consolidated, hard surfaced and drained and the car parking bays clearly demarcated, in accordance with the approved details and brought into use.

7b. These areas shall thereafter be retained and used for no other purpose.

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

8. The development shall be undertaken in accordance with the agreed details in the Construction and Environmental Management Plan (CEMP).

Reason: To protect neighbouring residential amenity

9a. Prior to the commencement of development on any property above damp proof level (DPC), full details of all external facing materials shall be submitted to the Local Planning Authority for approval in writing.

9b. The development shall be carried out fully in accordance with the agreed materials.

Reason: To ensure the satisfactory appearance of the development.

10. No more than 5 market sale units may be occupied prior to completion of the 6 affordable bungalows; an additional 30 market sale units may be occupied prior to completion of the 39-unit general needs block and an additional 40 market sale units may be occupied prior to completion of the 62-unit over 55's block.

Reason: To ensure that affordable housing needs are met in accordance with policy HOU3 of the BCCS and policy GP3 of the Unitary Development Plan and SPD: Affordable Housing.

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

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

Reason: To protect the amenities of surrounding occupiers.

12 Prior to the commencement of any dwelling on the development the development shall be undertaken in accordance with the following details discharged in respect of condition 13 of Planning Application 14/0767/FL to the satisfaction of the Highway Authority;

- i. All new estate roads, footways and footpaths, including layout,
- ii. alignments, widths and levels, together with all necessary drainage arrangements and run off calculations, which shall comply with any plans approved under the planning consent. The adoptable street lighting shall be with the agreement in writing with Walsall Council's Street lighting partner Amey.
- iii. The relocation where required of any existing traffic calming measures to appropriate new positions in agreement with the Council's Road Safety Team.
- iv. All new vehicle access points onto existing public highways and the reinstatement back to full kerb height of any redundant vehicle access points.
- v. The provision of a new controlled pedestrian crossing across High Street, in a position to be agreed with the Council's Road Safety Team.
- vi. The provision of tactile pedestrian crossing points in appropriate locations across all new and modified junctions and including the following junctions;- Silver Street/ High Street, Lindon Drive/High Street, across Lindon Drive opposite no.46.

Reason: In the interests of highway safety and to ensure the satisfactory operation of the development in accordance with UDP Policy GP2, T1, T6, T8 T10, T11 and T12, Black Country Core Strategy TRAN4 and Manual for Streets.

13. Prior to the first occupation of any dwelling on a development phase, all highway infrastructure works within that phase as detailed in Condition 12 above shall be fully implemented in accordance with the approved details and to the satisfaction of the Highway Authority.

Reason: In the interests of highway safety and to ensure the satisfactory operation of the development in accordance with UDP Policy GP2 and Manual for Streets.

14. A revised site layout plan shall be submitted to and approved in writing by the Local Planning Authority demonstrating;-

- i) All road junctions, shared access drive entrances and car parking court entrances having 2.4m x 43m visibility splays within which no planting or structures exceeding 600mm in height above carriageway level shall be permitted at any time,
- ii) All individual direct frontage access points having 2.4m x 3.4m pedestrian visibility splays within which no planting or structures exceeding 600mm in height above carriageway level shall be permitted at any time,
- iii) All adoptable footways being 2.0 metres in width.
- iv) An Autotrack analysis demonstrating that a 10.7m long refuse wagon can safely and satisfactorily make a full turning manoeuvre all adoptable turning areas,
- v) The cycle shelter facility for Phase 1a of the development (General Needs Flats) shall be relocated nearer to the main building entrance from a relatively remote location to a more suitable , accessible position with better natural surveillance.
- vi) A refuse bin collection point to serve plots 136 to 141 shall be provided as near as possible to the main carriageway for use on collections days.

Reason: To ensure the satisfactory operation and servicing of the development in accordance with UDP Policy GP2, Black Country Core Strategy TRAN4, Manual for Streets and highway safety.

15a Prior to the first occupation of any dwelling on the development, all car parking areas, vehicle hard standing areas and access ways serving that dwelling shall be full consolidated , hard surfaced and drained and brought into use.

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

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

16a) Prior to the commencement of the development, a construction methodology statement shall be submitted to and approved by the Local Planning Authority detailing where parking and turning facilities for site operatives and construction deliveries will be provided during the period of construction.

16b) This provision shall be retained during construction in accordance with the approved details.

Reason: In the interests of minimising the potential for disruption to the free flow of traffic on the public highway and in the interests of highway safety during the period of construction.

17. Prior the first occupation of any dwelling on the development, the measures and commitments contained with the submitted BWB Residential Travel Plan shall be fully implemented and the said measures and commitments shall thereafter be monitored, reviewed and the targets adjusted accordingly in accordance with the plan.

Reason: To encourage to use of sustainable travel and to reduce the reliance on motor cars in accordance with UDP Policy T10 and Black Country Core Strategy TRAN2.

18a. Within 3 months of the commencement of development, full details of the cycle shelter facility shall be submitted to and approved by the Local Planning Authority.

18b. Prior to the first occupation of any flat on Phase 1a, the cycle shelter shall be fully implemented in accordance with the approved details and shall thereafter be retained and used for no other purpose.

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

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

- D00 Location Plan
- D06 Site Layout Rev O
- D08 Build Phasing Plan
- D10 Street Scenes
- D11 Street Scenes
- D100 House Type PDH 204
- D101 House Type BES 2B
- D102 House Type PDH 301
- D103 House Type PDH 301
- D104 House Type PDH 307
- D105 House Type PDH 308
- D106 House Type PDH 310
- D107 House Type PDH 401
- D108 House Type PDH 402
- D109 Bungalow 2bB-1
- D110 Bungalow 2bB-2
- D111 Bungalow 1bB-1
- D112 Bungalow 1bB-2
- D200 Over 55 Block Plans

D201 Over 55 Block Plans
D202 Over 55 Block Elevations
D203 Over 55 Block Elevations
D205 General Needs Block Plans
D206 General Needs Block Elevations
D207 General Needs Block Elevations
D160 Boundary Plan
D161 Boundary Details
001 Landscape Plan Rev A
B13263-201 Revision PO
B13263-202 Revision PO

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).

Notes for Applicant – Contaminated Land

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

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

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

Note for applicant – Fire Service

The water supplies to the development should meet the guidance given in “National Guidance Document on the Provision for Fire Fighting” published by the Local Government Association and Water UK. For further information please contact the Water Officer at West Midlands Fire Service, Headquarters Fire Safety, Vauxhall Road, Birmingham, B7 4HW or telephone 0121 380 6403.

Note for applicant – Environment Agency

The developer should consider incorporation of a sustainable drainage system (SuDS) that maximises the use of above ground storage and conveyance. This would provide multiple benefits for flood risk, water quality and biodiversity.

Note for applicant - Public sewers

Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent Water and advise them of any proposals located over or within 3 metres of a public sewer. In many cases under the provisions of Building Regulations 2000 Part H4, Severn Trent Water can direct the building control officer to refuse building regulations approval. If you require any further information please contact Rhiannon Thomas on 01902 793883.

Note for applicant – Canal & River Trust

The applicant/developer is advised to contact the Works Engineering Team on 0303 040 4040 in order to ensure that any necessary consents are obtained and that the works comply with the Trust's "Code of Practice for Works affecting Canal & River Trust".

The Canal & River Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

The applicant/developer will be required to enter into agreement with Canal & River Trust for the incorporation of our land within the scheme. This will require consent from the Canal & River Trust, in the form of a commercial agreement and consent will be required from the Secretary of State.

The Canal & River Trust offer no right of support to the adjacent property. The land owner should take appropriate steps to ensure that their works do not adversely affect the canal infrastructure at this location.

Note for applicant – Highways

1. The applicant will be expected to enter into an agreement under S278 of the Highways Act 1980 for all works within the public highway.

It is recommended that the main private access road into the site off Lindon Close is constructed to a specification capable of being used by a 26 ton refuse wagon.

2. The applicant will be expected to secure a Traffic Regulation Order for highway works associated with the development at the Market Site (Local Planning Authority Reference 14/0771/OL).